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THE
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OF
THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND,
9 GEORGE IV. 1828.

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A
T A B L E
Containing the TITLES of all
THE STATUTES,

Passed in the SECOND Session of the EIGHTH Parliament

OF

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

9° GEORGE II IV.

PUBLICK GENERAL ACTS.

1. AN Act for applying a Sum of Money for the Service of the Year One thousand eight hundred and twenty-eight. Page 1
2. An Act for raising the Sum of Twelve Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty-eight. Ibid.
3. An Act for the regulating of His Majesty's Royal Marine Forces while on Shore. Ibid.
4. An Act for punishing Mutiny and Desertion ; and for the better Payment of the Army and their Quarters. 4
5. An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in *England*, for the Service of the Year One thousand eight hundred and twenty-eight. 13
6. 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 twenty-nine. Ibid.
7. An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, so much of certain Acts of the Parliament of *Ireland* as relate to the lighting, cleansing, and watching of Cities and Towns, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament. Ibid.
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LOCAL AND PERSONAL ACTS,

DECLARED PUBLICK,

AND TO BE JUDICIALLY NOTICED.

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- vi. An Act for repairing the Road from the West End of the Town of *Beaconsfield*, in the County of *Buckingham*, to within Half a Mile of the River *Colne*, near *Uxbridge* in the County of *Middlesex*. *Ibid.*
- vii. An Act to enable the Company of Proprietors of the *Liverpool* and *Manchester* Railway to alter the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating thereto. *Ibid.*
- viii. An

- viii. An Act for amending and enlarging the Powers and Provisions of an Act relating to the *Bolton and Leigh Railway*.
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- ix. An Act to enable the Trustees of the Road leading from the Town of *Cheltenham* in the County of *Gloucester* towards the City of *Gloucester*, to form a new Branch to communicate with the said Road in the Parish of *Cheltenham*. 624
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- xi. An Act for more effectually repairing the Road from *Bury* to *Little Bolton* in the County Palatine of *Lancaster*. *Ibid.*
- xii. An Act for more effectually making, repairing, and maintaining certain Roads from *Kingsbridge* to *Dartmouth*, *Modbury*, *Salcombe*, and other Places in the South Part of the County of *Devon*. *Ibid.*
- xiii. An Act to continue several Acts for granting a Duty of Two Pennies Scots upon Ale and Beer brewed in the Town of *Aberbrothock* in the County of *Forfar*. *Ibid.*
- xiv. An Act to amend an Act of the Fifty-first Year of His late Majesty, for erecting a new Market Place in the Town or Borough and Manor of *Gosport* in the County of *Southampton*.
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- xv. An Act to establish a Chapel of Ease in the Parish of *Hove* in the County of *Sussex*. *Ibid.*
- xvi. An Act for more effectually repairing and improving the Roads from *Kipping's Cross* to *Wilsley Green*, and from a Place near *Goudhurst Gore* to *Stilebridge*, and from *Underden Green* to *Wanshatts Green*, all in the County of *Kent*. *Ibid.*
- xvii. An Act for more effectually repairing and improving the Road from *Wadhurst* to the Turnpike Road at *Lamberhurst Down*, both in the County of *Sussex*; and from the Turupike Road at *Pullen's Hill* to *West Farleigh Street*, both in the County of *Kent*. *Ibid.*
- xviii. An Act for more effectually repairing the Road from *Footscray*, by *Wrotham Heath*, to *Maidstone*, and from the said Road into the Road from *Mereworth* to *Hadlow*; and for making and maintaining a Road from the said Road at *Wrotham Heath* to *Teston*, and from the said Road from *Mereworth* to *Hadlow* to *Saint Leonard's Street* in the Parish of *West Malling*; all in the County of *Kent*. *Ibid.*
- xix. An Act for making and maintaining a Turnpike Road from the *Bridport* Turnpike Road at *Allington*, through *Broadwindsor* and *Drimpton* in the County of *Dorset*, to the *Crewkerne* Turnpike Road at or near *Clapton Bridge*, and also from *Hewish Toll Gate* to the *Crewkerne* Turnpike Road at or near *Roundham Corner* in the Parish of *Crewkerne* in the County of *Somerset*.
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- and *Dorchester*, to *Askerswell Hill*, and from *Harnham Hill* aforesaid to a House called *Master Baker's Farm House*, in the Counties of *Wilts* and *Dorset*. Page 626
- xxii. An Act for lighting with Gas the Town of *Bury*, and the Neighbourhood thereof, in the Parish of *Bury*, in the County Palatine of *Lancaster*. *Ibid.*
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- xxiv. An Act for lighting with Gas the City of *Lincoln*, and the Bail and Close of *Lincoln*, in the County of *Lincoln*. *Ibid.*
- xxv. An Act for paving, lighting, watching, cleansing, regulating, and improving the Vill and Parish of the *Cliffe*, near *Lewes*, in the County of *Sussex*. *Ibid.*
- xxvi. An Act for lighting, watching, and otherwise improving the Town of *Stalybridge* in the Counties Palatine of *Lancaster* and *Chester*, and for regulating the Police thereof; and for establishing and regulating a Market, and erecting a Market Place within the said Town. *Ibid.*
- xxvii. An Act for paving, lighting, watching, and improving the City of *Lincoln*, and the Bail and Close of *Lincoln*, in the County of *Lincoln*, and for regulating the Police therein. *Ibid.*
- xxviii. An Act for explaining and amending an Act passed in the Sixth Year of His present Majesty's Reign, for watching and lighting the Townships or Villis of *Hanley* and *Shelton*, in the Parish of *Stoke-upon-Trent* in the County of *Stafford*. *Ibid.*
- xxix. An Act to authorize the Company of Proprietors of the *Canterbury* and *Whitstable* Railway to raise a further Sum of Money for completing the Undertaking; and for enlarging and amending the Powers of the Acts passed for making and maintaining the said Railway and Works connected therewith. *Ibid.*
- xxx. An Act for improving and maintaining the Navigation from the River *Humber* to *Alvingham* in the County of *Lincoln*, and from thence to *Louth* in the same County. *Ibid.*
- xxxi. An Act for more effectually maintaining and improving the Harbour of *Dover* in the County of *Kent*. 628
- xxxii. An Act for more effectually amending, widening, and keeping in repair Two several Districts of Road leading from *High Bridges* to *Uttoxeter*, and from the *Newcastle Road* at *Spath*, near *Uttoxeter*, to the *Leek Road* at or near *Hanging Bridge* in the County of *Stafford*. *Ibid.*
- xxxiii. An Act for making and maintaining a Road from the Town of *Beaumaris* to join the *London* and *Holyhead* Post Road at or near to the *Menai Bridge*, all in the County of *Anglesey*. *Ibid.*
- xxxiv. An Act for repairing the Road from *Spernal Ash* in the County of *Warwick*, through *Studley*, to *Birmingham*. *Ibid.*
- xxxv. An Act for more effectually improving and keeping in repair the Roads leading to and from the Town of *Great Torrington* in the County of *Devon*, and for making certain new Lines of Road to communicate with the same. *Ibid.*
- xxxvi. An Act for more effectually repairing the Roads from the Town of *Cambridge* to the *Wadesmill* Turnpike Road, in the Parishes

Parishes of *Great Chishill* and *Little Chishill*, in the County of *Essex*, and from the said Town of *Cambridge* to *Royston* in the County of *Cambridge*. Page 629

- xxxvii. An Act for paving, lighting, watching, cleansing, regulating, and improving the Town of *North Shields* in the County of *Northumberland*. *Ibid.*
- xxxviii. 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*. *Ibid.*
- xxxix. An Act for regulating and fixing the Rates to be paid for Goods imported at and exported from the Quay of *Bideford*, in the County of *Devon*, and for Keyage and Keelage of Ships and Vessels in the Harbour of *Bideford*, and for more easily levying and collecting the same; and also for regulating Ships and Vessels in the said Harbour. *Ibid.*
- xl. An Act for amending Three Acts of the Thirtieth Year of King *George* the Second, and the Thirty-second and Thirty-fifth Years of His late Majesty King *George* the Third, so far as relates to the draining and preserving certain Fen Lands and Low Grounds within the Township or Hamlet of *March*, in the *Isle of Ely* and County of *Cambridge*, called the Fourth District. *Ibid.*
- xli. An Act for removing the present Cattle Market now held in *Saint Thomas Street* in the City of *Bristol*, for providing a better and more convenient Market instead thereof, and for rebuilding and enlarging the Wool Hall in *Saint Thomas Street*. 630
- xlii. An Act for altering and amending an Act passed in the last Session of Parliament, intituled *An Act for lighting, cleansing, watching, and otherwise improving the Town of Ashton-under-Lyne, in the County Palatine of Lancaster, and for regulating the Police thereof*; and also for regulating the Market, and erecting a Market Place within and for the said Town. *Ibid.*
- xliiii. An Act for repealing an Act of the Twenty-sixth Year of the Reign of King *George* the Second, for the better Relief and Employment of the Poor in the Parish of *East Greenwich* in the County of *Kent*, and for repairing the Highways and cleansing the Streets thereof; and for making more effectual Provisions in lieu of the said Act. *Ibid.*
- xliv. An Act for making and maintaining a Road from *Beck Fen Lane*, in the Parish of *Mildenhall* in the County of *Suffolk*, to the South-east End of the Bridge over the River *Ouze* in the Parish of *Littleport* in the *Isle of Ely* and County of *Cambridge*, and other Roads therein mentioned, in the Counties of *Norfolk* and *Suffolk*. *Ibid.*
- xlv. An Act for repairing the Road leading from *Ipswich* to *South Town*, and from the said Road, at or near *Beech Lane* in the Parish of *Darsham*, to *Bungay* in the County of *Suffolk*. 631
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- xlvii. An Act for repairing the Road from the present Turnpike Road in the Parish of *Hursley* in the County of *Southampton*, to *Andover*, and from thence to *Newbury*, and from *Newbury* to *Chilton Pond*, in the County of *Berks*. *Ibid.*
- xlviii. An

- xlviii. An Act for more effectually repairing the Road from the *Honiton* Turnpike Road near *Yard Farm* in the Parish of *Upottery* in the County of *Devon*, towards *Ilminster*, to the Eastern Boundary of the Parish of *Buckland Saint Mary* in the County of *Somerset*, and other Roads communicating therewith. *Page 631*
- xlix. An Act for more effectually repairing, widening, and improving the Roads from *Gosport*, through *Fareham* and *Wickham*, to *Bishop's Waltham*, and from *Wickham* aforesaid to *Chawton Pond* in the Parish of *Chawton*, all in the County of *Southampton*. *Ibid.*
- l. An Act for making, amending, widening, and keeping in repair certain Roads passing through or near the Town of *Ilminster* in the County of *Somerset*. *632*
- li. An Act for more effectually repairing the Road from *Christopher's Bridge* in the Borough of *Thetford* in the County of *Suffolk*, to the North-east End of the Town of *Newmarket* in the County of *Cambridge*. *Ibid.*
- lii. An Act for altering and amending an Act passed in the Fifth Year of His present Majesty, for building a Bridge over the River *Thames* at *Hammersmith*, and for making convenient Roads to communicate therewith. *Ibid.*
- liii. An Act for the Erection of a Bridge across the River *Blackwater*, at or near *Foxhole* and the Town of *Youghal* in the County of *Cork*, to the opposite Side in the County of *Waterford*, and for making the necessary Approaches thereto. *Ibid.*
- liv. An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of *Birmingham* in the County of *Warwick*, and for regulating the Police and Markets of the said Town. *Ibid.*
- lv. An Act to enable the Trustees of the *Liverpool Docks* to raise a further Sum of Money. *Ibid.*
- lvi. An Act for rebuilding, or for improving, regulating, and maintaining, the Town Quay of *Gravesend* in the County of *Kent*, and the Landing Place belonging thereto. *Ibid.*
- lvii. An Act for granting further Powers to the Company of Proprietors of the *Portsmouth* and *Arundel* Navigation. *633*
- lviii. An Act for maintaining, enlarging, improving, and regulating the Harbour of the Burgh of *Kirkwall* in *Orkney*. *Ibid.*
- lix. An Act to repair and maintain the Harbour of *Helmsdale*, and Works connected therewith, in the Parish of *Loth* and County of *Sutherland*. *Ibid.*
- lx. An Act to enable the Company of Proprietors of the *Stockton* and *Darlington* Railway to make a Branch therefrom in the Counties of *Durham* and *York*, and to amend and enlarge the Powers and Provisions of the several Acts relating thereto. *Ibid.*
- lxi. An Act for making and maintaining a Railway from the River *Tees*, near *Haverton Hill* in the Parish of *Billingham*, to a Place called *Sim Pasture Farm* in the Parish of *Heighington*, all in the County of *Durham*, with certain Branches therefrom. *Ibid.*
- lxii. An Act for extending the Time for completing the *Nantlle* Railway and other Works connected therewith, in the County of *Carnarvon*. *Ibid.*
- lxiii. An

- lxiii. An Act for enabling the *Thames Tunnel Company* to raise a further Sum of Money, and for amending the Act relating to the said Tunnel. Page 634
- lxiv. An Act for establishing Markets at *Swansea* in the County of *Glamorgan*. *Ibid.*
- lxv. An Act to enable His Majesty's Justices of the Peace for the County of *Surrey* to nominate and appoint Two or more Persons to act as Principal Land Coal Meters within and for the several Parishes and Places therein mentioned in the said County. *Ibid.*
- lxvi. An Act for regulating and enabling the City of *Dublin* Steam Packet Company to sue and be sued, and thereby to encourage the Use of Vessels propelled by Steam in the Trade of *Ireland*. *Ibid.*
- lxvii. An Act for making a Turnpike Road from the Township of *Hunslet*, across the River *Aire*, to the Township of *Leeds*, together with a Branch therefrom, all in the West Riding of the County of *York*. *Ibid.*
- lxviii. An Act for more effectually repairing the Road from *Great Grimsby Haven* to *Wold Newton Church*, and from *Nuns Farm* to the *Mill Field*, in the Parish *Irby*, in the County of *Lincoln*. *Ibid.*
- lxix. An Act for repairing and improving the Road from *Wakefield* to *Halifax*, with certain Branches therefrom, all in the West Riding of the County of *York*. 635
- lxx. An Act for repairing the Roads from *Horsham* to *Steyning*, and from thence to the top of *Steyning Hill*, in the County of *Sussex*, and from the Bottom of *Steyning Hill* to *Slaughter's Corner* in the Parish of *Beeding*, and from thence to *Shoreham Bridge* in the Parish of *Old Shoreham*, in the said County. *Ibid.*
- lxxi. An Act for more effectually repairing and maintaining the Road from the City of *Chester* to the Town of *Frodsham* in the County of *Chester*, and from the said Town of *Frodsham* to *Ashton Lane End* in the same County. *Ibid.*
- lxxii. An Act for more effectually repairing so much of the Road from the Town of *Newcastle-upon-Tyne* to the City of *Carlisle*, as is within the County of *Northumberland*. *Ibid.*
- lxxiii. An Act for repairing the Road leading from *Chatteris Ferry*, through *Chatteris* and *March*, to *Wisbech Saint Peter's*, and from thence to *Tid Gate* in the *Isle of Ely*, and from *Wisbech* aforesaid, through *Outwell*, to *Downham Bridge* in the County of *Norfolk*. 636
- lxxiv. An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from *Chester* to *Northop* in the County of *Flint*. *Ibid.*
- lxxv. An Act for repairing the Road from *Scole Bridge* to *Bury Saint Edmunds* in the County of *Suffolk*. 637
- lxxvi. An Act for more effectually repairing and otherwise improving several Roads called *The Main Trust Roads*, all in the County of *Carmarthen*. *Ibid.*
- lxxvii. An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from *Chester* to *Wrexham*, in the City and County of *Chester* and the Counties of *Flint* and *Denbigh*. *Ibid.*
- lxxviii. An

- lxxviii. An Act for more effectually repairing and otherwise improving the Road from *Beverley* to *Kesby Bridge* in the County of *York*. Page 638
- lxxix. An Act for diverting, widening, repairing, and improving the Road from the Town of *Derby* to the South End of *Compton Street* next *Ashborne*, and from *Ashborne* to *Hurdloe House*, in the County of *Derby*, and that Part of the said Road called *The Old Road*, leading from *Hardy's Hill* Toll Gate unto *Compton*. Ibid.
- lxxx. An Act for more effectually repairing and improving the Road leading from *Lisburn* in the County of *Antrim* to the Town of *Monaghan*. Ibid.
- lxxxi. An Act for making, repairing, and keeping in repair several Turnpike Roads in the Parishes of *Llandilofawr*, *Llande-feyson*, *Llandybie*, *Bettws*, and *Llanedy*, and several other Roads in the County of *Carmarthen*. 639
- lxxxii. An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads and Bridges in the County of *Dumbarton*. Ibid.
- lxxxiii. An Act for amending, diverting, and improving the present Roads, and making and maintaining certain new Roads, between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*. Ibid.
- lxxxiv. An Act for more effectually repairing the *Dunster*, *Stovey*, *Watchet*, and *Crowcombe* Districts of the *Minehead* Roads, in the Counties of *Somerset* and *Devon*; and for making and repairing several other Roads communicating with the same Districts of Road, or some of them. Ibid.
- lxxxv. An Act for more effectually repairing the Road from the Town and Port of *Sandwich* in the County of *Kent*, to the Towns of *Margate* and *Ramsgate* in the *Isle of Thanet* in the said County; and for reducing for a limited Time the Tolls and Duties payable at *Sandwich Bridge*. 640
- lxxxvi. An Act for more effectually repairing and maintaining the Road from *Banbury* in the County of *Oxford*, through *Daventry* and *Cottesbach* to *Lutterworth* in the County of *Leicester*. Ibid.
- lxxxvii. An Act for making and maintaining a Road from *Wilson-town* Iron Works to the Road leading from *Edinburgh* to *Ayr*, by *West Calder* and *Allanton* in the County of *Lanark*. Ibid.
- lxxxviii. An Act for more effectually repairing and maintaining the Roads from *Lutterworth Hand* on the *Watling Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchuch* and *Hillmorton* in the said County. Ibid.
- lxxxix. An Act for more effectually draining and improving the Lands and Grounds lying in *Great* and *Little Waldersey* in the Parishes of *Wisbech Saint Peter's* and *Elm* in the *Isle of Ely*. 641
- xc. An Act for lighting, watching, cleansing, paving, and otherwise improving the Town of *Wantage* in the County of *Berks*. Ibid.
- xci. An Act for making and maintaining a Railway or Tram Road from *Gelly Gille Farm*, in the Parish of *Llanelly* in the County of *Carmarthen*, to *Machynis Pool* in the same Parish and

- and County; and for making and maintaining a Wet Dock at the Termination of the said Railway or Tram Road at *Machynis Pool* aforesaid. Page 641
- xcii. An Act for making and maintaining a Railway or Tram Road from the *Duffryn Llynvi* and *Pwll Cawl* otherwise *Porth Cawl* Railway, to commence at a certain Point therein in the Parish of *Laleston* in the County of *Glamorgan*, and to terminate near to the Town of *Bridgend* in the same County. *Ibid.*
- xciii. An Act for making and maintaining a Railway or Tram Road from or near the City of *Bristol* to *Coalpit Heath* in the Parish of *Westerleigh* in the County of *Gloucester*. *Ibid.*
- xciv. An Act for making and maintaining a Railway or Tram Road from *Rodway Hill*, in the Parish of *Mangotsfield* in the County of *Gloucester*, to the River *Avon* in the Parish of *Bitton* in the same County. *Ibid.*
- xcv. An Act 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.*
- xcvi. An Act to amend an Act for making and maintaining a Navigable Canal from *Lough Erne*, in the County of *Fermanagh*, to the River *Blackwater* near the Village of *Charlemont* in the County of *Armagh*. 642
- xcvii. An Act to enable the *Tees* Navigation Company to make a Navigable Cut from the East Side of the River *Tees*, near *Portrack* in the County of *Durham*, into the said River near *Newport* in the Township and Parish of *Acklam*, in the North Riding of the County of *York*. *Ibid.*
- xcviii. An Act to enable the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, in the West Riding of the County of *York*, to make certain Cuts and Canals, and to improve the said Navigation. *Ibid.*
- xcix. An Act for amending an Act for rebuilding the Church of *Oldham* in the County Palatine of *Lancaster*, and for taking down and rebuilding the Chancel and Private Chapels attached to the same. *Ibid.*
- c. An Act for building a Bridge over the River *Thames* at *Staines* in the County of *Middlesex*, and for making proper Approaches thereto. *Ibid.*
- ci. An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from *Wells next the Sea* to *Fakenham* in the County of *Norfolk*, and other Roads connected therewith. 643
- cii. An Act to amend certain Acts for making and maintaining Roads and converting the Statute Labour in the Counties of *Ross* and *Cromarty*, and Part of *Nairn* locally situated in the County of *Ross*. *Ibid.*
- ciii. An Act for making and maintaining a Turnpike Road from *North End* to *Hammersmith Bridge*, both in the County of *Middlesex*. *Ibid.*
- civ. An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads in the Counties of *Roxburgh* and *Berwick*. *Ibid.*
- cv. An

- cv. An Act for more effectually amending and improving the Road from *Northwich* to the Guide Post heretofore upon *Delamere Forest* (now the Parish of *Delamere*), near *Kellsall Hill*, in the County Palatine of *Chester*. Page 644
- cvi. An Act for repairing the Roads from *Tavernspite* to the Towns of *Pembroke* and *Tenby*, and to *Hubberston Hakin*, and from *Loveston Mountain* to *Canaston Bridge*, and from the End of *Tock Lane*, on the said Road from *Tavernspite* to *Hubberston Hakin*, to the Road from *Loveston Mountain* to *Canaston Bridge*, and from the Parish of *Crunwear* to *Pembroke Dock* and *Hobbs Point*, all in the County of *Pembroke*. *Ibid.*
- cvi. An Act for more effectually repairing and maintaining several Roads leading from *Lymington* in the County of *Southampton*, and the Road to *Wilverley Post* in the *New Forest*. *Ibid.*
- cviii. An Act for repairing, improving, and maintaining in repair the Turnpike Roads from *Wat's Cross* to *Cowden*, and from *Sevenoaks Common* to *Crockhurst Hatch Corner*, and from *Penshurst Town* to *Southborough*, in the County of *Kent*. 645
- cix. An Act for more effectually repairing several Roads leading through the County of *Selkirk*, and for better making and repairing the said Roads, and other Roads in the said County, and in the Vicinity thereof. *Ibid.*
- cx. An Act for more effectually repairing the Road from *Godstone*, in the County of *Surrey*, to *Highgate* in the Parish of *East Grinstead* in the County of *Sussex*. *Ibid.*
- cx. An Act to authorize the Relinquishment of the Care and Management of a Road set out by the *Southwark Bridge Company* to the Trustees of the *Surrey* and *Sussex* Roads. *Ibid.*
- cxii. An Act for more effectually repairing and improving the several Roads called the *Cannon Street* Roads, the *Commercial* Road, the *Horseferry* Branch of Road, the *East India Dock* Road, the *Barking* Road, and the *Shadwell* and *Mile End* Branch of Road, in the Counties of *Middlesex* and *Essex*; and for laying down a Stoneway on the said *Commercial*, *East India Dock*, and *Barking* Roads. 646
- cxiii. An Act for the Improvement and Regulation of *Covent Garden Market*. 647
- cxiv. An Act to explain and amend Two Acts, of the Fifty-first Year of His late Majesty, and the Sixth Year of His present Majesty, for the Improvement of the Port, Harbour, and Town of *Liverpool*; and to authorize the Trustees of the *Liverpool Docks* to pay for certain Lands and Hereditaments purchased under the said Acts. *Ibid.*
- cxv. An Act for more effectually improving and keeping in repair the several Roads leading to and from the Town of *Bideford* in the County of *Devon*, and for making certain new Lines of Road to communicate with the same. *Ibid.*
- cxvi. An Act to consolidate and amend the several Acts for making the *London Docks*. 648
- cxvii. An Act to amend several Acts for cleansing, lighting, watching, improving, and regulating the Towns of *Manchester* and *Salford* in the County Palatine of *Lancaster*. *Ibid.*
- cxviii. An Act for making and maintaining a Navigable Cut or Canal from a Point at or near the *Blackrock* in the Harbour

- of *Tralee*, in the County of *Kerry*, to *Croompanrickard*, near the Town of *Tralee*, in the said County; and for otherwise improving the said Harbour of *Tralee*. Page 648
- cxix. An Act for supplying with Water the Town of *Pembroke*, and the Neighbourhood thereof, within the County of *Pembroke*. 649
- cxx. An Act for more effectually amending the Road leading from the *Stones End* in *Blackman Street*, in the Borough of *Southwark*, in the County of *Surrey*, to *Highgate* in the County of *Sussex*, and several other Roads therein mentioned; and for other Purposes relating thereto. Ibid.
- cxxi. An Act for repairing and maintaining a Tufnpike Road from *Belfast* to *Antrim*, and from *Belfast* to the *Copeland Water*. Ibid.
- cxxii. An Act to rectify a Mistake in an Act of this Session of Parliament, intituled *An Act for more effectually repairing the Dunster, Stowey, Watchet, and Crowcombe Districts of the Minehead Roads, in the Counties of Somerset and Devon, and for making and repairing several other Roads communicating with the same Districts of Road, or some of them.* 650

PRIVATE ACTS,

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

1. AN Act for enabling *Francis John Browne* of *Frampton*, in the County of *Dorset*, Esquire, to grant and convey a certain capital Messuage or Mansion House, Lands, and Hereditaments, situate at *Forston* in the Parish of *Charminster*, in the County of *Dorset*, for the Purposes of a Lunatic Asylum for the County of *Dorset*. Page 651
2. An Act for inclosing Lands in the Townships of *Tittensor* and *Darlaston*, in the Parish of *Stone* in the County of *Stafford*. Ibid.
3. An Act for inclosing, dividing, and allotting, and for exonerating from Tithes, Lands within the Township or Territories of *Hessay*, in the Parish of *Moor Monkton* in the County of the City of *York*. Ibid.
4. An Act for inclosing Lands in the Parish of *Litlington* in the County of *Cambridge*. 652
5. An Act for inclosing Lands within the Manor and Township of *Broughton* in the Parish of *Kirkby Ireleth*, in the County Palatine of *Lancaster*. Ibid.
6. An Act for inclosing Lands in the Manor and Parish of *Keymer* in the County of *Sussex*. Ibid.
7. An Act for exchanging the entailed Lands and Estate of *Kirkton* and *Whitelaw*, belonging to *Archibald John* Earl of *Rosebery*, situated in the County of *Linlithgow*, for the entailed Lands and Estate of *Newhalls*, belonging to *William Scott Moncrief* Esquire, situated in the same County; and for investing the

- the surplus Price of *Newhalls* in the Purchase of other Lands to be entailed. Page 652
8. An Act for inclosing Lands in the Parishes of *Belaugh Scotton*, *Little Hautbois*, and *Hoveton Saint Peter*, in the County of *Norfolk*. Ibid.
9. An Act for dividing and allotting Lands in the Manor of *Corton* within the Parish of *Boyton*, in the County of *Wilts*. 653
10. An Act for inclosing Lands within the Graveship of *Holme* in the several Parishes of *Kirkburton* and *Almondbury* in the West Riding of the County of *York*. Ibid.
11. An Act for dividing, allotting, and inclosing the Commons or Waste Lands in the Hamlets of *Ollerset* and *Phoside*, in the Parish of *Glossop* in the County of *Derby*. Ibid.
12. An Act for dividing, allotting, and inclosing the several Moors or Commons called *Scriven Moor* and *Scotton Moor*, in the Townships of *Scriven with Tentergate* and *Scotton*, and the Open Fields within the said Township of *Scotton*; and for exonerating from Tithes the Lands and Grounds in the said Township of *Scotton*, within the Honor of *Knaresborough*, and in the several Parishes of *Knaresborough* and *Farnham* in the County of *York*. Ibid.
13. An Act for inclosing Lands in the Parish of *Wiveliscombe* in the County of *Somerset*. Ibid.
14. An Act for disfranchising *Cranbourne Chase* in the Counties of *Dorset* and *Wilts*. 654
15. An Act for inclosing Lands in the Township of *Ousefleet* in the Parish of *Whitgift* in the County of *York*. Ibid.
16. An Act for inclosing Lands in the Parish of *Azmouth* in the County of *Devon*. Ibid.
17. An Act for dividing, allotting, and laying in severalty Lands in the Parish of *Appleton* in the County of *Berks*. Ibid.
18. An Act for inclosing *Mortwell Down* in the Parish of *Tavistock* in the County of *Devon*. Ibid.
19. An Act for effecting an Exchange between the Master or Keeper and Fellows of *Gonville and Caius College* in the University of *Cambridge* and *John Dickinson Esquire*. Ibid.
20. An Act for enabling the Committee or Committees of the Estate of *Elizabeth Russ*, a Lunatic, to sell Estates in the Parish of *Clifton* in the County of *Gloucester*, and in the Parish of *Saint Philip* and *Jacob* in the City of *Bristol*. Ibid.
21. An Act to enable the Trustees of the Settlement of the late *Joseph Ashton Richards* and *Eliza* his Wife, both deceased, to concur in granting Leases of Coal and other Mines under Lands in the Parish of *Oldswinford* in the County of *Worcester*, in respect of One undivided Eighth Part of such Mines. 655
22. An Act to enable the Lord Bishop of *Winchester* to fell Timber on the Estates of the See, and for applying the Money to arise from the Sale thereof to the Purposes of an Act of the First and Second Years of His present Majesty, for providing a Residence for the Bishops of *Winchester*. Ibid.
23. An Act for rendering valid the Award of the Commissioner and other Proceedings under an Act of the Forty-ninth Year of King *George the Third*, intituled *An Act for inclosing Lands*

in the Parish of Great Washbourne in the County of Gloucester, as to certain Lands allotted under the same to the late Henry Fowke Esquire. Page 655

24. An Act to amend an Act of the Thirty-second Year of the Reign of His late Majesty, for vesting those Parts of the Lands and Estate of *Blythswood* and others which lie in the County of *Lanark* in Trustees, for the Purpose of selling or feuing the same; and for other Purposes therein mentioned. *Ibid.*
25. An Act for vesting an undivided Moiety of certain Estates and Hereditaments in the Counties of *Lincoln* and *Hereford*, devised by the Will of *Sarah Rowe* to separate Uses in strict Settlement, and also the Entirety of the Advowson of *Munsley* in the County of *Hereford*, devised as to one Moiety by the said Will of the said *Sarah Rowe*, and as to the other Moiety by the Will of *Elizabeth Rowe* deceased, to the same Uses as the said undivided Moiety of the said *Herefordshire* Estates, in Trustees, for the Purpose of selling the same, and investing the Monies arising from such Sale in the Purchase of other Estates, with Powers to pay off Incumbrances. *Ibid.*
26. An Act for vesting Part of the Settled Estates late of *Frederick Breton* Esquire, deceased, situate in the County of *Southampton*, in Trustees, to be sold, and for applying the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*
27. An Act to enable the Trustees of the Will of *Joseph Butterworth* Esquire, deceased, to effect a Sale to Messieurs *Hoare* of Two Houses in *Mitre Court, Fleet Street*, in the City of *London*. 656
28. An Act to amend an Act of the First Year of His present Majesty, for enabling the Trustees of certain Charity Estates, situate at *Richmond* in the County of *Surrey*, to grant building, repairing, and other Leases thereof; and to repeal certain Parts of such Act; and to direct the Application of the Income of the said Charity Estates. *Ibid.*
29. An Act for vesting in Trustees the Lands of *Auldraigoch* and others in the County of *Ayr*, contained in a Deed of Entail made by Sir *Adam Fergusson* of *Kilkerran* Baronet, deceased, to sell the same, and apply the Price in Payment of the Debts affecting the Lands and Estate of *Drummellan*, lying in the same County; and for effectually entailing the said Lands and Estate of *Drummellan*. *Ibid.*
30. An Act for vesting in *Catherine Farquharson* of *Invercauld*, or the Heir of Entail in Possession of that Estate, certain detached Parts thereof in Fee Simple, upon entailing certain other Lands equivalent in Value thereto. *Ibid.*
31. An Act for vesting the Estates comprised in the Will of the late *William Bridger Goodrich* Esquire, in Trustees, to be sold, and for applying the Monies arising thereby in discharging the Incumbrances by Mortgage and Bond thereon, and laying out the Residue, under the Direction of the High Court of Chancery, in the Purchase of other Estates, to be settled to the Uses of the said Will. *Ibid.*
32. An Act for vesting the Freehold and Leasehold Estates late belonging

belonging to *James Roche* of the City of *Bristol*, Esquire, deceased, in Trustees, to be sold for Payment of his Debts, and applying the Surplus for the Benefit of the Devisees and Legatees in the Will of the said Deceased named, and of his infant Heir at Law.

Page 656

33. An Act for enabling the Trustees under the Will of *William Randall* Esquire, deceased, to grant Building Leases of Part of the Freehold, Copyhold, and Leasehold Estates thereby devised, and Leases of certain Houses situate in the Parishes of *Lambeth*, *Battersea*, *Christchurch*, and *Saint George the Martyr*, in the County of *Surrey*, of *Woolwich* in the County of *Kent*, and of *Clewer* in the County of *Berks*, or elsewhere in *England*.

Ibid.

34. An Act to give Powers of Sale over Part of the Estates settled on the Marriage of *Robert Marsham* of *Stratton*, otherwise *Stratton Strawless*, in the County of *Norfolk*, Esquire, with *Frances Anne* his Wife; and also over Part of the Estates devised by the Will of *Robert Marsham*, late of *Stratton* otherwise *Stratton Strawless* aforesaid, Esquire, deceased; for the Purpose of obtaining a more connected and convenient Estate, to be settled to the existing Uses of the said Settlement and Will respectively.

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35. An Act for effecting the Sale of certain Estates in the County of *Surrey*, devised by the Will of the Reverend *Henry Hardinge* deceased; and certain Estates in the County of *Fermanagh* in *Ireland*, devised by the Will of Sir *Richard Hardinge* Baronet, deceased; and certain Estates in the County of *Surrey*, comprised in the Settlement made on the Marriage of the Reverend Sir *Charles Hardinge* Baronet; and for laying out the Money arising from such Sales respectively, under the Direction of the High Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.

Ibid.

36. An Act for enabling Trustees to effect a Sale to *Jonathan Brundrett* of the *Inner Temple*, *London*, Gentleman, of a House in *Bell Yard* within the Liberty of the *Rolls*, devised by the Will of *Joseph Fisher* Gentleman, deceased.

Ibid.

37. An Act for enabling Trustees to sell, under the Authority of the High Court of Chancery, the Real Estates devised by the Will of *Robert Watkin Wynne* Esquire, deceased, or a sufficient Part thereof, for the Purpose of raising Monies to discharge the several Principal Sums and Interest remaining due on the Mortgages, Debts, and Legacies affecting the same Estates.

Ibid.

38. An Act for effectuating a Partition, directed by the Court of Chancery, of certain Estates situate in the Parishes of *Wybunbury* and *Barthomley* in the County of *Chester*, devised by the Will of *Peter Bayley* deceased.

Ibid.

39. An Act for enabling the Trustees of Mrs. *Ann Molyneux's* Charities, in *Liverpool*, to grant Building and Repairing Leases, and for better vesting the Estates in them; for confirming Exchanges, and other Purposes for the Benefit of the Charities.

Ibid.

40. An Act to effect an Exchange of Lands and Tithes situate and arising in the County of *Buckingham*, belonging to *Richard*

Lansdale

- Lansdale* Yeoman, for other Lands in the same County, of which the Mayor, Bailiffs, and Burgesses of the Borough of *Chepping Wycombe* are seised for charitable Purposes. Page 658
41. An Act for vesting the Estates of *John Campbell*, late of *Otter* in the County of *Argyle*, in Trustees, to sell the same, or such Parts thereof as may be deemed expedient and necessary, and apply the Purchase Money arising by such Sale in Payment of the Debts and Provisions affecting the same; and for granting Power to feu certain Parts of said Entailed Estates. *Ibid.*
42. An Act for authorizing the Sale of an Estate, during the Life of *Anthony Daffy Swinton* Gentleman; in certain Hereditaments in the County of *Middlesex*, now standing settled to the Uses of the Will of *Joseph Lucas* Esquire, deceased; and for laying out the Money in the Purchase of Estates of Inheritance, to be settled to the same Uses. *Ibid.*
43. An Act to extend the Power of granting Leases of Parts of the Estates of the Most Honourable *Charles William Vane* Marquis of *Londonderry*, and *Frances Anne Vane* Marchioness of *Londonderry* his Wife. *Ibid.*
44. An Act to enable *George Duke of Gordon*, or the Heir of Entail in Possession, to sell the Entailed Estate of *Durris*, and purchase other Lands in lieu thereof. *Ibid.*
45. An Act for confirming a Partition of the *Walcott* Charity Estates, situate in the Parish of *Lambeth* in *Surrey*, by vesting the same in Trustees for the several Parishes of *Lambeth* aforesaid and *Saint Olave Southwark* and *Saint John Horslydown*, in *Surrey*, and for regulating the said Charities; and for empowering the Trustees of the said Charities, and also the Trustees of a certain other Charity called *Hayle's Charity*, in *Lambeth*, to grant Building and Repairing Leases. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

46. An Act to dissolve the Marriage of *John Michael Henry Fock* Baron *De Robeck* with *Mary Margaret* Baroness *De Robeck* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
47. An Act for naturalizing *Frederick William Jacob*.
48. An Act for inclosing Lands within the Manor and Borough of *Rhayader* in the County of *Radnor*.
[*Saving the Rights of His Majesty to Mines, &c.* § 39.; and us
Lord of the Manor, § 40. General Saving of Rights, § 41.]
49. An Act for naturalizing *Paulus Emilius Pauli*.
50. An Act for naturalizing *Frederick Charles Lewis Klingender*.
51. An Act to authorize the Lord Archbishop of *Canterbury* for the Time being to appoint a Person or Persons to the Office of Registrar of his Prerogative, without a previous Surrender of the existing Grant or Grants of the said Office.
52. An Act for naturalizing *Andrew Taylor*.
53. An Act for naturalizing *Peter Daelman*.

THE
STATUTES AT LARGE.

Anno Regni GEORGII IV. Britanniarum Regis,
Nono.

‘ **A**T the Parliament begun and holden at *Westminster*, the
‘ Fourteenth Day of *November*, Anno Domini 1826, in the
‘ Seventh Year of the Reign of our Sovereign Lord GEORGE
‘ the Fourth, by the Grace of God, of the United Kingdom of
‘ *Great Britain and Ireland*, King, Defender of the Faith; and
‘ from thence continued, by several Prorogations, to the Twenty-
‘ ninth Day of *January* 1828, being the Second Session of the
‘ Eighth Parliament of the United Kingdom of *Great Britain and*
‘ *Ireland*.

C A P. I.

An Act for applying a Sum of Money for the Service of the
Year One thousand eight hundred and twenty-eight.

[19th *February* 1828.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty’s most dutiful and loyal Subjects, the
‘ Commons of the United Kingdom of *Great Britain and*
‘ *Ireland*, in Parliament assembled, towards raising the necessary
‘ Supplies which we have cheerfully granted to Your Majesty in
‘ this Session of Parliament, have resolved to grant unto Your
‘ Majesty the Sum hereinafter mentioned; and do therefore most
‘ humbly beseech Your Majesty that it may be enacted, &c.

“ 5,000,000*l.* arising from former Aids to be applied for 1828.

C A P. II.

An Act for raising the Sum of Twelve Millions, by Exchequer
Bills, for the Service of the Year One thousand eight
hundred and twenty-eight.

[19th *February* 1828.]

C A P. III.

An Act for the regulating of His Majesty’s Royal Marine
Forces while on Shore.

[21st *March* 1828.]

[*This Act is the same as 7 & 8 G.4. c.5. except as to Dates and
the Clauses here inserted; — and that the Powers given by that
Act to the Commissioners of the Admiralty are given by this Act
to the Lord High Admiral or Two or more of the Commissioners
for executing that Office; — and that Sections 35. & 36. and Sec-
tions 40. & 41. of that Act, are respectively transposed in this.*]

Constables, &c. may apprehend Deserters, and carry them before a Justice, and transmit an Account to the Secretary of the Admiralty, &c.

LVI. ' And Whereas several Marines, who being duly entered, may afterwards desert, and be found wandering, or otherwise absenting themselves illegally from His Majesty's Service; it is hereby further enacted, That it shall and may be lawful to and for the Constable, Headborough, or Tithingman of the Town, Parish, Township, or Place, where any Person who may reasonably be suspected to be such a Deserter shall be found, or of any adjoining Town, Parish, Township, or Place, or if no such Constable, Headborough, or Tithingman can be immediately met with, then for any Marine Officer or Marine, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice of the Peace living in or near such Town or Place, and acting for the same or any adjoining County, who is hereby empowered and required to examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witness or Witnesses upon Oath, or by Knowledge of such Justice of the Peace, it shall appear or be found that such suspected Person is a Marine duly entered, and ought to be with the Company to which he belongs, whether such Company shall be employed on board any of His Majesty's Ships or Vessels, or quartered on Shore, or employed on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, such Justice of the Peace shall, without Fee or Reward to himself or his Clerk, forthwith cause him to be conveyed to the Gaol or the House of Correction or other Public Prison in such Town or Place where such Deserter shall be so brought before such Justice of the Peace, or if there be no Gaol, House of Correction, or other Public Prison in such Town or Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient Gaol, House of Correction, or other Public Prison in the same or any next adjoining County, and transmit an Account thereof to the Secretary of the Admiralty for the Time being, with a Description of the Person of such Deserter, and the Name of the Division to which he may belong, to the end that he may be proceeded against according to Law; and the Keeper of every Gaol, House of Correction, or Prison, shall receive such Subsistence-Money, for the Maintenance of such Deserter during the Time he shall continue in his Custody, as shall from time to time be directed in that Behalf by the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, but shall not be entitled to any Fee or Reward on account of the Imprisonment of any such Deserter; any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being, if they should think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, to or on account of such Non-commissioned Officer or Private Marine, during or after the Expiration of his Period of Imprisonment in any Gaol or House of Correction or other public Prison.

Gaol Keeper to receive the Subsistence of Deserters.

Penalty on Persons receiv-

LXII. And be it further enacted, That if any Person shall knowingly detain, buy, or exchange, or otherwise receive any Arms,

Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, from any Marine, or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or any such Articles belonging to any Marine, or Marine Deserter, as are generally deemed Regimental Necessaries according to the Custom of the Royal Marine Corps (being provided for the Marine, and paid for by the Deductions out of his Pay), or cause the Colour of such Clothes to be changed, every such Person so offending shall forfeit for every such Offence the Sum of Ten Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses before any One or more of His Majesty's Justices of the Peace, the said Penalty shall be levied, by Warrant under the Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety thereof to be paid to the Informer, if not a Soldier or Marine, and the other Moiety to be paid to the Paymaster of the Royal Marine Forces, who shall report the same to the Secretary of the Admiralty, and credit the same in his Public Accounts; and in every Case in which the Informer shall be a Soldier or a Marine, the Moiety of the said Penalties shall be paid to the Secretary of the Admiralty, and shall be applied as a Fund for the Payment of the Costs, Charges, and Expences of proceeding for the Recovery of such Penalties, in Cases in which no sufficient Goods and Chattels shall be found, whereby such Penalties and Costs can be levied by Distress and Sale as aforesaid; and a Report of such Penalty being adjudged shall be made to the Secretary of the Admiralty by the Justices of the Peace by whom the same shall have been imposed; and in case any such Offender, who shall be so convicted, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty recovered against him or her for such Offence, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice or Justices of the Peace shall and may, by Warrant under his or their Hand and Seal or Hands and Seals, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or cause such Offender to be publicly or privately whipped, at the Discretion of such Justice or Justices.

LXXVIII. And be it further enacted, That any Person who shall knowingly, wilfully, and designedly make any false Representation of any Particular contained in the Form of Oath marked (A.) in the Schedule annexed to this Act, before the Justice of the Peace at the Time of his Attestation, for the Purpose of obtaining, and shall thereupon obtain any Enlisting Money, or any Bounty or Part of the Bounty, for enlisting into His Majesty's Royal Marines, 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 passed in the last Session of Parliament, 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 Twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more effectual Punishment of Persons who attain or attempt to attain Possession of*

ing the Arms, Clothes, &c. of Deserters, &c.

Persons making false Representations in taking the Oath marked (A.) and obtaining Bounty, shall be deemed guilty of obtaining Money under false Pretences.

7 & 8 G. 4. c. 29.
26 G. 3. c. 37. (I.)

[This Act,
26 G. 3. c. 37. (I.),
is repealed by
9 G. 4. c. 53.,
and Persons

guilty of obtaining Money under false Pretences in Ireland are punishable under 9 G. 4. c. 55.]

Money or Goods by false Pretences or Threats; and the Production of such Oath, and Proof of the Justice's Hand-writing thereto, shall, in any Prosecutions to be instituted against the enlisting Person or Recruit therein named, be sufficient Evidence of such Person having represented the several Particulars contained in such Oath at the Time of his being attested; and that Proof by the Oath of One or more credible Witness or Witnesses, that the Person so prosecuted hath freely and voluntarily declared or acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Corps or Regiment in His Majesty's Service, or to His Majesty's Royal Navy or Royal Marines, or that he was an Apprentice, shall be deemed and taken as sufficient Evidence of the Fact so by him declared or acknowledged, without Production of any Roll or other Document to prove the same; and in case such Person shall be an Apprentice, or shall belong to the Militia, he shall, immediately after the Expiration of his Apprenticeship, or other sooner Determination of it, or at the Expiration of the Period of his Service in the Militia, whether he shall have been convicted and punished or not, be deemed duly enlisted, and be liable from thenceforth to serve as a Marine; and if, on the Expiration or other sooner Determination of his Apprenticeship, or at the Expiration of the Period of his Service in the Militia, he shall not deliver himself up to some Officer at the Head Quarters of one of the Divisions of His Majesty's Royal Marine Forces, or to some Royal Marine Officer authorized to receive Recruits, he shall be liable to be apprehended and dealt with as a Deserter from His Majesty's said Royal Marine Forces: Provided always, that every such Person belonging to the Militia shall be liable to serve, within the United Kingdom of Great Britain and Ireland, in the Division of the Royal Marine Forces in which he shall have enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Division into which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Division.

C A P. IV.

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

[21st March 1828.]

[*Number of Forces, 91,075.*]

[*The Schedule to this Act which is marked O is the same as that to 7 & 8 G. 4. c. 4. which is marked D D, and is referred to in the Body of the Act accordingly. In all other Respects, except Dates and the Sections here inserted, the Two Acts are the same.*]

Sentence of Transportation, &c. shall be notified by the Commander in Chief or the

IX. And be it further enacted, That whenever His Majesty shall intend any Sentence of a Court-martial of Transportation to be carried into execution, or shall be graciously pleased to extend his Mercy, upon Condition of Transportation, to any Offender liable to the Punishment of Death by the Sentence of a Court-martial,

martial, such Sentence, together with His Majesty's Pleasure upon the same, shall be notified in Writing by the Commander in Chief for the Time being of His Majesty's Forces in *Great Britain* and *Ireland*, or by the General Officer commanding in chief for the Time being His Majesty's Forces in *Great Britain* and *Ireland* or in the temporary Absence of such Commander in Chief, or such General Officer, then by the Adjutant General for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif in *England*, or to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer in *Ireland*; and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender, upon the Terms and for the Time which shall be specified in such Notification, and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Justice or Baron is authorized to make or do by any Act or Acts in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order and Orders so to be made, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such Person in whose Custody such Offender shall at that Time be, and all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of the said Act with respect to any Offender in the said Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables, and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience, or interrupting the Execution of the same, as they would be if the same had been made under the Authority of the aforesaid Act; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every Provision and Provisions made by Law, and now in force, concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation.

XXVI. And be it further enacted, That every Non-commissioned Officer or Soldier sentenced to Imprisonment by any General or other Court-martial shall forfeit all Right to any Pay from the Day of his Commitment during the Time of such Imprisonment; and also, that during the Continuance of any Imprisonment in any Prison, Gaol, or House of Correction, the Gaoler or Keeper of such Prison, Gaol, or House of Correction in *Great Britain* and *Ireland*, the Inspector under whose immediate Inspection such House of Correction, Gaol, or Prison shall be, shall receive and apply in the Maintenance of such Non-commissioned Officer or Soldier the Sum of Sixpence *per Diem* out of the Subsistence of such Non-commissioned Officer or Soldier during the Time that such Non-commissioned Officer or Soldier shall continue in Custody; which said Sum the Secretary at War is hereby authorized and required to cause to be paid to the said Gaoler or Keeper, or Inspector respectively as aforesaid, upon receiving an Application in Writing signed by any Justice of the Peace for the County or Riding in which such Gaol, Prison, or House of Correction shall be locally situate, together with a Copy of the Order under which the said

Adjutant General to any Justice of the King's Bench, &c. who shall make an Order for the Transportation of such Offenders.

Such Non-commissioned Officers and Soldiers to forfeit their Pay. Allowance to Gaolers, &c.

Non-commissioned Officer or Soldier was confined: Provided always, that it shall be lawful for the Secretary at War, if he shall think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, or of any Arrears thereof, to or on account of such Non-commissioned Officer or Soldier, during or after the Expiration of the Period of his Imprisonment in any Prison, Gaol, House of Correction, or Place of Military Confinement.

Constables, &c. in Westminster and Surrey to deliver at Quarter Sessions, Lists of Houses subject to receive Soldiers, &c. in their respective Divisions;

LV. And for the better preventing Abuses in billeting and quartering such Officers and Soldiers in the said City and Liberties of *Westminster*, and Parts adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, be it enacted, That the Petty Constables, Headboroughs, and Tithingmen of their respective Parishes, Wards, Hamlets, and Districts within the same, shall at every General Quarter Sessions of the Peace to be holden for the said City and Liberties of *Westminster*, in the said County of *Middlesex*, and in the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey*, respectively, make and deliver to the Justices then in open Sessions assembled, upon Oath, which Oath they the said Justices are hereby authorized and required to administer, true Lists signed by them respectively of all such Houses, together with the Number of all such Persons respectively inhabiting the same, within his or their Parish, Ward, Hamlet, or District respectively, as are subject and liable by this Act to receive such Officers and Soldiers, together with the Names and Rank of all such Officers and Soldiers as are quartered and billeted in each House respectively; and such Lists shall remain with the Clerks of the Peace of the said City and Liberties of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey*, respectively, to the Intent that all and every Person and Persons may be at liberty to inspect the same without any Fee or Reward; and such Clerk shall forthwith from time to time make and deliver to every or any Person or Persons who shall require the same, true Copies of all and every or any such Lists, upon being paid Twopence a Sheet for each and every such Copy so taken, each Sheet to be computed at and contain One hundred and fifty Words; and if Default or Neglect shall be made by any Petty Constable, Headborough, or Tithingman, of any such Parish, Ward, Hamlet, or District, in the delivering such Lists to the Justices at their Quarter Sessions as aforesaid, or if he or they shall so deliver or cause to be delivered in any false or defective List, not including and specifying therein all and every such House and Houses so liable by this Act to receive such Officers and Soldiers, or the Names and Rank of all such Officers and Soldiers as are quartered and billeted in each House respectively; such Petty Constable, Headborough, and Tithingman, or any of them so offending therein, shall for every such Offence forfeit the Sum of Five Pounds, to the Use of the Poor of such respective Parishes, Wards, Hamlets, and Districts; to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more of His Majesty's Justice or Justices of the Peace for the City and Liberties of *Westminster*, for

to be inspected without Fee.

Copies of such Lists to be written by the Clerk at 2d. per Sheet containing 150 Words.

Penalty on Default.

Penalty on giving defective Lists.

How to be levied.

the said County of *Middlesex*, and for the said County of *Surrey*, and for the said Borough of *Southwark* in the said County of *Surrey*, respectively, (which Warrant or Warrants the said Justice or Justices is and are hereby empowered and required to make and issue;) and for Want of sufficient Distress to be found for that Purpose, the said Justice or Justices is and are hereby empowered and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit the Person or Persons so offending to the Common Gaol of the said City of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, or the said Borough of *Southwark* in the said County of *Surrey*, there to remain for any Time to be limited by such Justice or Justices, not exceeding Three Calendar Months nor less than One Calendar Month, without Bail or Mainprize.

LXXVI. 'And Whereas, from various local Circumstances, the Rates of Carriage in *Ireland* cannot be regulated in the same Manner as the Rates in *England*;' Be it therefore enacted, That the Sums to be paid in that Behalf in *Ireland* shall be as follows; (that is to say,) for every Hundred Weight which the Owner or Owners of any Wheel Carriage shall take as Loading on such Wheel Carriage, the Sum of One Halfpenny for every Mile or reputed Mile he or they shall therewith march; or if the Price of Hay and Oats shall render a further Allowance necessary, then such further Sum as shall be fixed by the Justices of the Peace for any County or District, not exceeding One Halfpenny a Mile for every Three hundred Weight which such Carriage shall take, but such further Allowance shall not continue in force longer than until the next succeeding General Quarter Sessions of the Peace, unless it be then continued by the Justices at such Sessions; and that the said Sums respectively shall be paid to such Owner or Owners respectively, or to their Carmen or Draymen respectively; and that every such Payment shall, if required, be made in the Presence of a Justice of the Peace, Constable, or Petty Constable.

XCVIII. And be it further enacted, That any Person who shall knowingly, wilfully, and designedly make any false Representation of any Particular contained in the Oaths respectively marked (A.) and (B.) and Certificates marked (C.) and (D.) in the Schedule to this Act respectively contained and annexed, before the Justice of the Peace or Magistrate at the Time of his Attestation, for the Purposes of obtaining and shall obtain any Enlisting Money or any Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretence, within the true Intent and Meaning, if in *England*, of an Act passed in the last Session of Parliament, 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 Twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more effectual Punishment of Persons who attain or attempt to attain Possession of Money or Goods by false Pretences or Threats* (a); and the Production of such Certificate, and Proof of the Handwriting of the Justice of the Peace giving such Certificate, shall be sufficient Evidence of such Party having represented

Rates of Carriage in *Ireland*.

Persons making false Representations for the Purpose of obtaining Bounty, guilty of obtaining Money under false Pretences. 7 & 8 G. 4. c. 29. 26 G. 3. c. 37. (I.) [This Act, 26 G. 3. c. 37. (I.), is repealed by 9 G. 4. c. 53., and Persons guilty of obtaining Money under false Pretences in *Ireland* are punishable under 9 G. 4. c. 55.]

sented 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 Witness or Witnesses that the Person so prosecuted hath freely and voluntarily declared or 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 declared or acknowledged, without Production of any Roll or other Document to prove the same.

Penalty on
Persons adver-
tising for Re-
cruits without
Authority.

CII. ' And Whereas various Persons are in the Habit of ad-
' vertising for Recruits for Regiments of the Line, the Embodied
' Militia, or for the Service of the Honourable the *East India*
' Company, and also under the Pretence of procuring Substitutes
' for the same, to the great Detriment of the Service ; Be it there-
fore further enacted, That all Persons whomsoever who shall ad-
vertise, post, or disperse, or cause to be advertised, posted, or
dispersed, Bills for the Purpose of procuring Recruits or Substi-
tutes, or shall open or keep any Houses or Place of Rendezvous
purporting in any Manner whatever to be connected with the Re-
cruiting Service or Department, for the Line, Embodied Militia,
or *East India* Company, or shall interfere or be concerned directly
or indirectly in any Manner or Way therewith (except such Re-
cruiting Parties as may be stationed under the Command and
Direction of the respective Field Officers of Districts, without the
express Permission in Writing of the Adjutant General, if for the
Line or Embodied Militia, or of the Court of Directors if for the
Honourable *East India* Company's Service) or shall receive any
Person or Persons as aforesaid at his House or Office under any
such Bill or Advertisement on any Pretence whatever, shall forfeit
the Sum of Twenty Pounds for every such Offence, to be reco-
vered on Conviction before a Magistrate, One Moiety to the
Informer, and the other to the Poor of the Parish where such In-
formation shall be laid ; and on Default of Payment thereof shall
be committed to the Common Gaol or other Public Prison, at the
Discretion of the Magistrate, for any Period not exceeding Three
Calendar Months, and not less than One Calendar Month, for each
and every such Offence.

Penalty on
Apprentices
enlisting them-
selves.

CIII. And be it further enacted, That if any Person duly
bound as an Apprentice shall enlist as a Soldier in His Majesty's
Land Service, and shall state to the Justice of the Peace or Ma-
gistrate before whom he shall be carried that he is not an Ap-
prentice, every such Person so offending, and being thereof duly
convicted, shall be and is hereby declared to be subject and liable
to be imprisoned in any Gaol or House of Correction, and kept
to Hard Labour for Two Years, may be indicted and punished
for obtaining Money under false Pretences under the Provisions
of the said recited Act of the last Session of Parliament, and
shall after the Expiration of his Apprenticeship, whether such
Person shall have been so convicted and punished or not, be liable
to serve as a Soldier in any Regiment of His Majesty's Regular
Forces ; and if on the Expiration of his Apprenticeship he shall
not deliver himself to some Officer authorised to receive Recruits,
may be taken as a Deserter from His Majesty's Forces.

CVI. Provided

CVI. Provided always, and be it further enacted, That no Master in *Scotland* shall be precluded from claiming any Apprentice who shall hereafter enlist, by reason of the Contract or Indenture not having been produced to a Justice of the Peace in the Manner directed by the Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, within the Time therein limited, provided the same shall be produced to any Justice of the Peace of the County wherein the Parties reside, and be indorsed as therein directed, at any Time within Three Calendar Months after the passing of this Act.

Masters in Scotland not precluded from claiming Apprentices, if the Indenture be produced to a Justice within 3 Months.

CXIX. ' And Whereas several Soldiers, being duly enlisted, do afterwards desert, and are found wandering, or otherwise absenting themselves illegally from His Majesty's Service;' it is hereby further enacted, That it shall and may be lawful for the Constable, Headborough, or Tithingman of the Town, Parish, Township, or Place where any Person who may be reasonably suspected to be such a Deserter shall be found, or of any adjoining Town, Parish, Township, or Place, if no such Constable, Headborough, or Tithingman 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 bring or cause him to be brought before any Justice of the Peace living in or near such Town or 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 Witness or Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, it shall appear to be found that such suspected Person is a listed Soldier, and ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall, without Fee or Reward to himself or his Clerk, forthwith cause him to be conveyed to the Gaol, or the House of Correction or other Public Prison in such Town or Place, when such Deserter shall be so brought before such Justice of the Peace, or if there be no Gaol, House of Correction, or other Public Prison in such Town or Place, then at the Discretion of such Justice of the Peace to the nearest or most convenient Gaol, House of Correction, or other 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; and transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act marked (N.), to the Secretary at War for the Time being in *London*; or if the Deserter be apprehended in *Ireland*, to the Chief Secretary to the Chief Governor or Governors thereof; to the end that such Person may be removed by an Order from the Office of the said Secretary at War, or Chief Governor or Governors, and proceeded against according to Law; and the Keeper of every Gaol, House of Correction, or Prison, in which such Deserter shall at any Time be confined, shall receive such Subsistence for the Maintenance of such Deserter during the Time that he shall continue in his Custody, as by His Majesty's Regulations is or shall from time to time be directed in that Behalf; and the Keeper of every Gaol,

Justices may commit Deserters.

Gaol, House of Correction, or other Public Prison of the City, Town, or Place, at or in which the Party or Person conveying such Deserter shall halt on the March, shall and he is hereby required to receive and confine every such Deserter who shall be delivered into his Charge and Custody by any Non-commissioned Officer or Soldier who shall be conveying such Deserter under any lawful Order, Warrant, or Authority, while on the Road from the Place where he was apprehended to the Place to which he is to be conveyed, without any other Warrant or Authority for so doing than the 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, or of the Chief Governor or Governors of *Ireland*, and shall be entitled to One Shilling for the safe Custody of the said Deserter while the Party or Person conveying him shall halt on the March; any Law, Usage, or Custom to the contrary notwithstanding.

Penalty on
Persons con-
cealing De-
serters.

CXXIII. Provided always, and be it enacted, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Service, knowing him to be such, in deserting or in concealing himself from such Service, the Person so offending shall forfeit for every such Offence the Sum of Twenty Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace, the said Penalty of Twenty Pounds shall be levied by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety of the said Penalty to be paid to the Informer, and the other Moiety to be paid to the Agent of the Regiment or Corps to which any such Deserter did belong, and shall be credited by such Agent in his Public Accounts, and a Report of the Penalty being adjudged shall be made to the Secretary at War by the Justices of the Peace by whom the same shall have been imposed; and in case any such Offender, who shall be convicted as aforesaid of harbouring, concealing, or assisting any such Deserter, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty awarded against him or her for such Offence, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice of the Peace shall and may, by Warrant under his Hand and Seal, commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Six Calendar Months.

Penalty on
Persons receiv-
ing any Arms,
Clothes, &c.
of Soldiers or
Deserters, &c.

CXXV. And be it enacted, That if any Person shall knowingly detain, buy, or exchange, or otherwise receive from any Soldier or Deserter, or any other Person, upon any Account or Pretence whatsoever, any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, or any Meat, Drink, Beer, or other Provisions, or any Sheets or other Articles used in Barracks, provided under any Regulations relating thereto, or any such Articles belonging to any Soldier or Deserter as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or cause the Colour of any such Clothes to be changed, the Person so offending shall forfeit for every such Offence the

Sum

Sum of Ten Pounds, together with Treble the Value of the Arms, Ammunition, Clothes, Caps, or other Furniture or Provision, Sheet, or other Article so detained, bought, exchanged, or otherwise received; or if any Person shall buy or receive any Oats, Hay, Straw, or other Forage provided for the Use of any Horse or Horses belonging to His Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, the Person so offending shall forfeit for every such Offence the Sum of Ten Pounds, together with Treble the Value of the Oats, Hay, Straw, or other Forage so bought, received, sold, or otherwise disposed of; and upon Conviction, by the Oath of One or more credible Witness or Witnesses, before any of His Majesty's Justices of the Peace, the said respective Penalties of Ten Pounds, and Ten Pounds, shall be levied by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender, one Moiety of the said first-mentioned Penalty of Ten Pounds to be paid to the Informer if not a Soldier, and one Moiety of the said last-mentioned Penalty of Ten Pounds to be paid to the Informer if not a Soldier, and the Residue of the said respective Penalties to be paid to the Agent of the Regiment or Corps to which any such Deserter or Soldier did belong, who shall report the same to the Secretary at War, and credit the same in his public Accounts; and in every Case in which the Informer shall be a Soldier, the Moiety of the said Penalties shall be paid to the Secretary at War, and shall be applied as a Fund for the Payment of the Costs, Charges, and Expences of proceeding for the Recovery of such Penalties, in Cases in which no sufficient Goods and Chattels shall be found whereby such Penalties and Costs can be levied by Distress and Sale as aforesaid; and a Report of the said respective Penalties being adjudged shall be made to the Secretary at War by the Justices of the Peace by whom the same shall have been imposed; and in case any such Offender who shall be convicted as aforesaid of having knowingly received any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, or any such Meat, Drink, Beer, or other Provisions, or Sheets, or other Articles used in Barracks, or any such Articles generally deemed Regimental Necessaries, or of having caused the Colour of such Clothes to be changed, or of having bought or received any Oats, Hay, Straw, or other Forage provided for the Use of any Horse or Horses belonging to His Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalties recovered against him or her for such Offence, or shall not pay such Penalties upon such Conviction, or give sufficient Security for Payment thereof within the Space of Four Days from such Conviction, then and in such Case such Justice of the Peace shall and may by Warrant

and on Persons
buying Oats,
Hay, or Forage
provided for
His Majesty's
Service.

under

under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or Cause such Offender to be publicly or privately whipped, at the Discretion of such Justice.

In what Cases
this Act shall
extend to Jer-
sey, Guernsey,
&c.

CLIII. And be it further enacted, That this Act shall be construed to extend to the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, and the Islands thereto belonging, as to the Provisions therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial; and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Caps, or other Furniture belonging to the King, or any such Articles generally deemed Regimental Necessaries, from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed.

Form of Con-
viction.

CLXI. For the more easy Conviction of Offenders against this Act, be it enacted, That in case any Person shall be convicted of any Offences by which they shall become liable to any of the pecuniary Penalties under this Act, the following shall be the form of Conviction:

' County of } **BE** it remembered, That on the Day of
' } in the Year of our Lord
' at in the County aforesaid, *A. B.* came before me,
' [or us] One [or Two] of His Majesty's Justices of the Peace in
' and for the said County, and informed me [or us] that *G. H.*
' of on the Day of now last past, at
' in the said County, did [*here set forth the Fact in the Manner*
' *described in the Statute*]; whereupon the said *G. H.*, after being
' duly summoned to answer the said Charge, appeared before me
' [or us] the said Justice [or Justices] on the Day of
' at in the said County, and having
' heard the Charge contained in the said Information, declared
' that he was not guilty of the said Offence; but the same being
' fully proved upon the Oath of *I. K.* a credible Witness, it mani-
' festly appeared to me [or us] the said Justice [or Justices] that
' he the said *G. H.* is guilty of the said Offence charged upon him
' in the said Information: It is therefore considered and adjudged
' by me [or us] the said Justice [or Justices] that he the said *G. H.*
' be convicted, and I [or we] do hereby convict him of the Of-
' fence aforesaid; and I [or we] do hereby declare and adjudge
' that the said *G. H.* hath forfeited the Sum of for the
' Offence aforesaid, to be distributed as the Law directs, according
' to the Statute in that Case made and provided.
' Given, *et cetera.*'

C A P. V.

An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in *England*, for the Service of the Year One thousand eight hundred and twenty-eight. [26th March 1828.]

[The 1st, 2d, and 3d Sections of this Act are respectively the same (except as to Dates) as the 1st, 2d, and 5th Sections of 7 & 8 G. 4. c. 7.]

IV. And be it further enacted, That there shall be provided and kept, in the Office of the Auditor of the Receipt of His Majesty's Exchequer at *Westminster*, One Book of Register, in which all the Money that shall be paid into the said Exchequer for the said Rates and Duties hereby granted or continued on Personal Estates, and on Offices and Employments of Profit, Pensions, Annuities, and Stipends, shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty, and shall be carried to the Consolidated Fund; and that it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from time to time to such Services, as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

A Register to be kept of all Money paid into the Exchequer for the Duties hereby granted.

Treasury to apply the Money from time to time.

V. Provided always, and be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be made in this present Session of Parliament.

Act may be altered, &c. this Session.

C A P. VI.

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 twenty-nine.

[26th March 1828.]

[See c. 17. post.]

C A P. VII.

An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, so much of certain Acts of the Parliament of *Ireland* as relate to the lighting, cleansing, and watching of Cities and Towns, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament.

[26th March 1828.]

[5 G. 3. (I) 13 & 14 G. 3. (I) 25 G. 3. (I) and 36 G. 3. (I) continued.]

C A P. VIII.

An Act for fixing, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, the Rates of Subsistence to be paid to Innkeepers and others on quartering Soldiers. [3d April 1828.]

[This Act is the same, except as to Dates, as 7 & 8 G. 4. c. 14.]

C A P. IX.

An Act to enable the Justices of the Peace for *Westminster* to hold their Sessions of the Peace during Term and the Sitting of the Court of King's Bench. [3d April 1828.]

‘ **W**HEREAS by the present Law of this Realm the Justices of the Peace for the City and Liberties of *Westminster* are not authorized to hold their Sessions during the Sitting of His Majesty's Court of King's Bench at *Westminster* or elsewhere in the County of *Middlesex*, and it is expedient that the said Justices should have such Power and Authority, for the more speedy Trial of Offenders, and the more effectual Dispatch of Business; 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 said Justices of the Peace for the City and Liberties of *Westminster* to begin and continue, or to continue when begun, any Session of the Peace for the said City and Liberties, until the Business thereof shall be finally concluded, notwithstanding the Essoign Day or other Commencement of any Term may happen, or His Majesty's Court of King's Bench may sit at *Westminster* or elsewhere in the County of *Middlesex*, before, or at the Beginning, or during the Continuance of any such Session; and that all Trials, Judgments, Proceedings, Acts, and Things whatsoever, had, made, and done at any such Session, and all Proceedings, Acts, and Things whatsoever in pursuance of such Judgments, shall, notwithstanding the happening of the Essoign Day or other Commencement of any Term, or the Sitting of the Court of King's Bench as aforesaid, be good and valid in Law to all Intents and Purposes: Provided always, that every Session of the Peace to be held for the said City and Liberties shall commence in the Week preceding the holding of each of the Quarter or General Sessions of the Peace for the County of *Middlesex*.

Sessions of the Peace may be held at *Westminster*, notwithstanding the Sitting of the Court of King's Bench.

Commencement of the Sessions.

Public Act.

II. And be it further enacted, That this Act shall be deemed and taken to be a Public Act.

C A P. X.

An Act for applying certain Sums of Money to the Service of the Year One thousand eight hundred and twenty-eight. [3d April 1828.]

“ There shall be applied, for the Service of the Year 1828, the Balance which may be paid into the Exchequer by the Bank of *England* on 5th April 1829, pursuant to 56 G. 3. c. 97.;—
 “ any Sum paid in respect of Exchequer Bills issued for Public Works and Fisheries;—60,000*l.* paid in by the *East India* Company for Expences of Pensions, &c.;— and also 2,134,630*l.*
 “ by the Trustees for Military and Naval Pensions, &c.

C A P. XI.

An Act to exempt Vessels propelled by Steam from the Penalties to which Vessels are liable, under various Acts, for having Fire on board in the Ports, Harbours, Rivers, Canals, and Lakes of *Ireland*. [3d April 1828.]

‘ WHEREAS by various Acts passed in the Parliament of *Ireland*, certain Provisions were introduced therein respectively, whereby Ships and Vessels are prohibited from the Use of Fire in certain Ports, Rivers, and Harbours within that Kingdom : And Whereas it is expedient to exempt Ships, Barges, or Vessels propelled by Steam from such Prohibition ;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful to light and use Fires on Board all Ships, Vessels, Boats, or Barges propelled by Steam, in or upon any Port, Harbour, River, Canal, or Lake, or any Part thereof, in *Ireland* ; any Act or Acts to the contrary notwithstanding.

Fires may be used on board Vessels propelled by Steam on any River, &c. in *Ireland*.

C A P. XII.

An Act to indemnify Witnesses who may give Evidence, before the Lords Spiritual and Temporal, on a Bill to exclude the Borough of *Penryn* from sending Members to serve in Parliament. [18th April 1828.]

C A P. XIII.

An Act for further regulating the Payment of the Duties under the Management of the Commissioners of Stamps on Insurances from Loss or Damage by Fire. [9th May 1828.]

‘ WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, a Duty is imposed in *Great Britain* as follows ; that is to say, for and in respect of every Insurance from Loss or Damage by Fire only, which shall be made or renewed or continued by any Public Company, or other Person or Persons, licensed or who ought to be licensed as in the said Act is mentioned, or by the *Royal Exchange* or *London Assurance Corporation*, a Duty of Three Shillings for every One hundred Pounds insured for a Year, and at and after that Rate for any fractional Part of One hundred Pounds insured, and for any fractional Part of a Year, as well as for any Number of Years, for which the Insurance shall be made or renewed or continued : And Whereas by an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act to re-*

55 G. 3. c. 184.

56 G. 3. c. 56.

‘ *peal*

' *peal the several Stamp Duties in Ireland, and also several Acts for*
 ' *the Collection and Management of the said Duties, and to grant*
 ' *new Stamp Duties in lieu thereof, and to make more effectual Re-*
 ' *gulations for collecting and managing the said Duties, certain*
 ' Duties are imposed in *Ireland* as follows; that is to say, for any
 ' Assurance or Insurance for or upon any Sum of One hundred
 ' Pounds, or any lesser Sum, that is or shall be insured by any
 ' Person or Persons, in or by any Policy of Insurance for insuring
 ' Houses, Goods, Furniture, Warehouses, Merchandizes, or other
 ' Property, from Loss by Fire, yearly, a Duty of Two Shillings
 ' and Sixpence, and for every Hundred Pounds of such Insurance
 ' after the first Hundred, a like Sum of Two Shillings and Six-
 ' pence; and where the Sum insured shall exceed One hundred
 ' Pounds, or any progressive Sums of One hundred Pounds each,
 ' by any fractional Part of One hundred Pounds, a Duty in pro-
 ' portion for such fractional Part, and so in proportion for any
 ' shorter Period than a Year, in all the said Cases of Insurance
 ' from Loss by Fire: And Whereas in certain Cases several dis-
 ' tinct Subjects or Parcels of Risk have been insured collectively
 ' in One Sum, specified as payable in case of the Destruction by
 ' Fire of any One of such Subjects, and a Premium equal in
 ' Amount to the Aggregate of the several Premiums which would
 ' be payable for the Insurance of all such separate Subjects or
 ' Parcels by separate and distinct Insurances, has been received
 ' by the Insurers, but the Duty payable to His Majesty under
 ' the said recited Acts in respect of such Insurance has been
 ' charged and paid only on the Amount of the single Sum specified
 ' to be so insured, and has not been increased in like Manner
 ' as the Premium has been increased, although such collective
 ' Insurance has been made to effect the Purpose of several se-
 ' parate and distinct Insurances, to the manifest Injury of His
 ' Majesty's Revenue; 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 from
 and after the Fifth Day of *April* One thousand eight hundred and
 twenty-eight, in every Case where any Insurance from Loss or
 Damage by Fire shall be made or renewed or continued upon Two
 or more detached Buildings, or upon Two or more Buildings so
 separated from each other as to occasion a Plurality of Risks, or
 upon any Goods, Wares, Merchandize, or other moveable Property
 contained in Two or more such Buildings as above described, or
 lying or being in Two or more Places so separated from each other
 as to occasion a Plurality of Risks (except the Implements and
 Stock upon any One Farm), then and in any of the Cases afore-
 said every such separate Building shall be separately valued, and
 a distinct and separate Sum shall be insured thereon, and in like
 Manner at least One distinct and separate Sum shall be insured
 upon the Goods, Wares, Merchandize, or other moveable Property
 contained in every such separate Building, or lying or being in
 every such separate Place as aforesaid; and it shall not be lawful
 to insure One gross Sum upon Two or more such separate Sub-
 jects or Parcels of Risk as aforesaid taken collectively.

Detached
 Buildings or
 Goods contain-
 ed in such
 Buildings, oc-
 casioning a
 Plurality of
 Risks, shall be
 valued and in-
 sured sepa-
 rately.

II. And be it further enacted, That if at any Time after the said Fifth Day of *April* One thousand eight hundred and twenty-eight, any Policy of Insurance shall be granted or renewed or continued, whereby any Insurance from Loss or Damage by Fire shall be made of or upon Two or more such separate Subjects or Parcels of Risk as aforesaid collectively in One Sum, contrary to the true Intent and Meaning of this Act, such Policy of Insurance shall be void and of none Effect, and shall be deemed and taken to be a fraudulent Contrivance to evade the Duties by the said recited Acts respectively imposed; and the Person or Persons, or Body or Bodies Politic or Corporate, by whom or by which any such Policy of Insurance shall be granted, renewed, or continued, contrary to this Act, shall forfeit and pay the Sum of One hundred Pounds.

Penalty for insuring separate Subjects of Risk collectively in one Sum.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the insuring from Loss or Damage by Fire collectively, in One Sum for the whole, any Number of separate and distinct Buildings, or the Goods, Wares, Merchandize, or other moveable Property contained in any Number of separate and distinct Buildings, or lying or being in any Number of separate and distinct Places; provided that in the Policy whereby such Insurance shall be made there shall be contained a Clause stipulating that in the Event of any Loss or Damage by Fire happening to such Property, or to any Part of such Property thereby insured, the Insurer or Insurers in such Policy shall be liable to pay or make good such Proportion only of the said Loss or Damage as the Sum insured shall bear to the whole collective Value of the said Property at the Time when such Fire shall first break out or happen.

Not to prevent separate Buildings, or Property lying therein, from being insured collectively, if an Average Clause be contained in the Policy.

IV. Provided always, and be it further enacted, That in all Cases in which it shall be necessary that new Policies should be granted in lieu of others now existing, in order to enable the Parties in Possession of the same to comply with the Provisions of this Act, it shall be lawful for the Commissioners of Stamps, and they are hereby authorized and required, to remit the Duty upon the Stamp of the Policy so required to be renewed.

The Duty to be remitted on Policies granted in order to comply with this Act.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any Contracts or Policies of Insurance made or to be made on or before the Fifth Day of *April* One thousand eight hundred and twenty-eight, or any of the Terms, Conditions, or Stipulations thereof.

Not to affect Policies made before 5th April 1828.

VI. And be it further enacted, That any pecuniary Penalty or Forfeiture which shall or may be incurred under the Provisions of this Act shall and may be recovered for the Use of His Majesty, His Heirs and Successors, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts, to be commenced, prosecuted, entered, or filed in the Name of His Majesty's Attorney or Solicitor General in *England* or *Ireland*, or of His Majesty's Advocate or Solicitor General for *Scotland*, (as the Case may be,) in *England*, *Ireland*, or *Scotland* respectively.

Recovery of Penalties.

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

Act may be altered.

C A P. XIV.

An Act for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements.

[9th May 1828.]

English Act,
21 Jac. 1. c. 16.

Irish Act,
10 Car. 1.
Sess. 2. c. 6.

In Actions of
Debt or upon
the Case, no
Acknowledg-
ment shall be
deemed suffi-
cient unless it
be in Writing,
or by Part
Payment.

Joint Con-
tractors.

Proviso for the
Case of Joint
Contractors.

‘ WHEREAS by an Act passed in *England* in the Twenty-first Year of the Reign of King *James* the First, it was, among other Things, enacted, that all Actions of Account and upon the Case, other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants, all Actions of Debt grounded upon any Lending or Contract without Specialty, and all Actions of Debt for Arrearages of Rent, should be commenced within Three Years after the End of the then present Session of Parliament, or within Six Years next after the Cause of such Actions or Suit, and not after : And Whereas a similar Enactment is contained in an Act passed in *Ireland* in the Tenth Year of the Reign of King *Charles* the First : And Whereas various Questions have arisen in Actions founded on Simple Contract, as to the Proof and Effect of Acknowledgments and Promises offered in Evidence for the Purpose of taking Cases out of the Operation of the said Enactments ; and it is expedient to prevent such Questions, and to make Provision for giving effect to the said Enactments and to the Intention 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 in Actions of Debt or upon the Case grounded upon any Simple Contract no Acknowledgment or Promise by Words only shall be deemed sufficient Evidence of a new or continuing Contract, whereby to take any Case out of the Operation of the said Enactments or either of them, or to deprive any Party of the Benefit thereof, unless such Acknowledgment or Promise shall be made or contained by or in some Writing to be signed by the Party chargeable thereby ; and that where there shall be Two or more Joint Contractors, or Executors or Administrators of any Contractor, no such Joint Contractor, Executor, or Administrator shall lose the Benefit of the said Enactments or either of them, so as to be chargeable in respect or by reason only of any written Acknowledgment or Promise made and signed by any other or others of them : Provided always, that nothing herein contained shall alter or take away or lessen the Effect of any Payment of any Principal or Interest made by any Person whatsoever : Provided also, that in Actions to be commenced against Two or more such Joint Contractors, or Executors or Administrators, if it shall appear at the Trial or otherwise that the Plaintiff, though barred by either of the said recited Acts or this Act, as to One or more of such Joint Contractors, or Executors or Administrators, shall nevertheless be entitled to recover against any other or others of the Defendants, by virtue of a new Acknowledgment or Promise, or otherwise, Judgment may be given and Costs allowed for the Plaintiff as to such Defendant or Defendants against whom he shall recover, and for the other Defendant or Defendants against the Plaintiff.

II. And

II. And be it further enacted, That if any Defendant or Defendants in any Action on any Simple Contract shall plead any Matter in Abatement, to the Effect that any other Person or Persons ought to be jointly sued, and Issue be joined on such Plea, and it shall appear at the Trial that the Action could not, by reason of the said recited Acts or this Act, or of either of them, be maintained against the other Person or Persons named in such Plea, or any of them, the Issue joined on such Plea shall be found against the Party pleading the same.

Pleas in Abatement.

III. And be it further enacted, That no Indorsement or Memorandum of any Payment written or made after the Time appointed for this Act to take effect, upon any Promissory Note, Bill of Exchange, or other Writing, by or on the Behalf of the Party to whom such Payment shall be made, shall be deemed sufficient Proof of such Payment, so as to take the Case out of the Operation of either of the said Statutes.

Indorsements of Payment.

IV. And be it further enacted, That the said recited Acts and this Act shall be deemed and taken to apply to the Case of any Debt on Simple Contract alleged by way of Set-off on the Part of any Defendant, either by Plea, Notice, or otherwise.

Simple Contract Debts alleged by way of Set-off.

V. And be it further enacted, That no Action shall be maintained whereby to charge any Person upon any Promise made after full Age to pay any Debt contracted during Infancy, or upon any Ratification after full Age of any Promise or Simple Contract made during Infancy, unless such Promise or Ratification shall be made by some Writing signed by the Party to be charged therewith.

Confirmation of Promises made by Infants.

VI. And be it further enacted, That no Action shall be brought whereby to charge any Person upon or by reason of any Representation or Assurance made or given concerning or relating to the Character, Conduct, Credit, Ability, Trade, or Dealings of any other Person, to the Intent or Purpose that such other Person may obtain Credit, Money, or Goods upon †, unless such Representation or Assurance be made in Writing, signed by the Party to be charged therewith.

Representations of Character.

† Sic.

VII. And Whereas by an Act passed in *England* in the Twentieth Year of the Reign of King *Charles* the Second, intituled *An Act for the Prevention of Frauds and Perjuries*, it is, among other Things, enacted, that from and after the Twenty-fourth Day of *June* One thousand six hundred and seventy-seven, no Contract for the Sale of any Goods, Wares, and Merchandizes, for the Price of Ten Pounds Sterling or upwards, shall be allowed to be good, except the Buyer shall accept Part of the Goods so sold, and actually receive the same, or give something in earnest to bind the Bargain, or in part of Payment, or that some Note or Memorandum in Writing of the said Bargain be made and signed by the Parties to be charged by such Contract, or their Agents thereunto lawfully authorized: And whereas a similar Enactment is contained in an Act passed in *Ireland* in the Seventh Year of the Reign of King *William* the Third: And Whereas it has been held, that the said recited Enactments do not extend to certain Executory Contracts for the Sale of Goods, which nevertheless are within the Mischief thereby intended to be remedied; and it is expedient to extend the said Enactments

29 Car.2. c.3.

Irish Act, 7 W.3. c.12.

Powers of recited Acts extended to Contracts for Goods of 10l. or upwards, although the Delivery be not made.

Memorandums exempted from Stamps.

Not to extend to Scotland.

Commencement of Act.

‘ to such Executory Contracts;’ Be it enacted, That the said Enactments shall extend to all Contracts for the Sale of Goods of the Value of Ten Pounds Sterling and upwards, notwithstanding the Goods may be intended to be delivered at some future Time, or may not at the Time of such Contract be actually made, procured, or provided, or fit or ready for Delivery, or some Act may be requisite for the making or completing thereof, or rendering the same fit for Delivery.

VIII. And be it further enacted, That no Memorandum or other Writing made necessary by this Act shall be deemed to be an Agreement within the Meaning of any Statute relating to the Duties of Stamps.

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

X. And be it further enacted, That this Act shall commence and take effect on the First Day of *January* One thousand eight hundred and twenty-nine.

C A P. XV.

An Act to prevent a Failure of Justice by reason of Variances between Records and Writings produced in Evidence in support thereof. [9th *May* 1828.]

‘ **W**HEREAS great Expence is often incurred, and Delay or Failure of Justice takes place at Trials, by reason of Variances between Writings produced in Evidence and the Recital or setting forth thereof upon the Record on which the Trial is had, in Matters not material to the Merits of the Case, and such Record cannot now in any Case be amended at the Trial, and in some Cases cannot be amended at any Time: 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 it shall and may be lawful for every Court of Record holding Plea in Civil Actions, any Judge sitting at *Nisi Prius*, and any Court of Oyer and Terminer and General Gaol Delivery in *England, Wales*, the Town of *Berwick-upon-Tweed*, and *Ireland*, if such Court or Judge shall see fit so to do, to cause the Record on which any Trial may be pending before any such Judge or Court in any Civil Action, or in any Indictment or Information for any Misdemeanor, when any Variance shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof upon the Record whereon the Trial is pending, to be forthwith amended in such Particular by some Officer of the Court, on Payment of such Costs (if any) to the other Party as such Judge or Court shall think reasonable; and thereupon the Trial shall proceed as if no such Variance had appeared; and in case such Trial shall be had at *Nisi Prius*, the Order for the Amendment shall be indorsed on the *Postea*, and returned together with the Record; and thereupon the Papers, Rolls, and other Records of the Court from which such Record issued, shall be amended accordingly.

In Cases where a Variance shall appear between written or printed Evidence and the Record, the Court may order the Record to be amended on Payment of Costs.

C A P. XVI.

An Act to repeal so much of several Acts as empowers the Commissioners for the Reduction of the National Debt to grant Life Annuities.

[9th May 1828.]

‘ **W**HEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*: And Whereas another Act was passed in the Forty-ninth Year of the Reign of His late Majesty, intituled *An Act to amend an Act passed in the last Session of Parliament, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*: And Whereas another Act was passed in the Fifty-second Year of the Reign of His late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*: And Whereas another Act was passed in the Fifty-sixth Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual Three several Acts, passed in the Forty-eighth, Forty-ninth, and Fifty-second Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*: And Whereas another Act was passed in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual Four several Acts, passed in the Forty-eighth, Forty-ninth, Fifty-second, and Fifty-sixth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*: And Whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act for transferring the several Annuities of Five Pounds per Centum per Annum into Annuities of Four Pounds per Centum per Annum*: And Whereas another Act was passed in the said Third Year of the Reign of His present Majesty, intituled *An Act to regulate the Performance of certain Contracts, and to authorize the Courts of Chancery and Exchequer to make Orders in Cases which may arise out of the Conversion of certain Annuities of Five Pounds per Centum per Annum into Annuities of Four Pounds per Centum per Annum; and for paying off such Proprietors of Five Pounds per Centum Annuities as shall dissent from receiving Four Pounds per Centum Annuities in lieu thereof*: And Whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for transferring several Annuities of Four Pounds per Centum per Annum into Annuities of Three Pounds Ten Shillings per Centum per Annum*: And Whereas another Act was passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for funding Eight Millions of Exchequer Bills*: And Whereas it is expedient that the Powers and Provisions of the said recited Acts should be repealed, so far as the same relate to the granting of any Life Annuities, or authorizing the said Commissioners to accept the Transfer of any Stocks for any Life Annuities under the same: May it therefore please Your Majesty

48 G.3. c.142.

49 G.3. c.64.

52 G.3. c.129.

56 G.3. c.53.

57 G.3. c.26.

3 G.4. c.9.

3 G.4. c.61.

5 G.4. c.11.

7 G.4. c.39.

Powers given to Commissioners for Reduction of the National Debt, for granting Life Annuities, repealed.

Not to affect Annuities already granted, or any Penalties imposed in relation thereto.

Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all such of the Powers and Authorities as are by the said recited Acts, or any or either of them, given to the Commissioners for the Reduction of the National Debt, for or in relation to the granting of any Life Annuities, or the accepting the Transfers of any Stock for any Life Annuities, shall be and the same are hereby repealed.

II. Provided always, and be it further enacted, That from and after the passing of this Act, so much of the said recited Acts as shall relate to the completing or carrying into execution any Contract heretofore made in relation to any deferred Life Annuity, or in relation to the Accumulation of any Stock for a future Annuity, or to the completing of any Contract upon any Certificates and Affidavits deposited with the said Commissioners before the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, or to the reclaiming and Payment of any unclaimed Annuity which may have been carried back to the Sinking Fund, or to the Payment of the Fourth Part of any expired Life Annuity, or to the demanding and receiving, paying, accounting for, and managing the Life Annuities which may have been granted, or may be granted, under the Provisions of the said recited Acts or this Act, or any or either of them, and all the Provisions, Powers, Authorities, Restrictions, and Regulations relating to the demanding and recovering of any such unclaimed Life Annuities, or of any Fourth Parts of any such expired Life Annuities, or of any Life Annuities granted under the Provisions of the said recited Acts or this Act, by any Person or Persons entitled thereto, or to the paying and accounting for, regulating, managing, and accounting for the same, by the said Commissioners, and all Penalties, Forfeitures, and Punishments imposed and enacted in relation thereto respectively, shall remain and continue in force; any Thing in the said recited Acts or this Act to the contrary notwithstanding.

C A P. XVII.

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.

[9th *May* 1828.]

‘ **W**HEREAS an Act was passed in the Thirteenth Year of the Reign of King *Charles* the Second, intituled *An Act for the well governing and regulating of Corporations*: And
 ‘ Whereas another Act was passed in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled *An Act for preventing Dangers which may happen from Popish Recusants*:
 ‘ And Whereas another Act was passed in the Sixteenth Year of the Reign of King *George* the Second, intituled *An Act to indemnify Persons who have omitted to qualify themselves for Offices and Employments within the Time limited by Law, and for allowing further Time for that Purpose*; and also for amend-
 ‘ ing

13 C. 2. st. 2.
c. 1.

25 C. 2. c. 2.

16 G. 2. c. 30.

‘ing so much of an Act made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled ‘An Act for preventing Dangers which may happen from Popish Recusants,’ as relates to the Time for receiving the Sacrament of the Lord’s Supper now limited by the said Act: And Whereas it is expedient that so much of the said several Acts of Parliament as imposes the Necessity of taking the Sacrament of the Lord’s Supper according to the Rites or Usage of the Church of England, for the Purposes therein respectively mentioned, should be repealed; 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 and such Parts of the said several Acts passed in the Thirteenth and Twenty-fifth Years of the Reign of King Charles the Second, and of the said Act passed in the Sixteenth Year of the Reign of King George the Second, as require the Person or Persons in the said Acts respectively described to take or receive the Sacrament of the Lord’s Supper according to the Rites or Usage of the Church of England, for the several Purposes therein expressed, or to deliver a Certificate or make Proof of the Truth of such his or their receiving the said Sacrament in manner aforesaid, or as impose upon any such Person or Persons any Penalty, Forfeiture, Incapacity, or Disability whatsoever for or by reason of any Neglect or Omission to take or receive the said Sacrament, within the respective Periods and in the Manner in the said Acts respectively provided in that Behalf, shall, from and immediately after the passing of this Act, be and the same are hereby repealed.

So much of recited Acts as require the Persons therein described to receive the Sacrament, for certain Purposes, repealed.

II. ‘And Whereas the Protestant Episcopal Church of England and Ireland, and the Doctrine, Discipline, and Government thereof, and the Protestant Presbyterian Church of Scotland, and the Doctrine, Discipline, and Government thereof, are by the Laws of this Realm severally established, permanently and inviolably: And Whereas it is just and fitting, that on the Repeal of such Parts of the said Acts as impose the Necessity of taking the Sacrament of the Lord’s Supper according to the Rites or Usage of the Church of England, as a Qualification for Office, a Declaration to the following Effect should be substituted in lieu thereof;’ Be it therefore enacted, That every Person who shall hereafter 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, shall, within One Calendar Month next before or upon his Admission into any of the aforesaid Offices or Trusts, make and subscribe the Declaration following:

Declaration to be made in lieu of the Sacramental Test.

‘ I A. B. do solemnly and sincerely, in the Presence of God, profess, testify, and declare, upon the true Faith of a Christian, That I will never exercise any Power, Authority, or Influence which I may possess by virtue of the Office of

Form of Declaration.

to injure or weaken the Protestant Church as

‘ it is by Law established in *England*, or to disturb the said Church, or the Bishops and Clergy of the said Church, in the Possession of any Rights or Privileges to which such Church, or the said Bishops and Clergy, are or may be by Law entitled.’

Declaration to be subscribed before Magistrates, &c.

III. And be it enacted, That the said Declaration shall be made and subscribed as aforesaid, in the Presence of such Person or Persons respectively, who, by the Charters or Usages of the said respective Cities, Corporations, Boroughs, and Cinque Ports, ought to administer the Oath for due Execution of the said Offices or Places respectively, and in default of such, in the Presence of Two Justices of the Peace of the said Cities, Corporations, Boroughs, and Cinque Ports, if such there be, or otherwise in the Presence of Two Justices of the Peace of the respective Counties, Ridings, Divisions, or Franchises wherein the said Cities, Corporations, Boroughs, and Cinque Ports are; which said Declaration shall either be entered in a Book, Roll, or other Record, to be kept for that Purpose, or shall be filed amongst the Records of the City, Corporation, Borough, or Cinque Port.

In case of Neglect to make the Declaration, Election to be void.

IV. And be it enacted, That if any Person placed, elected, or chosen into any of the aforesaid Offices or Places, shall omit or neglect to make and subscribe the said Declaration in manner above mentioned, such Placing, Election, or Choice shall be void; and that it shall not be lawful for such Person to do any Act in the Execution of the Office or Place into which he shall be so chosen, elected, or placed.

Persons admitted into any Office which heretofore required the taking of the Sacrament, shall make the Declaration within Six Months, or the Appointment be void.

V. And be it further enacted, That every Person who shall hereafter be admitted into any Office or Employment, or who shall accept from His Majesty, His Heirs and Successors, any Patent, Grant, or Commission, and who by his Admittance into such Office or Employment or Place of Trust, or by his Acceptance of such Patent, Grant, or Commission, or by the Receipt of any Pay, Salary, Fee, or Wages by reason thereof, would, by the Laws in force immediately before the passing of this Act, have been required to take the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, shall, within Six Calendar Months after his Admission to such Office, Employment, or Place of Trust, or his Acceptance of such Patent, Grant, or Commission, make and subscribe the aforesaid Declaration, or in Default thereof his Appointment to such Office, Employment, or Place of Trust, and such Patent, Grant, or Commission, shall be wholly void.

Declaration to be made in the Court of Chancery or King's Bench, or at the Quarter Sessions.

VI. And be it further enacted, That the aforesaid Declaration shall be made and subscribed in His Majesty's High Court of Chancery, or in the Court of King's Bench, or at the Quarter Sessions of the County or Place where the Person so required to make the same shall reside; and the Court in which such Declaration shall be so made and subscribed shall cause the same to be preserved among the Records of the said Court.

Proviso as to Naval and Military Officers under certain Rank, and to Officers of the Revenue.

VII. Provided always, That no Naval Officer below the Rank of Rear Admiral, and no Military Officer below the Rank of Major General in the Army or Colonel in the Militia, shall be required to make or subscribe the said Declaration, in respect of his Naval or Military Commission; and that no Commissioner of Customs, Excise, Stamps, or Taxes, or any Person holding any of the Offices concerned

concerned in the Collection, Management, or Receipt of the Revenues which are subject to the said Commissioners, or any of the Officers concerned in the Collection, Management, or Receipt of the Revenues subject to the Authority of the Postmaster General, shall be required to make or subscribe the said Declaration, in respect of their said Offices or Appointments: Provided also, that nothing herein contained shall extend to require any Naval or Military Officer, or other Person as aforesaid, upon whom any Office, Place, Commission, Appointment, or Promotion shall be conferred during his Absence from *England*, or within Three Months previous to his Departure from thence, to make and subscribe the said Declaration until after his Return to *England*, or within Six Months thereafter.

VIII. And be it further enacted, That all Persons now in the actual Possession of any Office, Command, Place, Trust, Service, or Employment, or in the Receipt of any Pay, Salary, Fee, or Wages, in respect of or as a Qualification for which, by virtue of or under any of the before-mentioned Acts or any other Act or Acts, they respectively ought to have heretofore taken or ought hereafter to receive the said Sacrament of the Lord's Supper, shall be and are hereby confirmed in the Possession and Enjoyment of their said several Offices, Commands, Places, Trusts, Services, Employments, Pay, Salaries, Fees, and Wages respectively, notwithstanding their Omission or Neglect to take or receive the Sacrament of the Lord's Supper in manner aforesaid, and shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Forfeitures, and Penalties whatsoever, already incurred or which might hereafter be incurred in consequence of any such Omission or Neglect; and that no Election of or Act done or to be done by any such Person or under his Authority, and not yet avoided, shall be hereafter questioned or avoided by reason of any such Omission or Neglect, but that every such Election and Act shall be as good, valid, and effectual as if such Person had duly received the said Sacrament of the Lord's Supper in manner aforesaid.

Persons now in Possession of any Office which heretofore required the taking of the Sacrament, confirmed in such Possession, and indemnified from Penalties.

IX. Provided nevertheless, That no Act done in the Execution of any of the Corporate or other Offices, Places, Trusts, or Commissions aforesaid, by any such Person omitting or neglecting as aforesaid, shall by reason thereof be void or voidable as to the Rights of any other Person not privy to such Omission or Neglect, or render such last-mentioned Person liable to any Action or Indictment.

Omissions of Persons to make the Declaration not to affect others not privy thereto.

C A P. XVIII.

An Act to repeal the Stamp Duties on Cards and Dice made in the United Kingdom, and to grant other Duties in lieu thereof; and to amend and consolidate the Acts relating to such Cards and Dice, and the Exportation thereof.

[9th May 1828.]

WHEREAS it is expedient that the Duties of Stamps payable upon playing Cards and Dice made fit for Sale or Use in *Great Britain*, and made, manufactured, or vended in *Ireland*, and the several Regulations in force relating to the said Duties

The Duties on Cards and Dice under 44 G. 3. c. 98. in Great Britain, and 56 G. 3. c. 56. in Ireland, repealed.

All the Regulations in the said recited Acts relating to Cards and Dice repealed, as also those in the Acts herein specified; viz.

9 Anne, c. 23.
s. 40—43.

10 Anne, c. 19.
s. 162, 163.
166—170.

6 G. 1. c. 21.
s. 55. 57. 59,
60.

29 G. 2. c. 13.

5 G. 3. c. 46.
s. 9—17. 41.

16 G. 3. c. 34.
s. 17.

41 G. 3. c. 86.
s. 4.

‘ Duties, and to the Exportation of Cards and Dice, should be repealed, and that other Duties should be granted, and other Regulations made in lieu 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 from and after the Commencement of this Act the Duties on Cards and Dice granted and made payable in Great Britain by an Act made in the Forty-fourth Year of the Reign of His late Majesty 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*; and also the Duties on Cards and Dice granted and made payable in Ireland by an Act made in the Fifty-sixth Year of His said late Majesty’s Reign, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*; and all Licences which at any Time before the Commencement of this Act shall or may have been granted to any Makers of Cards or Dice, under the Authority of the said Acts, or of any of the Acts hereinafter mentioned, shall cease and determine, and shall be and the same are hereby repealed; and that from and after the Commencement of this Act so much and such Parts of the said recited Acts of the Forty-fourth and Fifty-sixth Years of His said late Majesty’s Reign, as relates or relate to the Duties on playing Cards and Dice, and also so much and such Parts of the several Acts hereinafter mentioned, or any of them, and all such Clauses and Provisions contained in the said Acts, or any of them, as any way relates or relate to the said Duties, and to the Collection and Regulation thereof, and to the Exportation of Cards and Dice, shall also be repealed; that is to say, in an Act made in the Ninth Year of the Reign of Queen Anne, for the Purpose, among other Things, of charging certain new Duties on stamp Vellum, Parchment, and Paper, and on Cards and Dice; and also in an Act made in the Tenth Year of the Reign of the said Queen Anne, for the Purpose, among other Things, of charging certain Stocks of Cards and Dice, and for better securing Her Majesty’s Duties to arise in the Office for the Stamp Duties; and also in an Act made in the Sixth Year of the Reign of King George the First, intituled *An Act for preventing Frauds and Abuses in the Publick Revenues of Excise, Customs, Stamp Duties, Post Office, and House Money*; and also in an Act made in the Twenty-ninth Year of the Reign of King George the Second, intituled *An Act for granting to His Majesty an additional Duty on Cards and Dice*; and also in an Act made in the Fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for altering the Stamp Duties on Admissions into Corporations or Companies, and for further securing and improving the Stamp Duties in Great Britain*; and also in an Act made in the Sixteenth Year of His said late Majesty’s Reign, among other Purposes, for granting to His Majesty several Duties on Cards, Dice, and Newspapers; and also in an Act made in the Forty-first Year of His said late Majesty’s

Reign,

Reign, intituled *An Act for granting to His Majesty additional Stamp Duties on Cards and Dice, on Probates of Wills, on certain Indentures, Leases, Bonds, or other Deeds, and on Ale Licences*; and also in an Act made in the Fifty-fifth Year of His said late Majesty's Reign, intituled *An Act to regulate the Collection of Stamp Duties on Matters in respect of which Licences may be granted by the Commissioners of Stamps in Ireland*; and so much and such Parts as aforesaid of and in all the said recited Acts or any of them, and all Duties on Cards and Dice, and all Clauses, Provisions, and Regulations contained in the said Acts or any of them, or in any other Act or Acts in force immediately before the Commencement of this Act, relating to such Duties, or to any Licences to any Makers of Cards or Dice, or to the Exportation of Cards and Dice, are hereby repealed accordingly; save and except so far as the said Acts or any of them, or any Thing therein contained, may repeal the Whole or any Part of any other Act or Acts; and also save and except such Duties on Cards and Dice, or any Part or Arrear thereof; as may be or become or remain payable, and every or any Penalty which may have been or may be incurred under any of the said Acts at any Time before the Commencement of this Act, all which said Duties and Penalties shall be recoverable, and shall and may be sued for in the same Manner as if this Act had not been made; and also save and except so far as relates to the several Bonds which shall have been given in pursuance of any of the said Acts, all which Bonds shall continue and be in full Force and Effect until the Conditions of such Bonds shall have been duly performed and fulfilled.

55 G.S. c.101.
Save and except as they repeal former Acts, or as to Arrears of Duty.

II. And be it further enacted, That from and after the Commencement of this Act there shall be granted, raised, levied, collected, and paid, in the United Kingdom of *Great Britain and Ireland*, unto His Majesty, His Heirs and Successors, the several Duties following; that is to say,

Grant of Duties.

For and upon every Licence to be taken out annually by every Maker of playing Cards or Dice in the United Kingdom, the Sum of Five Shillings:

And for and in respect of every Pack of playing Cards which shall be made fit for Sale or Use in the United Kingdom, the Sum of One Shilling:

And for and in respect of every Pair of Dice which shall be made fit for Sale or Use in the United Kingdom, the Sum of Twenty Shillings.

III. And be it further enacted, That the said Duties shall be under the Care and Management of the Commissioners of Stamps for the United Kingdom for the Time being; and it shall be lawful for the said Commissioners, and they are hereby required and empowered, to provide proper Stamps, Dies, Marks, or Plates, with such Devices as they shall think proper, as well for denoting or expressing the several Duties hereby granted, as for marking and distinguishing Cards made for Use in the *Isle of Man*, or for Exportation respectively; and from time to time to alter, renew, or add to such Stamps, Dies, Marks, or Plates, as they shall think proper; and also to appoint or employ such Officers and Persons under them, and to do all such other Acts and Things as shall be deemed

Duties to be under the Management of the Commissioners of Stamps, who are to provide Stamps, &c. and appoint Officers, &c.

deemed necessary or expedient for putting this Act into execution, and for fully and effectually collecting the Duties hereby granted, in the like and in as full and ample Manner as they or any former Commissioners are or have been authorized to do for the raising and collecting of any former Stamp Duties, or for putting into execution any Act relating thereto.

Duty to be denoted on the Ace of Spades.

IV. And be it further enacted, That the Duty by this Act imposed on playing Cards shall be denoted or marked on the Ace of Spades of each Pack of Cards.

Cards and Dice Makers to take out a Licence, which must be renewed annually.

V. And be it further enacted, That from and after the Commencement of this Act every Person who shall intend to make, or who shall engage or be concerned in the Trade or Employment of making, any playing Cards or Dice, whether for Use in the United Kingdom, or for Exportation, or otherwise, shall, before making or beginning to make, or being concerned or engaged in the Trade or Employment of making, any playing Cards or Dice, apply in Writing to the Commissioners of Stamps for a Licence to make such Cards or Dice, specifying in such Application, to the Satisfaction of the said Commissioners, every House, Building, Room, or Place where such Cards or Dice are intended to be made; and it shall thereupon be lawful for the said Commissioners, or any Two of them, under their Hands and Seals, and they are hereby required, to grant a Licence to such Person so applying for the making of playing Cards or of Dice in such Premises only as shall be described in such Licence; and every such Licence shall be dated on the Day on which the same shall be granted, and shall have Effect and continue in Force from the Day of the Date thereof until the Fifth Day of *July* following, and no longer, and shall be renewed in like Manner from Year to Year, so long as such Person shall continue to make, or shall be engaged or concerned in the Trade or Employment of making, any such Cards or Dice; and if any Person shall make or begin to make, or shall engage or be concerned in the Trade or Employment of making any such Cards or Dice, without such Licence first had and obtained and then in Force, or in any other Place than such as shall be particularly described in such Licence, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds, together with all playing Cards and Dice made or begun to be made by such Person, or on his Account, or for his Benefit; and all Materials, Implements, Tools, and Utensils for making such Cards or Dice, which shall be found in the Possession of or subject to the Control or Disposition of any such Offender, shall be forfeited, and shall and may be taken, seized, and carried away by any Officer of Stamps, or other Person authorized for that Purpose by the said Commissioners of Stamps, and shall and may be lodged and deposited by the Person so seizing the same in any Place appointed for that Purpose by the said Commissioners, or by any Person authorized by them in that behalf, and shall be sold or destroyed by the Direction and at the Discretion of the said Commissioners.

Penalty on making Cards or Dice without Licence, 100l., and Forfeiture of Materials.

Persons requiring Licences to give Bond for the due Performance of all

VI. And be it further enacted, That before any Person shall receive any such Licence, such Person shall, with One or more sufficient Surety or Sureties, to be approved of by the Commissioners of Stamps, or by such Officer as may be by them appointed

in

in that Behalf, execute a joint and several Bond to His Majesty, His Heirs and Successors, in the penal Sum of Five hundred Pounds, conditioned for the due Performance by the Person so to be licensed of all Things required by any Act then in Force, or at any future Time to be in Force, relating to Duties of Stamps on playing Cards or Dice, to be by such Person done, observed, performed, or fulfilled, and also conditioned that the Person so to be licensed, or the Heirs, Executors, or Administrators of such Person, shall answer and pay to His Majesty, His Heirs, and Successors, all such Duties as such Person shall be liable to on account of making any playing Cards or Dice during the Time such Person shall carry on or be concerned in the Trade or Employment of a Maker of playing Cards or Dice, and shall also pay and satisfy every such Fine or Penalty as shall be incurred by or adjudged to be paid by such Person under any Conviction or Judgment, for any Thing to be done or omitted by such Person contrary to any Act relating to the Duties on playing Cards or Dice in Force at the Time of or at any Time subsequent to the Date of such Bond, and also conditioned, in the Case of a Maker of Cards, to answer and pay to His Majesty the Sum of One Shilling for every Ace of Spades delivered to such Maker of Cards, which shall not be produced or duly accounted for upon any Inspection of his Stock by any Officer of Stamps: Provided always, that it shall be lawful for the said Commissioners of Stamps, and they are hereby authorized, whenever and so often as they shall see reasonable Cause so to do, to require any new Bond to be given and entered into by any Maker of playing Cards or Dice, according to a Notice in Writing, to be signed by One of the Officers of the said Commissioners, to be delivered to such Maker, or left at some House or Place mentioned in the Licence last granted to such Maker; and if any such Maker shall not, within Seven Days after the Delivery of such Notice, enter into such Bond, with a Surety or Sureties, in the Manner and Form directed by this Act, the Licence granted to any such Maker shall be and is hereby declared to be revoked and utterly void.

VII. And be it further enacted, That no Licence shall be granted to any Person making playing Cards or Dice, nor shall any Person set up or exercise the Trade or Employment of making playing Cards or Dice, nor make or cause to be made any playing Cards or Dice, in any Part of *Great Britain* except in the Cities of *London* and *Westminster*, or in the Borough of *Southwark*, nor in any Part of *Ireland*, other than in the Cities of *Dublin* and *Cork*, or in the respective Liberties of the said Cities of *Dublin* and *Cork*; and that from and after the Expiration of Three Years after the Commencement of this Act, no Person shall set up or exercise such Trade or Employment of making, or shall make or cause to be made any playing Cards or Dice in any Part of *Ireland* other than in the City of *Dublin* or the Liberties thereof; and that every Person who shall set up or exercise the Trade or Employment of making, or shall make or cause to be made, any playing Cards or Dice in any other City, Town, or Place in the United Kingdom of *Great Britain* and *Ireland* than as aforesaid respectively, shall for every such Offence forfeit the Sum of One hundred Pounds, and for every Day during which such Trade

Things required therein.

New Bonds may be required by Commissioners.

No Cards or Dice to be made in any Places in *Great Britain*, but *London*, *Westminster*, *Southwark*, nor in *Ireland*, but in *Dublin* and *Cork*; and after three Years in *Dublin* only.

Trade or Employment shall be continued or carried on after the first Day thereof a further Sum of Twenty Pounds.

Card Makers to send sufficient Paper to the Stamp Office to have Aces of Spades marked thereon, one of which to be put in each Pack.

Distinguishing Marks to denote Cards for Home Use or for Exportation.

Card Makers to send Patterns of Wrappers to the Commissioners for their Approval.

Wrappers to have distinguishing Marks upon them.

Penalty for using Wrappers not approved, 20l.

Card Makers to enclose Cards in Wrappers when completed, and Officer of Stamps to label the same.

VIII. And be it further enacted, That every Maker of playing Cards in the United Kingdom shall send to the Commissioners of Stamps, or to their proper Officer, a sufficient Quantity of Paper, in order to have so many Aces of Spades marked or impressed thereon as such Maker shall desire; and no Pack of playing Cards made fit for Sale or Use in any Part of the United Kingdom, or in the *Isle of Man*, or made for Exportation, shall be sold, or used in play, or shall be exported, without One of such Aces of Spades marked or impressed as is by this Act directed: Provided always, that there shall be one distinguishing Mark in the Ace of Spades intended for Cards made fit for Sale or Use in the United Kingdom, one other distinguishing Mark in the Ace of Spades intended for Cards made for Use in the *Isle of Man*, and one other distinguishing Mark in the Ace of Spades intended for Cards made for Exportation.

IX. And be it further enacted, That every Maker of playing Cards shall from time to time send to the said Commissioners of Stamps, or their Officer, Duplicate Forms or Patterns of the Wrappers (commonly called *Jews*) which such Maker may be desirous to use for enclosing the Packs of playing Cards intended to be made by him, with his Name and such other particular Word or Thing printed thereon as the said Commissioners shall direct and approve, which Approval shall be testified by the Signatures of Two or more of the said Commissioners indorsed on such Duplicate Forms of Wrappers, one of which, when so endorsed, shall from time to time be and remain with the said Commissioners or their Officer, and the other, when so endorsed, shall remain with the Maker whose Wrapper it may be: Provided always, that there shall be such separate distinguishing Mark or Device upon each of the respective Wrappers made to enclose Cards intended for Use in the United Kingdom or in the *Isle of Man*, or intended for Exportation, as the said Commissioners shall think proper to direct and appoint; and if any Maker of Cards shall use or cause or permit to be used, in any Manner whatever, any Wrapper or Jew, with any Device, Mark, Letter, or Figure thereon, for enclosing Cards, without the Approbation of the said Commissioners first had and obtained as aforesaid, such Maker shall forfeit for every such Wrapper or Jew so used, or permitted to be used, the Sum of Twenty Pounds.

X. And be it further enacted, That every licensed Maker of playing Cards shall, on the Completion of each and every Pack of Cards made by him fit for Sale or Use in the United Kingdom, enclose the same in a Wrapper or Jew, the Device of which shall have been approved of by the said Commissioners of Stamps in the Manner directed by this Act, and shall fasten or tie such Wrapper with Thread, and give Notice thereof to the said Commissioners; and the said Commissioners shall thereupon direct their Officer to attend at the House or Place where such Cards shall have been made; and such Officer shall affix to each Pack of Cards, enclosed and fastened as aforesaid, a Label, in such Manner, and with such Mark or Device thereon, as the said Commissioners shall direct.

XI. And

XI. And be it further enacted, That no playing Cards made or begun to be made, or in any Stage of making, shall be removed from the House or Place where the same shall have been so made or begun to be made or wrought, without the Consent in Writing of the Commissioners of Stamps, or any Two of them, first had and obtained, until such Cards shall have been completed in Packs, and fastened or tied in Wrappers, and the Labels affixed, and the Duties paid or secured in the Manner directed by this Act; and if the Maker of any such Cards, or any other Person, shall remove or attempt to remove, or shall cause or permit to be removed, or shall assist in the removing, without such Consent as aforesaid, any such Cards so made or begun to be made, or in any Stage of making, not being completed in Packs, and fastened or tied, and duly labelled, and the Duties paid or secured, all such Cards shall be forfeited, and may be seized, and such Maker or other Person so offending shall forfeit Treble the Value thereof; and any Materials whatsoever begun or intended to be wrought for or towards the making of playing Cards shall not be removed from the Place wherein such Materials shall have been begun to be wrought, without such Consent as aforesaid, until the same shall have been completely made or wrought up into perfect playing Cards, nor until the Duties payable by Law for the Cards intended to be made, or which could be made therewith, shall be paid or secured, upon pain that all such Materials shall be forfeited and may be seized; and any Person who shall remove or attempt to remove, or shall cause or permit to be removed, or shall assist in the removing, any such Materials, without such Consent as aforesaid, contrary to the true Intent and Meaning of this Act, shall forfeit Double the Value thereof; and the Amount of such Treble and Double Values respectively shall be a Debt to His Majesty, His Heirs and Successors, and shall be recoverable accordingly, with full Costs of Suit.

XII. And be it further enacted, That every Maker of Dice shall, on the Completion of each and every Pair of Dice made by him fit for Sale, or for Use or Play, in the United Kingdom, bring the same to the Head Office of Stamps in *London* or *Dublin* respectively, for the Purpose of being stamped or marked with the Stamp or Mark provided to denote the Duties payable on Dice; and it shall be lawful for the said Commissioners of Stamps, and they are hereby required, to cause each and every such Pair of Dice to be wrapped and enclosed, after the same shall have been duly stamped or marked, in a Paper Wrapper, marked with any Device or Mark provided for that Purpose, and fastened with a Thread or Seal, as the said Commissioners shall direct; and that before or at the Time of the Delivery of any Dice so stamped or marked and wrapped and fastened as aforesaid, by any Officer of Stamps, to the Maker thereof, or to any Person on his Behalf, such Officer of Stamps shall sign his Name on the Outside of such Wrapper enclosing such Dice; and it shall also be lawful for the said Commissioners, in every Case where the same shall be required by the Maker of any such Dice, to provide any additional Stamp or Mark, containing the Name of such Maker, or any other Mark to distinguish the Maker of such Dice, as such Commissioners may think fit.

Cards not to be removed, without Consent, till Duties are paid or secured, upon pain of forfeiting Treble Value.

Materials not to be removed, on pain of forfeiting Double Value, with Costs.

Dice to be brought to the Stamp Office and stamped.

Commissioners to enclose Dice in Wrappers, and mark them.

Names of Makers may be marked if required.

Makers of Cards and Dice to deliver Accounts monthly.

XIII. And be it further enacted, That every Maker of playing Cards or Dice shall, on the first Day, which shall not be a *Sunday* or *Holiday*, of the Calendar Month next following the Date of his Licence, make and deliver to the said Commissioners of Stamps, or their proper Officer in that Behalf, a true and particular Account in Writing of each and every Pack of playing Cards, and of each and every Pair of Dice, made by him, or for his Use or on his Account, since the Date of his Licence ; and shall also, on the first Day, which shall not be a *Sunday* or *Holiday*, of every succeeding Calendar Month, make a similar Account of every Pack of playing Cards and Pair of Dice made by him, or for his Use or Account, during the Calendar Month next preceding ; and every such Account by any such Maker in *London, Westminster, or Southwark*, shall be delivered at the Stamp Office in *London* ; and every such Account by any such Maker in *Dublin* shall be delivered and made at the Stamp Office in *Dublin*, to and with such Officer as shall be appointed in that Behalf by the said Commissioners ; and every such Account by any such Maker in *Cork* shall be delivered to and with the Distributor of Stamps of the District ; and every such Maker shall, at the Time of making and delivering such Account, verify the same by Affidavit or Affirmation in the following Form :

Accounts to be verified on Oath.

' [A.B. do swear, [*or if a Quaker, do solemnly affirm,*] That the
' Number of [Packs of playing Cards or Pair of Dice, *as the*
' Case may be,] in this Account mentioned, is the full Amount of
' the Quantity of [printed, spotted, and playing Cards or Dice, *as*
' the Case may be,] made by me, or for my Use or upon my Ac-
' count, from the Day of to the
' Day of except
' Packs of Cards made by me for Exportation, and
' Packs made by me for Use in the *Isle of Man*.'

Duties to be paid within Ten Days after the Delivery of Account.

Which Oath or Affirmation the said Commissioners, or any One or more of them, or any Officer deputed by them for that Purpose, is hereby authorized and required to administer ; and every such Maker of Cards or Dice shall, within Ten Days after the Delivery of such Account, pay to the Officer appointed by the said Commissioners to receive the same the whole of the Duties which shall appear by such Account to be due and owing to His Majesty ; and if any such Maker of Cards or Dice shall neglect or omit or refuse to make and deliver such Account, or to verify the same as aforesaid, or to pay the Duties due and owing from him, at the Times and in the Manner appointed by this Act, every such Maker of Cards or Dice respectively shall forfeit and pay for every such Default the Sum of Twenty Pounds, together with Double the Amount of Duties then due and owing from such Maker.

Penalty for Neglect.

Separate Accounts to be kept with Card Makers, and settled every Month.

XIV. And be it further enacted, That separate and distinct Accounts shall be kept by the proper Officer of Stamps with every Maker of playing Cards of the Cards made by him for Sale or Use in the United Kingdom, of those made for Exportation, and of those made for Use in the *Isle of Man* ; and the Charges in the said several Accounts shall be made out against such Maker from the Number of the several Aces of Spades which shall have been

been delivered to him; and every such Maker shall on the first Day of every Calendar Month, which shall not be a *Sunday* or *Holiday*, attend at the Office of such Officer, and shall adjust, settle, and sign such Accounts; and in case any Difference shall arise in settling such Accounts, then such Maker shall, within One Week next after, apply to the said Commissioners or their proper Officer of Stamps to settle such Account, and the Determination of such Commissioners or their proper Officer shall be final; and if any such Maker shall neglect or refuse to apply to the said Commissioners or their proper Officer as aforesaid, then such Accounts, whether signed by such Maker or not, shall be deemed conclusive, and admitted in Evidence against him.

Differences arising thereupon to be decided by the Commissioners.

XV. And be it further enacted, That any Officer to be appointed by the Commissioners of Stamps shall and may from time to time inspect the Stock of Cards belonging to any licensed Maker of playing Cards; and if upon any such Inspection there shall appear to be any Decrease or Deficiency of Aces of Spades, not duly accounted for, such Maker shall be charged with, and shall pay to the said Commissioners, or to their proper Officer, the Sum of One Shilling for every Ace of Spades deficient, whether the same shall have been delivered for Cards intended to be used in the United Kingdom, or to be used in the *Isle of Man*, or for Cards made for Exportation; and if any licensed Maker of playing Cards, or any Person in his Employ, shall refuse to allow the proper Officer of Stamps to inspect the Stock of such Maker, every such Maker shall be charged with, and shall pay to the said Commissioners, or to their proper Officer, the Sum of One Shilling for every Ace of Spades which shall appear by the Accounts kept by the proper Officer to have been delivered to such Maker, whether the same shall have been delivered for Cards intended to be used in the United Kingdom or the *Isle of Man*, or for Cards made for Exportation; and the Amount of such Deficiency, at the Rate aforesaid, in any of the Cases aforesaid, shall be and is hereby declared to be a Debt to His Majesty, His Heirs and Successors, and shall be recovered accordingly, with full Costs of Suit.

Officer may inspect Stock of Cards, and charge One Shilling for every Ace of Spades not accounted for.

XVI. And be it further enacted, That every Maker of playing Cards or Dice who shall endeavour to defraud His Majesty, His Heirs or Successors, or to evade any of the Duties by this Act imposed, by any Concealment or false Account, shall for every such Offence forfeit the Sum of Twenty Pounds, over and above all other Payments and Penalties required by this Act.

Penalty for Concealment or false Account.

XVII. And be it further enacted, That it shall be lawful for any Maker of playing Cards in the United Kingdom to produce to the Commissioners of Stamps, or to their Officer, any Number of Packs of Cards, enclosed in Wrappers and Labels, on which the full Duties granted by the several Acts repealed by this Act, or any of them, shall have been paid before the Commencement of this Act; and all such Cards shall be so produced on a Day to be fixed by such Commissioners, within Three Calendar Months next after the Commencement of this Act; and the said Commissioners are hereby required to send Notice in Writing, signed by One of their Officers, to every Maker of playing Cards in the United Kingdom, stating the Day, Time, and Place. when and

Allowance to be made for Cards remaining on hand at Commencement of this Act.

where such Cards are to be produced and inspected; and after such Cards shall have been examined by the Officer appointed for that Purpose, the said Commissioners shall direct to be made to every such Maker the following Allowances, under such Regulations and in such Manner as the said Commissioners shall direct; that is to say, the Sum of Two Shillings and Sixpence for every Pack of playing Cards made by such Maker fit for Sale or Use in *Great Britain*, containing a Duty Ace of Spades, with a Wrapper and Label, all duly stamped according to the Laws in force in *Great Britain* before the Commencement of this Act; and the Sum of Two Shillings for every Pack of Cards made by such Maker in *Ireland*, containing a Duty Ace of Spades, with a Wrapper and Label, all duly stamped according to the Laws in force in *Ireland* before the Commencement of this Act: Provided always, that every such Ace of Spades, Wrapper, and Label shall be delivered up to the said Commissioners or their Officer to be cancelled, and that no Allowance shall be made in respect of any Pack of Cards, the Thread, Wrapper, or Label whereof shall appear to have been broken.

Officers of Stamps may enter and search Houses, &c. where Cards or Dice are made.

XVIII. And be it further enacted, That it shall and may be lawful to and for any Officer thereto appointed by the said Commissioners, to enter into any House or Place where any playing Cards or Dice are or shall be made or sold, or exposed to Sale or uttered, or shall be suspected to be made or sold, or to be exposed to Sale or uttered, and there to search and see whether any and what Quantity of such Cards or Dice shall be therein, either made or in the Progress of being made, or sold or exposed to Sale, or uttered, and whether any Cards or Dice which may be there found, made or in the Progress of being made, or sold or exposed to Sale, or uttered, be duly stamped, and to take an Account thereof; and if any Person shall refuse Entrance or Liberty of Search for the Purpose aforesaid to such Officer, or shall molest him in such Search, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Penalty on Refusal, 20l.

Officers of Stamps, in the Presence of a Constable, and authorized by a Warrant, may break open Doors or Places where Cards or Dice Making is suspected to be illegally carried on.

XIX. And be it further enacted, That whenever there shall be Cause to suspect that any Person shall make or cause to be made any playing Cards or Dice in any House or Place whatsoever in any Part of the United Kingdom, without Licence duly obtained as by this Act required, upon Affidavit being made of such Suspicion by any Person before any Justice of the Peace for the County or Place where such Cards or Dice shall be or shall be suspected to be making or made, it shall and may be lawful for any Officer employed by and acting under the Commissioners of Stamps, in the Day-time, and in the Presence of a Constable or other lawful Officer of the Peace (who is hereby required to be aiding and assisting therein), by Warrant from such Justice of the Peace before whom such Affidavit shall be made, to be directed to such Officer of Stamps as aforesaid, which Warrant the said Justice of the Peace is hereby authorized and required to grant, to break open the Door or any Part of such House or Place in which any such Cards or Dice shall so as aforesaid be suspected to be so made or making, and thereupon to enter into such House or Place, and to seize all Cards or Dice which shall be therein found made or begun to be made, and all the Tools, Materials,

and

and Utensils for making such Cards or Dice which shall be there found; and all such Cards, Dice, Tools, Materials, and Utensils shall be seized and carried away, and shall be detained and lodged in any Place appointed for that Purpose by the said Commissioners or their proper Officer, and shall be absolutely forfeited, and shall and may be sold or destroyed by the Direction and at the Discretion of the said Commissioners.

XX. And be it further enacted, That no Pack, Parcel, or Quantity of playing Cards, whether made for Sale or Use in the United Kingdom or in the *Isle of Man*, or for Exportation, shall contain more than Fifty-two playing Cards, and that every Pack shall consist of the Four usual Suits, and shall include one Ace of Spades duly stamped, and shall be tied up together in a Pack, in the Manner directed by this Act; and that no Pack or Parcel of playing Cards containing more than Fifty-two such Cards as aforesaid, or not including an Ace of Spades duly stamped, shall be sold or exposed to Sale, or uttered or parted with for Use in Play, in the United Kingdom or in the *Isle of Man*, or exported; and if any Person shall sell or expose to Sale, or shall export or offer to export, any Pack of Cards containing more than Fifty-two Cards, or not containing an Ace of Spades duly stamped, every such Person, being a licensed Maker of Cards, shall forfeit the Sum of Fifty Pounds; and every such Person, not being a licensed Maker of Cards, shall forfeit the Sum of Ten Pounds; and all such Cards shall be forfeited, and may be seized and carried away by any Officer of Stamps, and shall and may be sold or destroyed by the Direction and at the Discretion of the said Commissioners of Stamps.

XXI. And be it further enacted, That if any licensed Maker of playing Cards shall enclose or make up in any Pack of playing Cards, or shall sell or expose to Sale, or part with for Use in Play, or shall buy or have in his Possession or Control, any Ace of Spades duly stamped, which shall have been at any Time or in any Manner previously used or removed out of the Premises of such Maker, or any other licensed Maker, or used in making up or completing any other Pack or Parcel of Cards, whether with or without the Knowledge of such Maker; or if any licensed Maker of Cards or Dice shall fraudulently enclose any Pack of playing Cards or any Dice in any Wrapper fastened by a Label, and in which any other playing Cards or Dice shall have been previously wrapped up, enclosed, sealed, or fastened, or shall buy or have in his Possession any such Label so previously used as aforesaid, whether with or without his Knowledge; or shall sell, or expose or offer for Sale, any Cards or Dice not stamped, marked, wrapped, tied, and fastened as by this Act is directed; every such licensed Maker of Cards or Dice shall for every such Pack of Cards, Ace of Spades, Die, Label, or Wrapper, forfeit the Sum of Fifty Pounds, together with all such Cards, Dice, Wrappers, and Labels; and such Cards, Dice, Wrappers, and Labels shall and may be seized and carried away by any Officer of Stamps, and shall be sold or destroyed as the Commissioners may direct.

XXII. And be it further enacted, That if any Pack of playing Cards, or any Dice, not duly stamped as by Law required, or the

Packs of Cards to contain 52 playing Cards of the Four usual Suits, including an Ace of Spades duly stamped.

Penalty on Default.

Penalty on licensed Makers using an Ace of Spades, or Wrappers, or Labels, before used; or selling Cards or Dice not duly stamped.

Licensed Makers or Sellers having Duties

Cards or Dice in their Possession, not duly stamped, to forfeit the same, and pay a Penalty of 50*l*.

Duties upon which shall not have been paid, being payable, shall be found in the House, Shop, Room, or other Place of any licensed Maker of Cards or Dice, or of any other Persons who shall sell or expose to Sale Cards or Dice, any and every such Pack of Cards and Pair of Dice shall be forfeited, and may be seized and carried away by any Officer of Stamps, or by any other Person duly authorized for that Purpose under Hand and Seal by the said Commissioners of Stamps, or by Warrant from any Justice of the Peace, and any Justice of the Peace within his Jurisdiction is hereby authorized and required to grant such Warrant; and every such licensed Maker of Cards or Dice, or other Person, in whose House, Shop, Room, or other Place such Cards or Dice shall be found, shall forfeit the Sum of Five Pounds for each and every Pack of playing Cards, and for each and every Pair of Dice, not duly stamped as aforesaid, so found in the Possession or in or upon the Premises of such Person as aforesaid; and if any Person, not being a licensed Maker or Seller of Cards or Dice, shall have in his Possession or upon his Premises in any Part of the United Kingdom, or shall use or permit to be used therein, any Pack of Cards, or any Dice, not duly stamped for Sale or Use in the United Kingdom, as is directed by this Act, every such Person shall forfeit the Sum of Five Pounds for each and every Pack of playing Cards, and for each and every Pair of Dice, not duly stamped as aforesaid, so being in his Possession or upon his Premises, or used or permitted to be used therein.

Where an Ace of Spades is spoiled, the Maker to be allowed Credit for the same on making Oath of the Fact.

XXIII. And be it further enacted, That in case any Ace of Spades or any Number of Aces of Spades, which shall have been delivered to and charged on the Account of any licensed Maker of playing Cards, shall be damaged, defaced, or spoiled in making the same, so as to be rendered unfit for Use, then, on Oath made thereof by such Maker before any One of the said Commissioners of Stamps, or before their proper Officer, and which Oath such Commissioner or Officer is hereby empowered to administer, and upon the Delivery up to such Commissioner or Officer of every such Ace of Spades so damaged, defaced, or spoiled, such Maker shall be allowed Credit in his Accounts for every such Ace so damaged, defaced, or spoiled, and delivered up as aforesaid.

No Cards deemed waste unless a Corner be cut off.

XXIV. And be it further enacted, That no playing Cards shall be sold as waste Cards, unless a Corner of every such Card shall be cut off at least Half an Inch in Depth, nor unless the same shall be sold or exposed to Sale in Parcels, without being enclosed in any Wrapper or Paper or other Cover; and if any licensed Maker of Cards shall sell or expose to Sale as waste Cards any Cards enclosed in any Wrapper, Paper, or Cover, or which shall not be cut in manner aforesaid, such Maker of Cards shall be liable to the Penalties, and shall incur all the Forfeitures inflicted for selling or exposing to Sale unstamped playing Cards; and if any Person, not being a licensed Maker of Cards, shall sell or expose to Sale any waste Cards, or any Cards as waste Cards not being cut as aforesaid, such Person shall forfeit for every such Offence the Sum of Twenty Pounds.

XXV. Provided always, and be it enacted, That it shall and may be lawful for any Person, not being a licensed Maker of playing Cards, to sell or expose to Sale any Pack of playing Cards, notwithstanding that the same may have been previously sold, and opened, used, or played with, if every such Pack shall be sold without the Wrapper or Jew of any licensed Maker, and shall contain not more than Fifty-two Cards, including an Ace of Spades duly stamped for Use within the United Kingdom, and shall be enclosed in a Paper or Wrapper, with the Words "Second Hand Cards" printed or written in distinct and legible Characters on the Outside thereof; and if any Person, not being a licensed Maker of Cards, shall sell or expose to Sale in any Part of the United Kingdom any playing Cards which shall have been previously sold and opened, used or played with, not being in such Packs as aforesaid, or not including in such Pack an Ace of Spades duly stamped for Sale or Use in the United Kingdom, or any Pack not being enclosed in a Paper or Wrapper with the Words "Second Hand Cards" printed or written thereon in distinct and legible Characters on the Outside thereof, or if any such Pack shall be sold with a Wrapper or Jew of any licensed Maker, every Person so offending in any of the Cases aforesaid shall forfeit for every such Offence the Sum of Twenty Pounds.

XXVI. And be it further enacted, That all Pieces of Ivory, Bone, or other Matter, made or used for any Game or Play, with any Letters, Figures, Spots, or other Marks thereupon, to denote any Chance or Chances, shall be construed, deemed, and adjudged, and are hereby declared to be Dice; and if more than Six Chances shall be signified on any One of such Pieces of Ivory, Bone, or other Matter, then such One Piece shall be chargeable with the full Duty payable for a Pair of Dice; and if more than the Number of Chances usually signified in or by a Pair of Dice shall be signified on any One such Piece of Ivory, Bone, or other Matter, then such One Piece shall be and is hereby charged with a further Duty, in proportion to the Number of Chances exceeding those signified in or by One Pair of Dice.

XXVII. And be it further enacted, That if any Person shall file or square or new spot any Die, or shall cause or procure any Die to be filed, squared, or new spotted, after such Die has been stamped as by Law required, or if any Die shall be found in the Possession of any Person, filed, squared, or new spotted, after such Die shall have been so stamped as aforesaid, every Person having filed, squared, or new spotted any such Die, or having caused any such Die to be filed, squared, or new spotted, and every Person in whose Possession any such Die may be found, shall forfeit and pay for every such Die the Sum of Ten Pounds.

XXVIII. ' And Whereas it is expedient to permit the Exportation of playing Cards and Dice, without the same being stamped for Use in the United Kingdom, and without having paid the Duties imposed by this Act, and that Regulations should be made with respect to such Exportation; ' Be it therefore enacted, That playing Cards or Dice, not being stamped for Use in the United Kingdom, and not having paid the Duties imposed by this Act, may be exported under the Conditions and Regulations hereinafter mentioned and set forth; that is to say, before such

Persons not being licensed Cardmakers may sell Second Hand Cards if enclosed in a printed Wrapper denoting them as such.

Pieces of Ivory used in any Game, with any Mark to denote any Chance, shall be deemed Dice, and chargeable as such.

Penalty on Persons filing, squaring, or new spotting Dice, after being stamped, or on having such in their Possession.

Playing Cards or Dice, not being stamped for Home Use, may be exported under the Regulations herein mentioned.

playing Cards or Dice, not having been stamped for Use in the United Kingdom, and not having paid the Duties imposed by this Act, shall be removed from the licensed House or Place of any Maker thereof, for the Purpose of being exported from the United Kingdom to any Parts beyond the Seas, or to the *Isle of Man*, Three Days Notice in Writing shall be given to the proper Officer at the Head Office of Stamps in *London* or *Dublin* respectively, or at the Office of the Distributor of Stamps at *Cork* (so long as it shall be lawful to make Cards at *Cork*), by the licensed Maker thereof, of the Quantity intended to be exported, the Port or Place in the United Kingdom from whence the same are intended to be exported, the Name of the Ship or Vessel, and of the Master thereof, in which the same are intended to be exported, and the Port or Place and Country to which the same are intended to be carried and conveyed; and such Maker shall within such Space of Three Days enter into a Bond, with sufficient Surety, to be approved by the Commissioners of Stamps or their Officer, to His Majesty, His Heirs or Successors, in a penal Sum of Treble the Amount of all the Duties which would be payable on such Cards or Dice respectively if the same had been made or intended for Use or Sale in the United Kingdom, conditioned to export such Cards or Dice, in the Ship or Vessel to be named in such Bond, to some Port or Place beyond the Seas, to be mentioned in such Bond, within a Time to be limited in such Bond, and to land the same (the Dangers of the Seas excepted) in such Port or Place, and not to lade or put any such Cards or Dice on board any other Ship or Vessel, either in any Port or Place in the United Kingdom, or elsewhere, or at open Sea, and that such Cards or Dice, or any Part thereof, shall not be relanded in any Part of the United Kingdom, and also conditioned to produce to the said Commissioners, within the respective Times hereinafter mentioned, a Certificate that such Cards or Dice have been duly landed at such Port or Place; and after the Expiration of such Three Days mentioned in such Notice, a Certificate under the Hand of some Officer of Stamps shall be given, expressing the several Matters required in such Notice, and also certifying that such Bond has been given according to the Provisions of this Act for the Exportation of any such Cards or Dice, and shall be delivered to the proper Officer of the Customs at such Port or Place in the United Kingdom from which such Cards or Dice are intended to be exported, and such Certificate shall be given and received without Fee or Reward; and after such Notice shall have been given, and such Bond as hereinbefore mentioned shall have been duly made and executed, and such Certificate granted (but not otherwise), it shall and may be lawful for any licensed Maker to remove such playing Cards or Dice intended for Exportation, when completely finished for Use, from the House or Place where the same shall be made, without Payment of any Duties for the same; provided that every Pack of such playing Cards shall contain an Ace of Spades duly marked or stamped with the proper Mark or Stamp appointed to be used for Cards to be exported; and provided also, that such Cards or Dice shall, before being so removed, be respectively enclosed in Packs or Pairs in such Wrappers or Jews as the

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Commissioners of Stamps shall approve, and shall be tied and fastened by a Label or Thread or Seal marked with the proper Mark, Stamp, or Device appointed to be used for Cards or Dice to be exported; and all such Cards or Dice so entered for Exportation shall be laden or put on board the Ship or Vessel mentioned in such Bond as aforesaid in the Presence of the proper Officer of Customs.

XXIX. And be it further enacted, That such Bond hereinbefore directed to be given with relation to Cards and Dice exported shall be discharged upon producing to the said Commissioners of Stamps, within the respective Times hereinafter limited, a Certificate that the Cards or Dice in such Bond mentioned were duly landed in the proper Port or Place beyond the Seas; that is to say, within Six Months from the Date of such Bond, in the Case of Cards or Dice entered to be landed in any Port or Place in the *Isle of Man*; and within Twelve Months from the Date of such Bond, in the Case of Cards or Dice entered for or landed in any other Port or Place in *Europe*; and within Eighteen Months from the Date of such Bond, in the Case of Cards or Dice entered for or landed in any of His Majesty's Colonies or Plantations in *America* or *Africa*, or in any of the Territories of the United States of *America*; and within Twenty-four Months from the Date of such Bond, in the Case of Cards or Dice entered for or landed in any Port or Place at or beyond the *Cape of Good Hope*; and every such Certificate for such Cards or Dice as aforesaid, which shall be landed at any Port or Place where any Officer of His Majesty's Customs shall be resident, shall be signed by the proper Officer of His Majesty's Customs there; and if no Officer of His Majesty's Customs shall be resident there, then by the *British* Consul, or other Person acting as such there; and if no Officer of Customs or *British* Consul, or other Person acting as such, shall be there resident, then such Certificate shall be under the Seal of the Chief Magistrate in such Port or Place, or under the Hands and Seals of Two known *British* Merchants, then being at such Port or Place: Provided always, that if in any Case it shall be proved that such Cards or Dice so exported were taken by Enemies, or were lost in the Seas or by Fire, the Examination and Proof whereof shall be left to the Judgment of the Commissioners of Stamps, then and in such Case it shall be lawful for the said Commissioners and they are hereby authorized to discharge such Bond.

How Bonds shall be discharged.

XXX. And be it further enacted, That all playing Cards and Dice which shall be exported contrary to the Directions of this Act, or which, after Entry thereof for Exportation, shall be landed at or found in any Place in the United Kingdom, or which shall be landed at or found in the *Isle of Man* after Entry thereof for Exportation elsewhere than to the said *Isle* (except for the Purpose of exporting the same under the Regulations of this Act), shall be forfeited, and shall and may be seized by any Officer of Customs or Excise, and may be proceeded upon to Condemnation, according to any Laws of Customs or Excise then in force, or may be seized and carried away by any Officer of Stamps, or Person duly authorized by the Commissioners of Stamps, and shall and may be lodged and secured in any Place

Cards or Dice exported contrary to Law, or reloaded after Entry for Export, may be seized, &c.

Persons using,
&c. such Cards
to forfeit 20*l*.

appointed by the said Commissioners for that Purpose, and shall be sold or destroyed as the Commissioners shall direct; and if any Person shall sell or expose to Sale, or shall offer for Use, in any Part of the United Kingdom, or shall knowingly have in his Possession or upon his Premises, or shall use or permit to be used in any Place in the United Kingdom, any playing Cards marked, stamped, and distinguished as Cards for Use in the *Isle of Man*, or for Exportation, such Cards shall be forfeited, and may be seized and carried away, and lodged and secured as above in this Act provided; and every Person so offending, for every Pack of Cards so sold or exposed to Sale, or offered for Use, or used or permitted to be used, or in the Possession of such Persons, contrary to this Act, shall forfeit the Sum of Twenty Pounds.

Penalty on fraudulently re-landing Cards, after Entry and Shipment for Exportation, elsewhere than in the Port of Consignment.

XXXI. And be it further enacted, That if any Person shall re-land, or shall cause or procure to be re-landed, or shall assist in the re-landing, in any Part of the United Kingdom, any Parcel of Cards or Dice after the same shall have been entered and shipped for Exportation from any Part of the United Kingdom, or shall land such Cards or Dice, or cause the same to be landed, in any Port or Place other than the Port or Place to which such Cards or Dice shall be consigned and named in the Certificate to be delivered by the Officer of Stamps to the Officer of Customs in pursuance of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds.

No Cards to be exported into or used in the *Isle of Man*, unless stamped for such Island, or for Use in the United Kingdom.

XXXII. And be it further enacted, That it shall not be lawful for any Person to put on board any Ship or Vessel for Exportation to the *Isle of Man*, or to import into or to use in that Island, any playing Cards, unless in Packs each containing an Ace of Spades stamped or marked with the Stamp or Device appointed by the Commissioners of Stamps for Cards intended for Use in the *Isle of Man*, in the Manner by this Act directed, or an Ace of Spades duly stamped or marked for Sale or Use in the United Kingdom; and all playing Cards not being in Packs each containing an Ace of Spades duly stamped and marked for use in the *Isle of Man* or in the United Kingdom, which shall be put on board, or shall be brought to any Wharf or Place to be put on board, any Ship or Vessel, for Exportation to the *Isle of Man*, or which shall be imported into or found in the *Isle of Man*, shall be forfeited; and all playing Cards which, having been duly put on board, or brought to any Wharf to be put on board, any Ship or Vessel, for Exportation to the *Isle of Man*, or having been duly imported into or found in the *Isle of Man*, shall be re-landed or found in any other Part of the United Kingdom, except for the Purpose of shipping the same under the Regulations of this Act, shall also be forfeited; and all Cards so forfeited shall and may be seized by any Officer of Customs or Excise, and shall and may be proceeded upon to Condemnation, according to any Laws of Customs or Excise in force at the Time, or may be seized and carried away by any Officer of Stamps, or Person duly authorized thereto, and lodged and secured in any Place appointed for that Purpose; and every Person who shall sell or expose to Sale, or shall offer for Use, or shall use or permit to be used, in any Part of the *Isle of Man*, or shall knowingly have in his Possession or upon his Premises within the said Island, any playing Cards or
Ace

Ace of Spades made within the United Kingdom for Exportation, or any Pack of Cards not containing an Ace of Spades stamped or marked for Use in the *Isle of Man* or in the United Kingdom as aforesaid, shall for every such Pack of Cards or Ace of Spades forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered in the same Manner as any Penalty incurred in the said Island under any Act relating to the Revenue of Customs may be sued for and recovered under such Act: Provided always that nothing in this Act contained shall alter or affect any Thing, respecting the Exportation of playing Cards to the *Isle of Man*, contained in an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for regulating the Trade of the Isle of Man*.

6 G. 4. c. 115.

XXXIII. And be it further enacted, That no playing Cards which, having been made out of the United Kingdom, shall be imported into any Part thereof, shall be deposited in any Warehouse pursuant to an Act passed in the Sixth Year of the Reign of his present Majesty, intituled *An Act for the Warehousing of Goods*, unless the Name and Place of Residence of the Foreign Maker of such Cards be printed or marked in distinct and legible Characters on One Card of every Pack of such Cards, and on every Wrapper thereof; and if any One or more of such Cards, or any Wrapper, Jew, Label, or other Paper, Matter, or Thing, enclosing, annexed to, or deposited with any One or more of such Cards, shall be printed or marked in any way with the Name of any Maker of Cards duly licensed within the United Kingdom, such Cards shall not be permitted to be warehoused under the said recited Act, any Thing in the said Act to the contrary in anywise notwithstanding; and all such Foreign Cards, Wrappers, Jews, Labels, and other Things on which the Name and Place of Residence of the Foreign Maker thereof shall not be printed or marked in distinct and legible Characters as aforesaid, or on any of which shall be printed or marked the Name of any Maker of Cards duly licensed within the United Kingdom, shall be forfeited, and may be seized by any Officer of Customs or Excise, and proceeded upon to Condemnation, according to any Laws of Customs or Excise then in force.

Foreign Cards without Name of Foreign Maker, or with any British Cardmaker's Name thereon, not to be warehoused under 6 G. 4. c. 112. but to be seized and forfeited.

XXXIV. And be it further enacted, That if at any Time the Commissioners of Stamps shall deem it expedient to alter any Stamp, Mark, Plate, Device, or Label directed to be used for the Purposes of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required, under such Regulations and in such Manner as they shall think fit, to make an Allowance to every licensed Maker of playing Cards in his Accounts for each and every Ace of Spades which shall have been delivered to any such Maker respectively, and which in consequence of such Alteration shall be returned by him to the said Commissioners to be cancelled; provided that no Allowance shall be made in respect of any Ace of Spades which shall have been placed in any Pack of Cards made up, enclosed, and fastened in Manner directed by this Act.

Commissioners may make Allowances for Aces of Spades when Stamps are altered.

XXXV. And be it further enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any Type, Die, Seal, Stamp, Mark, Plate, or De-

Forgery of Stamps relating to Cards and Dice, or utter-

vice,

ing them with counterfeit Stamps, Felony punishable with Death.

vice, or any Part of any Type, Die, Seal, Stamp, Mark, Plate, or Device, which shall be at any Time provided, made, or used by or under the Authority of the Commissioners of Stamps in pursuance of this Act; or shall counterfeit, or shall cause or procure to be counterfeited or resembled, the Impression of any such Type, Die, Seal, Stamp, Mark, Plate, or Device, or any Part thereof, upon any playing Card or Dice, or upon any Label, Thread, or Paper; or shall forge or counterfeit the Name, Hand-writing, or Signature of any sealing Officer, or other Officer of Stamps, to or upon any Wrapper, Paper, or Material in which any Dice shall be actually enclosed; or shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any Mark or Name, or any Part of any Mark or Name, directed to be used by the Commissioners of Stamps in pursuance of this Act, in order to distinguish the Maker of any such Cards or Dice respectively, and printed or marked on or affixed to or making Part of the Wrapper, Label, or Paper in which any playing Cards or Dice shall be actually enclosed, with Intent to defraud His Majesty, His Heirs or Successors, of any of the Duties at any Time by Law payable upon Cards or Dice; or shall utter, or sell or expose to Sale, or part with for Use in Play, any Card, Die, Ace of Spades, Label, Wrapper, or Jew whatsoever, with such counterfeit Seal, Stamp, Mark, Device, Impression, Name, or Signature, knowing the same to be counterfeit; or shall privately or fraudulently use any Seal, Stamp, Mark, Plate, Device, or Label at any Time provided, made, or used by or under the Authority of the Commissioners of Stamps in pursuance of this Act, with Intent to defraud His Majesty, His Heirs and Successors, of any of the Duties at any Time by Law payable upon Cards or Dice; every Person convicted of any such Offence in due Form of Law shall be adjudged a Felon, and shall suffer Death.

Informers of certain Offences relating to Cards and Dice indemnified.

XXXVI. And be it further enacted, That if the Buyer or Seller, or any Person concerned in the buying or selling, or exposing to Sale, or uttering, any Ace of Spades, playing Cards, Dice, Label, or Wrapper, contrary to this Act, or if any Person concerned in the unlawful relanding of any Cards or Dice shipped for Exportation under this Act, or concerned in any other Offence against this Act, shall give Information to the Commissioners of Stamps of any like Offence committed by any other Person concerned in any such Offence, it shall be lawful for the said Commissioners, if they shall think fit, to direct that such Informer shall be admitted to give Evidence against such other Person; and in case of such Direction such Informer shall be admitted to give Evidence, and shall be deemed a competent Witness accordingly, and shall be indemnified against all Penalties previously incurred by such Informer under this Act.

Recovery of Penalties.

XXXVII. And be it further enacted, That all pecuniary Penalties and Forfeitures imposed by this Act shall and may be sued for and recovered in manner following; that is to say, if such Penalties or Forfeitures be incurred in *Great Britain*, the same shall and may be sued for and recovered in His Majesty's Court of Exchequer at *Westminster*, or in the Court of Exchequer in *Scotland*, in the same Manner as Penalties incurred under any Act or Acts relating to Stamp Duties may be sued for and recovered

covered in such Courts respectively; and if such Penalties or Forfeitures shall be incurred in *Ireland*, the same shall be sued for and recovered in the same Manner as Penalties incurred or sued for under the hereinbefore recited Act made in the Fifty-sixth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, may be sued for and recovered under such Act: Provided always, that it shall be lawful for the Commissioners of Stamps to mitigate or compound any such Penalty or Forfeiture, or to stay any Proceedings in any such Prosecution commenced by their Direction, on such Terms as the said Commissioners shall judge proper and expedient; and also, at their Discretion, to give all or any Part of any Sum paid by way of Penalty or Compromise to the Person informing them of the Offence in respect of which such Sum shall be paid.

Commissioners may mitigate or compound Penalties.

XXXVIII. And be it enacted, That wherever in this present Act, in describing or referring to any Offence or other Matter or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall be understood and shall be construed and applied to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Interpretation of Act.

XXXIX. And be it further enacted, That this Act shall commence and take effect on and from the Fifth Day of *July* in the Year of our Lord One thousand eight hundred and twenty-eight.

Commencement of Act.

XL. 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 amended.

C A P. XIX.

An Act for applying a Sum of Money out of the Consolidated Fund for the Service of the Year One thousand eight hundred and twenty-eight. [9th May 1828.]

“ 4,000,000*l.* out of the Consolidated Fund shall be applied for “ the Service of 1828.

C A P. XX.

An Act for prohibiting, during the present Session of Parliament, the Importation of Foreign Wheat into the *Isle of Man*; and for levying a Duty on Meal or Flour made of Foreign Wheat imported from the *Isle of Man* into the United Kingdom. [13th May 1828.]

‘ W H E R E A S an Act was passed in the First and Second Years of His Majesty’s Reign, intituled *An Act to repeal certain Acts passed in the Thirty-first, Thirty-third, Forty-fourth, and Forty-fifth Years of His late Majesty King George the Third, for regulating the Importation and Exportation of Corn, Grain,*

1 & 2 G. 4. c. 87.

7 & 8 G. 4.
c. 58.

Importation of
Corn into the
Isle of Man
prohibited until
the End of the
present Session.

Duty on
Foreign Wheat
imported into
the United
Kingdom from
the Isle of Man.

Act may be
amended.

‘ Grain, Meal, and Flour, into and from Great Britain, and to make further Provisions in lieu thereof; whereby, among other Things, it was enacted, that whenever the Ports of the United Kingdom should be shut against the Importation of Foreign Corn, Meal, or Flour, for Home Consumption, the Ports of the *Isle of Man* should, in like Manner, be shut against the Importation of Foreign Corn, Meal, or Flour, for Home Consumption: And Whereas by an Act passed in the last Session of Parliament, intituled *An Act to make Provision for ascertaining, from time to time, the Average Prices of British Corn*, the said first-mentioned Act was repealed; and other Provision not having been made for preventing the Importation of Corn into the *Isle of Man*, in manner provided by the said Act, large Quantities of Flour made from Foreign Wheat in the said Island have been imported from thence into the United Kingdom without any Restraint; and it is expedient to apply some Remedy to such Evils, until general Provision shall have been made for more effectually regulating the Importation of Foreign Corn, Grain, Meal, and Flour into the United Kingdom:’ 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, and until the End of the present Session of Parliament, the Importation of Foreign Wheat into the *Isle of Man* shall be prohibited; and such Prohibition shall be enforced and obeyed in like Manner as if the same were contained in a certain Act passed in the Sixth Year of His Majesty’s Reign, for regulating the Trade of the *Isle of Man*.

II. And be it further enacted, That from and after the passing of this Act, and until the End of the present Session of Parliament, there shall be paid a Duty of Five Shillings for every Hundred Weight of Meal or Flour made of Foreign Wheat imported into the United Kingdom from the *Isle of Man*; and such Duty shall be raised, levied, collected, recovered, and paid in like Manner as any Duties of Customs are or can be raised, levied, collected, recovered, and paid.

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

C A P. XXI.

An Act to regulate the Carriage of Passengers in Merchants Vessels from the United Kingdom to the Continent and Islands of *North America*. [23d May 1828.]

‘ WHEREAS it is necessary to make Provision respecting the Carriage of Passengers from the United Kingdom to His Majesty’s Possessions on the Continent and Islands of *North America*:’ 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 Ship shall sail from any Port or Place in the United Kingdom, or in the Islands of *Guernsey*,

No Ship to
sail for North

Guernsey, Jersey, Alderney, or Sark, or in the Isle of Man, on any Voyage to or for any Port or Place in His Majesty's Possession on the Continent or Islands of North America, with more Persons on board than in the Proportion of Three Persons for every Four Tons of the Registered Burthen of such Ship, the Master and Crew being included in and forming Part of such prescribed Number; and that no Ship registered as 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 Ship registered as having only One Deck shall carry any Passengers upon any such Voyage 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: Provided always, that Two Children, each being under the Age of Fourteen Years, or Three Children, each being under the Age of Seven Years, or One Child, being under the Age of Twelve Months, with the Mother of such Child, shall in all Cases be computed as One Person, for the Purposes hereinbefore and hereinafter mentioned.

II. And be it further enacted, That no Ship carrying Passengers on any such Voyage as aforesaid to any Port or Place in His Majesty's Possession on the Continent or Islands of *North America*, shall clear out for such Voyage from any Port in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, or Sark*, or in the *Isle of 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, to the Amount or in the Proportion following; (that is to say,) a Supply of pure Water to the Amount of Fifty Gallons for every Person on board such Ship, the Master and Crew included, such Water being carried in sweet Casks; and a Supply of Bread, Biscuit, Oatmeal, or Bread Stuffs, to the Amount of Fifty Pounds Weight at the least for every Passenger on board such Ship.

III. And be it further enacted, That no Ship proceeding on any such Voyage as aforesaid, and having on board the whole Number of Passengers allowed by this Act, shall carry any Part of her Cargo, Provisions, Water, or Sea Stores between Decks; but that it shall be lawful for any such Ship, not having on board the whole Number of Passengers so allowed, to carry between Decks, in respect of every Passenger wanting of that Number, any Goods, Provisions, Water, or Sea Stores, not occupying more than Three Cubical Feet in Space.

IV. 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, or Sark*, or in the *Isle of Man*, deliver to the Collector or other principal Officer of His Majesty's Customs at such Port or Place a List in Writing, 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 Counter-

America with more than Three Persons on board for every 4 Tons of Burthen.

Ships carrying Passengers to have a Height of 5½ Feet between Decks, or between Platform and Deck.

Proviso as to Children.

Regulating the Quantity of Water and Provisions to be carried by Vessels with Passengers on board.

Ships having the whole Number of Passengers on board not to carry Stores between Decks.

Master to deliver List of Passengers to Collector of Customs, who shall give a Counterpart to the Master, to be exhibited to the Chief Officer of Customs at the Port of Landing.

part

part 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 each and every Port or Place in His Majesty's Possessions 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 at his final Port of Discharge in the said Possessions.

Penalty on Master landing Passengers improperly.

V. And, for the Prevention of Frauds which might be practised upon Persons emigrating from the United Kingdom to any of His Majesty's Possessions Abroad, be it further enacted, That if the Master of any Ship carrying any Passengers on any such Voyage as aforesaid shall, without their, his, or her previous Consent, land or put on shore, or cause to be landed or put on shore, any Passenger or Passengers at any Port or Place, other than the Port or Place at which he may have contracted to land or put such Passenger or Passengers on shore, he the said Master shall incur and become liable to a Penalty of Twenty Pounds for each and every Passenger so landed or put on shore, to be recovered in a summary Way before any Two Justices of the Peace in and for any Province, District, County, or Place in any of His Majesty's Possessions on the Continent or Islands of *North America*, on the Complaint of any such Person or Persons, and to be levied, by Warrants under the Hands and Seals of such Justices, upon the Goods of any such Offender.

Masters of Vessels carrying more Passengers than allowed by Act, or any Cargo, Provisions, &c. between Decks;

VI. And be it further enacted, That if any Ship carrying Passengers on any such Voyage as aforesaid from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, or Sark*, or in the *Isle of Man*, to or for any Port or Place in His Majesty's Possession on the Continent or Islands of *North America*, 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 the Cargo, Provisions, Water, or Sea Stores of any such Ship, or any Part thereof, shall be carried between Decks, contrary to the Provisions hereinbefore in that Behalf made; or if any Ship shall clear out or put to Sea, not having on board such Water and good and wholesome Provisions as aforesaid, for the Use and Consumption of the said Passengers, to the Amount or in the Proportion hereinbefore required; or if any such Ship shall be cleared out from any Port or Place in the United Kingdom before such Lists of Passengers as hereinbefore mentioned have been delivered, in manner and form aforesaid, to such Officer as aforesaid, or if any such List shall be wilfully false; the Master of the said Ship shall be deemed guilty of a Misdemeanor, and shall and may be prosecuted, tried, and convicted for the same, either in the County in the United Kingdom from which the Ship shall have sailed on such Voyage, or in any other County of the United Kingdom, or in either of the said Islands of *Guernsey, Jersey, Alderney, Sark, or the Isle of Man*, from which the Ship shall have sailed on such Voyage, or in any of His Majesty's Possessions Abroad to which such Ship shall have sailed on such Voyage: Provided always, that nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in
any

or not having Water and Provisions as hereby required; or not delivering correct Lists of Passengers; guilty of Misdemeanor.

Nothing herein to abridge the Right of Action of Passengers.

any such Ship as aforesaid, or to any other Person, in respect of any Breach of any Contract made by or on the Behalf of any such Passenger or other Person with the Master or Owner thereof.

VII. And for the more effectually securing the due 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, or Sark*, or in the *Isle of Man*, to or for any Port or Place in His Majesty's Possession on the Continent or Islands of *North America*, 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 Non-performance, before or during such Voyage, of any such Rules and Regulations, shall be well and truly paid: Provided always, that such Bond as aforesaid 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.

VIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship in the Service of His Majesty's Postmaster General.

IX. And be it further enacted and declared, That the *Bahama Islands*, and His Majesty's Possessions in the *West Indies*, are not and shall not be deemed or taken to be comprised within the Provisions aforesaid, or any of them.

C A P. XXII.

An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament.

[23d May 1828.]

‘ WHEREAS great Benefit has been found to arise from the Regulations of an Act passed in the Tenth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament*: And Whereas several Acts have subsequently been passed to amend and extend the same: And Whereas it is expedient to consolidate, and in some Respects to amend and simplify, the Laws relating thereto;’ Be it

Master of Vessel to enter into Bond for the due Performance of the Regulations prescribed by this Act.

Limitation of Actions.

Not to extend to Post Office Ships.

Nor to the Bahama Islands nor the West Indies.

10 G. 3. c. 16.

- 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 passed in the Tenth Year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament*; also an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act to explain and amend an Act made in the last Session of Parliament, intituled 'An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament'*; also an Act passed in the Fourteenth Year of the Reign of His late Majesty, intituled *An Act for making perpetual Two Acts passed in the Tenth and Eleventh Years of the Reign of His present Majesty, for regulating the Trials of controverted Elections or Returns of Members to serve in Parliament*; also so much of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty, intituled *An Act to limit the duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament for Places within England and Wales, and for Berwick-upon-Tweed, and also for removing Difficulties which may arise from want of Returns being made of Members to serve in Parliament*, as relates to the Appointment of a Select Committee to take into Consideration the Petition of any Person claiming to have had a Right to vote, or to have been entitled to have been declared duly elected, where no Return has been made to any Writ issued for the electing of any Member or Members to serve in Parliament, on or before the Day on which such Writ is made returnable, or within Fifty-two Days after the Day on which such Writ bears Date, if such Writ be issued during any Session or Prorogation of Parliament, or where the Return be not according to the Requisition of the Writ, but contains special Matters only concerning the Election; also to the Notices to be given of the Meeting of such Committees, and to the Manner in which the Trials of such Petitions are to be regulated, and the Mode in which Parties entitled to be returned may proceed against any Sheriff or Returning Officer, in case a Select Committee shall have determined that such Sheriff or Returning Officer had wilfully delayed or neglected or refused to make such Return; also an Act passed in the Twenty-eighth Year of the Reign of His late Majesty, intituled *An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament*, except in so far as the same relates to the Repeal of so much of an Act passed in the Second Year of the Reign of His Majesty King George the Second, intituled *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament*, as enacts that such Votes shall be deemed legal which have been so declared by the last Determination in the House of Commons, and that such last Determination concerning any County, City, Borough, or Place, shall be final; also an Act passed in the Thirty-second Year of the Reign of His late Majesty, intituled *An Act to extend the Provisions of certain Acts of Parliament made to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament*;
- Repeal of
10 G. 3. c. 16.
- 11 G. 3. c. 42.
- 14 G. 3. c. 15.
- Part of
25 G. 3. c. 84.
- Part of
28 G. 3. c. 52.
- 32 G. 3. c. 1.

Parliament; also an Act passed in the Thirty-fourth Year of the Reign of His late Majesty, intituled *An Act to explain so much of an Act made in the Twenty-eighth Year of His present Majesty's Reign, intituled 'An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament,' as relates to the Time of presenting certain renewed Petitions, and taking the same into Consideration*; also an Act passed in the Thirty-sixth Year of the Reign of His late Majesty, intituled *An Act for the more effectual Execution of several Acts of Parliament, made for the Trials of controverted Elections or Returns of Members to serve in Parliament*; also an Act passed in the Forty-second Year of the Reign of His late Majesty, intituled *An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament, and for expediting the Proceedings relating thereto*; also an Act passed in the Forty-seventh Year of the Reign of His late Majesty, intituled *An Act to revive and make perpetual, and to amend, an Act made in the Forty-second Year of His present Majesty, for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament, and for expediting the Proceedings relating thereto*; also so much of an Act passed in the Forty-seventh Year of the Reign of His late Majesty, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to Ireland, as enacts, that the Order for taking into Consideration any Petition relative to the Trial of any controverted Election or Return in Ireland shall not be discharged until the Expiration of Twenty-eight Days after such Petition shall have been presented to the House of Commons, by reason that the Recognizance required by an Act made in the Twenty-eighth Year of His late Majesty's Reign, intituled An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament, was not received by the Speaker under the Provisions of the said recited Act*; also an Act passed in the Fifty-third Year of the Reign of His late Majesty, intituled *An Act for amending and rendering more effectual the Laws for the Trials of controverted Elections and Returns of Members to serve in Parliament*; be hereby repealed.

34 G. 3. c. 84.

36 G. 3. c. 59.

42 G. 3. c. 84.

47 G. 3. c. 1.

Part of
47 G. 3. c. 14.

53 G. 3. c. 71.

II. And be it enacted, That whenever a Petition complaining of an undue Election or Return of a Member or Members to serve in Parliament (or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the Special Matters contained in any such Return,) shall be presented to the House of Commons within such Time as shall be from time to time limited by the House, a Day and Hour shall be appointed by the said House for taking the same into Consideration, and Notice thereof in Writing shall be forthwith given by the Speaker to all Parties so petitioning, and to the sitting Members, and to any Parties who may

Upon Complaint made to the House of Commons of an undue Election or Return, or that no Return has been made, a Time to be fixed for considering thereof, and Notice given.

have petitioned to be permitted to defend any such Election or Return, and where no Return has been made, or the special Matter of the Return, or the Conduct of any Returning Officer, is complained of, to the Returning Officer or Officers, accompanied with an Order to the Parties to attend the House at the Time appointed, by themselves, their Counsel or Agent.

House may alter the Time, giving the like Notice and Order.

If Petitioners do not attend at the Time required, the Order to be discharged.

III. And be it enacted, That the House may alter the Day and Hour so appointed for taking any such Petition into Consideration, and appoint some subsequent Day and Hour for the same, as Occasion shall require, giving to the respective Parties the like Notice of such Alteration, accompanied with an Order to attend on such subsequent Day and Hour as aforesaid; and if within One Hour after the Time fixed in the Manner hereinafter directed for calling in the respective Parties, their Counsel or Agents, for the Purpose of proceeding to the Appointment of a Select Committee, the Petitioner or Petitioners, or some one or more of them who shall have signed any such Petition, shall not appear, by himself or themselves, or by his or their Counsel or Agents, the Order for taking such Petition into Consideration shall thereupon be discharged, and such Petition shall not be any further proceeded upon.

No Petition to be proceeded upon, unless subscribed as herein mentioned.

IV. And be it enacted, That no such Petition shall be proceeded upon, unless the same, at the Time it is presented to the House, shall be subscribed by some Person or Persons claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned as duly elected thereat, or alleging himself or themselves to have been a Candidate or Candidates at such Election, or claiming therein to have had a Right to vote at the Election of any Delegate or Commissioner for choosing a Burgess for any District of Burghs in that Part of *Great Britain* called *Scotland* to which the same shall relate.

Recognizances to be entered into by Petitioners, and Sureties, to pay Costs.

V. And be it enacted, That no Proceeding shall be had upon any such Petition, unless the Person or Persons subscribing the same, or some one or more of them, shall, within Fourteen Days after the same shall have been presented to the House, or within such further Time as shall be limited by the House, personally enter into a Recognizance to our Sovereign Lord the King, according to the Form hereunto annexed, in the Sum of One thousand Pounds, with Two sufficient Sureties in the Sum of Five hundred Pounds each, or Four sufficient Sureties in the Sum of Two hundred and fifty Pounds each, for the Payment of all Costs, Expences, and Fees which shall become due to any Witness summoned in behalf of the Person or Persons so subscribing such Petition, or to any Clerk or Officer of the House, upon the Trial of such Petition, or to any Party who shall appear before the House, or any Committee of the House, in opposition to such Petition, in case such Person or Persons shall fail to appear before the House at such Time or Times as shall be fixed by the House for taking such Petition into Consideration; or in case such Petition shall be withdrawn by the Permission of the House; or in case such Committee shall report to the House, that such Petition appears to them to be frivolous or vexatious; and if at the Expiration of the said Fourteen Days such Recognizance shall

not

not have been entered into, or shall not have been received by the Speaker of the House of Commons, or the Time for entering into or receiving such Recognizance shall not previously have been enlarged, the Speaker shall report the same to the House, and the Order for taking such Petition into Consideration shall thereupon be discharged, unless upon special Report of the Examiners into the Sufficiency of the Sureties, or upon Matter specially stated and verified upon Oath to the Satisfaction of the House, the House shall see cause, either to enlarge the Time for entering into such Recognizance, or to allow the Names of any such Sureties to be changed; and whenever such Time shall be so enlarged, or Name of any such Surety shall be changed, the Order for taking such Petition into Consideration shall, if necessary, be postponed, so that no such Petition shall be taken into Consideration till after such Recognizance shall have been entered into and received by the Speaker: Provided always, that the Time for entering into such Recognizance shall not be enlarged more than once, or for any Number of Days exceeding Thirty, nor the Name of any proposed Surety be more than once changed.

VI. And be it enacted, That on the Day when any such Petition shall be presented, or on the next Day at furthest, the Petitioner or Petitioners shall deliver or cause to be delivered, in Writing, to the Clerk of the House of Commons, the Names, together with the Additions and usual Places of Residence, of the Persons who are proposed to become such Sureties, which Names shall be entered in a Book to be kept by the said Clerk in his Office, open to the Inspection of all Parties concerned.

VII. And be it enacted, That the said Recognizances shall be entered into before the Speaker of the House of Commons, who is hereby authorized and empowered to take the same; and the Sufficiency of the Sureties named therein shall be judged of and allowed by the said Speaker, on the Report of Two Persons appointed by him to examine the same, of which Two Persons the Clerk or one of the Clerks Assistant of the House of Commons shall always be one, and one of the following Officers, not being a Member of the said House, shall be the other; (that is to say,) Masters of the High Court of Chancery, Clerks in the Court of King's Bench, Prothonotaries in the Court of Common Pleas, and Clerks in the Court of Exchequer; and the said Persons so appointed are hereby authorized and required to examine the same, and to report their Judgment thereupon, and are also hereby authorized to demand and receive such Fees for such Examination and Report as shall be from time to time fixed by any Resolution of the House of Commons: Provided always, that Seven clear Days at the least shall intervene between the Day on which the Names shall have been delivered in and entered in a Book kept in the Office of the Clerk as aforesaid and the Day on which the Sufficiency of the Sureties shall be examined as hereinbefore directed.

VIII. And be it enacted, That if the Party or Parties who are to enter into such Recognizance, or his or their Sureties, or either of them, shall reside at a greater Distance from London than Forty Miles, it shall and may be lawful for such Party or Surety re-

Names of Sureties to be delivered to the Clerk of the House of Commons.

Recognizances to be entered into before the Speaker, and the Sufficiency of Sureties to be allowed by him, on the Report of the Persons herein mentioned.

Seven Days to be allowed before the Sureties are examined.

Parties or Sureties living more than 40 Miles from London may

enter into Recognizances before a Justice.

Evidence as to Sufficiency of Sureties.

In what Cases Petitions may be withdrawn.

Voters, upon Petition, may become a Party to oppose or defend the Return.

Where the Seat becomes vacant, or the sitting Member declines to defend his Return before the Petition is taken into Consideration, Notice to be sent by the Speaker to the Returning Officer of the Place to which the Petition relates.

Notice to be affixed on the Doors of the County Hall, &c. and inserted in the London Gazette; and Consideration of the Petition adjourned.

respectively to enter into such Recognizance before any of His Majesty's Justices of the Peace; and His Majesty's Justices of the Peace, or any of them, is and are hereby authorized and empowered to take the same; and such Recognizance, being duly certified under the Hand of such Justice, and being transmitted to the Speaker of the House of Commons, shall have the same Force and Effect as if the same had been entered into before the said Speaker: Provided also, that it shall and may be lawful for the Persons to whom it is referred by the Speaker to examine the Sufficiency of the Sureties, to receive in Evidence in their said Examination any Affidavits relating thereto which shall be sworn before any such Persons, or any Master of the High Court of Chancery, or before any of His Majesty's Justices of the Peace, who are hereby each of them respectively authorized to administer such Oath, and to certify such Affidavit under his Hand.

IX. And be it enacted, That the House of Commons shall not permit any such Petition to be withdrawn, except so far as the same may relate to the Election or Return of any Member who shall, since the same shall have been presented, have vacated his Seat by Death or in any other Manner, or in consequence of some Matter which shall have arisen since the same was presented, and which shall be specially stated and verified upon Oath to the Satisfaction of the House.

X. And be it enacted, That it shall and may be lawful, at any Time within Fourteen Days after the Day on which any such Petition shall have been presented, for any Person or Persons claiming to have had a Right to vote at the Election, or at the Election of Delegates or Commissioners for making such Election, to which the same shall relate, to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Petition, and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the sitting Member, and shall be considered as such to all Intents and Purposes whatever.

XI. And be it enacted, That if at any Time before the Day appointed for taking any such Petition into Consideration the Speaker of the House of Commons shall be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*; or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant; or if the House of Commons shall be informed, by a Declaration in Writing, subscribed by any such Member, and delivered in at the Table of the House within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return; in every such Case Notice thereof shall immediately be sent by the Speaker to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port, or Place to which such Petition shall relate;

relate; and such Sheriff or other Returning Officer shall cause a true Copy of the same to be affixed on the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted by Order of the Speaker in one of the Two next *London Gazettes*; and the Order for taking such Petition into Consideration shall, if necessary, be adjourned, so that at the least Thirty Days may intervene between the Day on which such Notice shall be inserted in the said Gazette and the Day on which such Petition shall be taken into Consideration.

XII. And be it enacted, That it shall and may be lawful, at any Time within Thirty Days after the Day on which such Notice shall have been inserted in the said Gazette, for any Person or Persons claiming to have had a Right to vote at such Election, or at the Election of Delegates or Commissioners for making such Election, to petition the House, praying to be admitted as a Party or Parties in the Room of such Member; and such Person or Persons shall thereupon be so admitted as a Party or Parties, and shall be considered as such, to all Intents and Purposes whatever.

XIII. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given such Notice as aforesaid, of his Intention not to defend the same, he shall not be admitted to appear or act as a Party against such Petition in any subsequent Proceedings thereupon; and he shall also be restrained from sitting in the House of Commons, or voting on any Question, until such Petition shall have been decided upon.

XIV. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament for *Great Britain*, all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver in to the Clerk of the House of Commons Lists of the Votes intended to be objected to, to be by the said Clerk kept in his Office, open to the Inspection of all Parties concerned, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to; and that such Lists shall be so delivered in, upon all controverted Elections and Returns for *Scotland*, or for any County in *England* or *Wales*, Ten Days at least before the Day appointed for the Consideration of the Petition complaining of such Election or Return; and upon all other controverted Elections or Returns for *England* or *Wales*, Five Days at least before the Day appointed for the Consideration of such Petition: Provided always, that if the Consideration of any such Petition shall be postponed by Order of the House during the same Session, or shall be renewed at the Commencement of another Session, it shall be sufficient if such Lists shall be so delivered within such Periods as are hereby directed before the Committees for the Trial of such Petitions shall be actually appointed; or if any Person or Persons shall have been admitted as aforesaid to defend the Return in the Room of any sitting Member or Members returned in a Double Return, who before such Petition is taken into Consideration shall have died, or been called by Writ of Summons to Parliament as a Peer of *Great Britain*, or

Within Thirty Days after Notice, Voters, &c. may be admitted as Parties to defend the Return.

Members having given Notice of their Intention not to defend, shall not be admitted as Parties.

Lists of Votes intended to be objected to, to be delivered to the Clerk of the House of Commons.

whose Seat shall have become vacant by Law, or who shall in the Manner aforesaid have declared his Intention not to defend his Election or Return, then it shall be sufficient if such Lists shall be so delivered within such Periods as are hereinbefore directed before the Time to which the taking such Petition into Consideration shall be adjourned.

Evidence to be confined to Objections particularized in the Lists.

XV. And be it enacted, That no Evidence shall be adduced before the Select Committee appointed for the Trial of the Petition upon which such List shall have been delivered in, against the Validity of any Vote, upon any Head of Objection to such Voter other than one of the Heads so specified and particularized against him in such List as aforesaid; and if any Ground of Objection shall be stated against any Voter in such Lists, and no Evidence shall be produced before such Select Committee to substantiate such Objection, and if such Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is hereinafter provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

On Days appointed for taking Petitions into Consideration, House to proceed to the Order of the Day for that Purpose before any other Business, except as herein is excepted.

XVI. And be it enacted, That on the Day appointed for taking any such Petition into Consideration the House shall not proceed to any Business previous to the Reading of the Order of the Day for that Purpose, except to swear in any Member, or to receive any Report from any Select Committee appointed in pursuance of this Act, and to enter the same upon their Journals, and to give the necessary Orders and Directions thereupon; or to admit the Clerk of the Crown to alter or amend any Return, in pursuance of an Order made on a preceding Day or on that Day; or to attend His Majesty or His Majesty's Commissioners in the House of Lords, in consequence of any Message from His Majesty, or from His Majesty's Commissioners, signified to the House in the usual Manner; or to receive any Message or Messages from the Lords; or on Days appointed for the Trial of any Articles of Impeachment exhibited or to be exhibited by the Commons before the Lords in Parliament, to proceed to any Business that may be necessary for the Purpose of carrying on the Prosecution of such Impeachment.

Serjeant at Arms, before the Reading of the Order, to require the Attendance of Members. House to be counted, and if there are not 100 Members

XVII. And be it enacted, That at the Time appointed for taking any such Petition into Consideration, and previous to the Reading of the Order of the Day for that Purpose, the Serjeant at Arms shall be directed to go with the Mace to the Places adjacent, and require the immediate Attendance of the Members on the Business of the House; and that after his Return the House shall be counted, and if there be less than One hundred Members present, the Order for taking such Petition into Consideration shall be immediately adjourned to a particular Hour on the following Day, (*Sunday, Christmas Day, and Good Friday always excepted*),

excepted,) and the House shall not proceed to any other Business whatsoever, except as hereafter provided, but shall then adjourn to the said Day; and the Proceedings of all Committees, subsequent to such Notice from the said Serjeant, shall be void; and on the following Day the House shall proceed in the same Manner, and so from Day to Day, till there be an Attendance of One hundred Members at the Reading of the Order of the Day to take such Petition into Consideration: Provided always, that if, after reading the Order of the Day for taking any such Petition into Consideration, on any Day immediately preceding *Christmas Day*, (or if *Christmas Day* falls on a *Monday*, on the preceding *Saturday*), *Whitsunday*, or *Good Friday*, it shall be found that there are not One hundred Members present, or that the Number of Thirty-three Members, not set aside or excused, cannot be completed, it shall and may be lawful for the House, if they shall think fit, to direct that the said Order shall be adjourned for any Number of Days, and the House shall then immediately be adjourned to the Hour and Day to which such Order shall be so adjourned.

XVIII. And be it enacted, That if after summoning the Members, and counting the House, as aforesaid, One hundred Members shall be found to be present, the Parties, their Counsel or Agents, shall be ordered to attend at the Bar, and then the Door of the House shall be locked, and no Member shall be suffered to enter into or depart from the House until the Parties, their Counsel or Agents, shall be directed to withdraw, as hereinafter is mentioned; and when the Door shall be locked as aforesaid, the Order of the Day shall be read, and the Names of all the Members of the House, written on distinct Pieces of Paper, being all as near as may be of equal Size, and folded up in the same Manner, shall be put into Six Glasses, to be placed on the Table for that Purpose; and then the Clerk or Clerk Assistant attending the House shall publicly draw out of the said Six Glasses the said Pieces of Paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until Thirty-three Names of the Members present be drawn: Provided always, that the Names of all the Members so written and folded up shall, previous to the Time appointed for taking any such Petition into Consideration, be prepared by the said Clerk or Clerk Assistant, and by him put into a Box in the Presence of the Speaker, together with an Attestation, signed by the said Clerk or Clerk Assistant, purporting that the Names of all the Members were by him put therein the

Day of

in the Year , which said Box the Speaker shall seal or cause to be sealed, in his Presence, with his own Seal, and to the Outside thereof shall annex or cause to be annexed an Attestation, signed by himself, purporting that the said Box was, on the

Day of in the Year

, made up in his Presence, in the Manner directed by this Act; and that as soon as the Parties shall be withdrawn as aforesaid, and before the House shall enter on any other Business, any Member may require that the Names of all the Members which remain undrawn shall be drawn and read aloud by the said Clerk or Clerk Assistant.

present, the House to adjourn, &c.

If 100 Members are present, the Parties, &c. to be ordered to the Bar.

Names of Members to be put in Six Boxes or Glasses, and drawn out alternately, and read by the Speaker, till 33 be drawn, &c.

Previous to taking a Petition into Consideration, the Names of Members to be put into a Box, &c.

How to proceed where Two or more Petitions are ordered to be taken into Consideration on the same Day.

XIX. And be it enacted, That when Two or more such Petitions are ordered to be taken into Consideration by the House on the same Day, it shall and may be lawful, after summoning the Members and counting the House, in the Manner hereinbefore directed, to order all the Petitioners and other Parties, by themselves, their Counsel or Agents, to attend within the House at the same Time, before the Door shall be locked; and after the List of the Thirty-three Names of the Members present hath been drawn by Lot and completed, in order to form the First Committee, as hereinbefore is directed, it shall and may be lawful to proceed forthwith, and before the Door of the House shall be opened, except for the Purposes hereinafter mentioned, to draw by Lot, and complete in like Manner, out of the same Glasses, another List of Thirty-three Names of the remaining Members present, in order to form the Second Committee, according to the said Directions; and in the same Manner to draw by Lot and complete successive Lists of Thirty-three Names of the remaining Members present, in order to form a Third or Fourth Committee, according to the said Directions.

Number of Members to be present to form more than One Ballot.

XX. And be it enacted, That it shall not be lawful to proceed in manner aforesaid to form successive Lists, in order to form more than One of such Committees, unless One hundred and twenty Members shall be present in the House at the Time of counting the same; nor to form successive Lists, in order to form more than Two such Committees, unless One hundred and eighty Members shall then be present in the House; nor to form successive Lists, in order to form more than Three such Committees, unless Two hundred and forty Members shall then be present in the House.

Certain Members disqualified from serving on Committees.

XXI. And be it enacted, That if the Name of any Member who shall have given his Vote at the Election complained of as aforesaid, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, or whose Return shall not have been brought in Fourteen Days, shall be drawn, his Name shall be set aside, and not be entered in the List of Names drawn.

Members above 60 Years of Age may be excused.

XXII. And be it enacted, That if the Name of any Member of Sixty Years of Age or upwards be drawn, he shall be excused from serving on any Select Committee to be appointed by virtue of this Act, if he require it, and verify the Cause of such Excuse upon Oath.

Or Members who have previously served during the same Session.

XXIII. And be it enacted, That if the Name of any Member who has served on One such Select Committee during the same Session be drawn, he shall, if he require it, be excused from serving again in any such Select Committee, unless the House shall, before the Day appointed for taking the said Petition into Consideration, have resolved that the Number of Members who have not served on any such Select Committee in the same Session is insufficient to fulfil the Purposes of this Act respecting the Choice of such Select Committee.

As to Members whose Attendance has been excused.

XXIV. And be it enacted, That no Member, who, after having been appointed to serve on any such Select Committee, shall, on account of Inability or Accident, have been excused from attending

tending the same throughout, shall be deemed to have served on any such Committee.

XXV. And be it enacted, That if any other Member shall offer any other Excuse, the Substance of the Allegations shall be taken down by the said Clerk, in order that the same may afterwards be entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought not to be compelled to serve on such Select Committee, he also shall be excused from such Service: Provided always, that the said Member shall thereupon verify upon Oath the Allegations so taken down by the Clerk.

XXVI. And be it enacted, That in case the House shall proceed in manner aforesaid to form successive Lists, in order to form Two or more such Committees, and any Member whose Name is drawn shall be excused for some Reason which applies specially to any one Petition, the Name of such Member shall be returned into the Glass from whence it has been taken, so that it might be again drawn by Lot upon any of the following Petitions.

XXVII. And be it enacted, That instead of the Members so set aside and excused, the Name of other Members shall be drawn, who may, in like Manner, be set aside or excused, and others drawn to supply their Places, until the whole Number of Thirty-three Members not liable to be so set aside or excused shall be complete; and if the Number of Thirty-three Members, not set aside nor excused, cannot be completed, the House shall proceed in the Manner they are hereinbefore directed in case there be less than One hundred Members present at the Time prescribed for counting the House, and so from Day to Day, as often as the Case shall happen: Provided always, that if Two or more such Petitions are to be taken into Consideration on the same Day, and it shall happen, by reason that a sufficient Number of Members liable to serve are not present in the House, that successive Lists cannot be formed, in manner aforesaid, upon all such Petitions, yet the House may nevertheless proceed to form the List or Lists, and appoint the Select Committee or Committees upon One or more of such Petitions, as far as they are enabled so to do by the Number of Members present, and may, after such Appointment, proceed to any other Business; and the Order or Orders for taking the remaining Petition or Petitions into Consideration shall be adjourned, as hereinbefore is directed in case there be less than One hundred Members present at the Time prescribed for counting the House.

XXVIII. And be it enacted, That as soon as Thirty-three Members shall have been so chosen by Lot, the House may proceed to take any other such Petition into Consideration as may have been appointed to be considered on that Day, and if there be none such, then the Doors of the House shall be opened, and the House may proceed upon any other Business.

XXIX. Provided always, and be it enacted, That if after counting the House in the Manner hereinbefore mentioned there be less than One hundred Members present, or if Thirty-three Members, not set aside or excused, cannot be completed, as hereinbefore is provided, the House shall not proceed upon any Business

If Members offer other Excuses, the Opinion of the House to be taken thereon.

Members excused for Reasons applying especially to One Petition may be re-drawn.

Instead of Members excused, others to be drawn.

If Number of 33 Members cannot be completed, House to adjourn. But if One Committee has been formed, the House may proceed with other Business; and the Orders for the remaining Petitions may be adjourned.

When Lists are complete, the House to proceed to other Business.

How to proceed where a List cannot be completed.

Business whatever, except to adjourn the Order of the Day for taking any such Petition into Consideration, in manner hereinbefore directed, or to proceed upon any Order of the Day for the Call of the House which shall have been previously fixed for that Day, and to direct that the House, in pursuance of such Order, be then called over, if they shall so think fit, or to direct that such Order of the Day for the Call of the House shall be adjourned to such future Day as they shall appoint, and in either of such Cases to come to such Resolutions, and to make such Orders relating thereto, as to the House shall seem meet; and in case no Order of the Day for a Call of the House shall have been previously fixed for that Day, then to order that the House shall be called over on such future Day as they shall appoint, and to make such Orders relating thereto as they shall think necessary, and in such Case to make such other Orders as to them shall seem expedient, for enforcing the Attendance of the Members upon the Business of the House, and that the House shall then adjourn to the same Day to which the Order or Orders for taking into Consideration any such Petition or Petitions shall have been adjourned, and so from time to time, as Occasion shall require; and in case no such Proceedings with respect to any Call of the House, or other the Matters before mentioned, shall take place, or if in the Course of those Proceedings the House shall be adjourned for Want of Members, the House shall be deemed and taken, and shall be declared to be adjourned to the same Day to which such Order or Orders shall have been adjourned: Provided always, that in case the Thirty-three Members not set aside or excused cannot be completed, it shall not be lawful for the House to proceed upon any of the Matters before mentioned until the Door of the House is unlocked, and the Parties, their Counsel and Agents, are withdrawn from the Bar.

Lists of the 33 Members to be given to the Parties, who are to withdraw, and reduce the Number to Eleven.

XXX. And be it enacted, That as soon as the said Thirty-three Members shall have been so chosen by Lot, the Petitioners and sitting Member or Members, or any Party who may have been admitted to defend the Return, or to defend any Right of Election, and all the Parties, their Counsel or Agents, shall immediately withdraw, together with the Clerk appointed to attend the said Select Committee; which Clerk shall furnish a List of the Thirty-three Members to each of the Parties; and the Petitioners and sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, shall alternately strike off One of the said Thirty-three Members, until the said Number shall be reduced to Eleven; and the said Clerk, within One Half Hour at furthest from the Time of the Parties withdrawing from the House, or if the Doors of the House shall at the Expiration of such Half Hour be closed, then immediately after they shall be opened, shall deliver in to the House the Names of the Eleven Members then remaining, and the said Eleven Members shall be sworn at the Table well and truly to try the Matter of the Petition referred to them, and a true Judgment to give according to the Evidence, and shall be deemed and taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election appointed by

by the House to be by them taken into Consideration, from and after the Time of any such Select Committee having been sworn at the Table; and the House shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of the Appointment of the said Select Committee, unless a *Sunday, Christmas Day, or Good Friday* shall intervene; and the Place of their meeting and sitting shall be some convenient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

XXXI. And be it enacted, That on the Parties withdrawing as aforesaid, the House shall continue sitting, and the said Thirty-three Members so chosen by Lot shall not depart the House till the Time for the Meeting of such Select Committee shall be fixed.

XXXII. And be it enacted, That if Two or more such Petitions are to be taken into Consideration on the same Day, it shall be lawful for the Parties, their Counsel or Agents, to withdraw from the House as soon as the List of Thirty-three Names shall have been drawn, in order to form the Committee for the Trial of such Petition respectively, and for the Clerk appointed to attend the said Committee to return the reduced List in the Time intervening between any Two Ballots; and the Members remaining upon any of the said reduced Lists shall be sworn at the Table, and shall be at liberty forthwith to depart from the House.

XXXIII. And be it enacted, That if, on a Complaint by Petition of an undue Election or Return, there shall be more than Two Parties before the House on distinct Interests, or complaining or complained of upon distinct Grounds, whose Right to be elected or returned may be affected by the Determination of any such Select Committee, each of the said Parties shall successively strike off a Member from the Thirty-three Members chosen by Lot, until the same Number be reduced to Eleven, in the same Manner as is hereinbefore directed for the striking off of a Member by each Party, and the List of the Thirty-three Members chosen by Lot shall for this Purpose be given to all the said Parties, and the Order in which the said Parties shall so strike off the said Members shall be determined by Lot after they are withdrawn from the Bar, and in like Manner shall be determined the Order in which the Parties in Petitions complaining of the same Double Return shall strike off the said Members; and the Eleven Members remaining on the said reduced List shall be sworn at the Table, and be a Select Committee for the Purposes aforesaid.

XXXIV. And be it enacted, That if within One Hour after the Time appointed for taking any Petition complaining of an undue Election or Return, or Omission to make a Return, into Consideration, the sitting Member or sitting Members, or other Party opposing the Petition, shall not appear, by himself or themselves, or his or their Counsel or Agents, or if at the Time so appointed as aforesaid there shall be no Party before the House opposing such Petition, or any Petition touching a Right of Election, the House shall proceed to appoint a Select Committee to try the Merits of such Petition, in the following Manner; (that is to say,) that the Names of Thirty-three Members shall be drawn in the Manner hereinbefore prescribed; but in reducing the List of such

Members chosen not to depart till Meeting of Committee is fixed.

When several Petitions are taken into Consideration, Parties may reduce Lists between the Ballots, and Committee may leave.

If more than Two Parties on distinct Interests, each Party to strike off the Name of a Member from the 33 successively until reduced to Eleven.

Regulations for the Trials of the Merits of Petitions where no opposing Party appears.

Names to Eleven, the Place of the Party opposing the Petition shall be supplied by the Clerk appointed to attend the said Committee, who shall, as often as it shall come to his Turn, as supplying the Place of such Party, strike out that Name which then shall be first on the said List.

Reducing Lists when any Party shall waive his Right.

XXXV. And be it enacted, That the same Method of reducing the List of Members drawn to Eleven shall be followed whenever any Party shall waive his Right of striking off Names from the said List.

Manner of proceeding when Returning Officers, who have been ordered to attend, shall appear ;

XXXVI. And be it enacted, That if the Returning Officer or Officers by whom any Return ought to have been made or has been made shall attend the House when any Petition complaining of any undue Election or Return, or Omission to make a Return, is ordered to be taken into Consideration, in consequence of such Order and Notice as is hereinbefore described, and in case there shall be more Petitions than One presented on distinct Interests, or complaining upon different Grounds, the House shall determine, from the Nature of the Case, whether the Returning Officer or Officers, his or their Counsel or Agents, shall, together with such Petitioners, be entitled to strike off from the List of Members drawn by Lot, in the Manner hereinbefore directed in Cases where there shall be more than Two Parties before the House, or whether such List shall be reduced by the Parties severally presenting such Petitions only ; and if such Officer or Officers cannot be found to be served with such Notice or Order, or being served, shall not appear, by himself or themselves, his or their Counsel or Agents, at the Day and Time appointed for taking such Petition into Consideration, the House may permit or authorize any Person to appear in the Stead of him or them, and in like Manner shall decide whether the Person so nominated or appointed to appear in the Place of such Returning Officer or Officers shall be entitled to strike off from the said List of Thirty-three Members so drawn by Lot as aforesaid, as it might do in case the Returning Officer or Officers had appeared.

when Returning Officers do not appear.

Committee to elect a Chairman.

XXXVII. And be it enacted, That every such Select Committee shall on their meeting elect a Chairman ; and if in the Election of a Chairman there be an equal Number of Voices, the Member whose Name was first drawn in the House shall have a casting Voice ; so likewise, in case there should ever be Occasion for electing a new Chairman, on the Death or necessary Absence of the Chairman first elected.

Committees to be attended by a Short-hand Writer.

XXXVIII. And be it enacted, That every such Committee shall or may be attended by a Person well skilled in the Art of writing Short-hand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman faithfully and truly to take down, in Short-hand, the Evidence adduced before such Committee, and from Day to Day, as Occasion may require, to transcribe or cause the same to be transcribed, in Words at Length, for the Use of such Committee.

Committee empowered to send for and examine Persons, Papers, and Records.

XXXIX. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try and determine, except it shall otherwise appear to such Committee

mittee that such Person is an interested Witness, and shall examine all the Witnesses who came before them upon Oath; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons, shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Directions, may at any Time during the Course of their Proceedings report the same to the House, for the Interposition of their Authority, or Censure, as the Case may require, and may by a Warrant under his Hand, directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours, if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms.

XL. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine, by a Majority of Voices of such Select Committee, whether the Petitioners or the sitting Members, or either of them, be duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties (except as is hereinafter provided for) to all Intents and Purposes; and the House, on being informed thereof by the Chairman of the said Select Committee, shall order the same to be entered in their Journals, and give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into Execution, as the Case may require; and every such Committee, at the same Time that they inform the House of their final Determination on the Merits of the Petition which they were sworn to try, shall also report to the House whether such Petition did or did not appear to them to be frivolous or vexatious; and in like Manner report with respect to every Party who shall have appeared before them in opposition to such Petition, whether the Opposition of such Party did or did not appear to them to be frivolous or vexatious; and if no Party shall have appeared before them in opposition to such Petition, they shall then report to the House whether such Election or Return, or such alleged Omission of a Return, as shall be complained of in such Petition, (according as the Case may be,) did or did not appear to them to be vexatious or corrupt.

Committee to decide, and to report their Decision to the House, &c.

Decision to be final, except in certain Cases.

Committee to report whether the Petition or Opposition to it is frivolous or vexatious, or whether the Return is vexatious or corrupt.

XLl. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that the Chairman of such Select Committee shall inform the House of such Determination; and the House may confirm or disagree with such Resolution; and make such Orders thereon as to them shall seem proper.

Committees may report their Determinations on other Matters to the House.

XLlI. And be it enacted, That every such Select Committee shall sit every Day (*Sunday, Christmas Day, and Good Friday only excepted*), and shall never adjourn for a longer Time than

Committees not to adjourn for more than 24 Hours,

Twenty-

without Leave
&c.

Twenty-four Hours, unless a *Sunday, Christmas Day, or Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday, Christmas Day, or Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment, for any Time to be fixed by the House: Provided always, that if such Select Committee shall have occasion to apply or report to the House in relation to the Adjournment of such Select Committee, the Absence of the Members thereof, or the Non-attendance or Misbehaviour of Witnesses summoned to appear or appearing before them, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the Meeting of the House.

Committee
Man not to
absent himself.

XLIII. And be it enacted, That no Member of any such Select Committee shall be allowed to absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, on special Cause shown and verified upon Oath; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted, nor Excuse allowed, are met; and in case they shall not all meet within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, in the Manner as before directed, and reported, with the Cause thereof, to the House.

Committee
not to sit until
all be met.
On Failure .
of meeting
within One
Hour, Ad-
journalment to be
made.

XLIV. And be it enacted, That the Chairman of every such Select Committee shall at the next Meeting of the House always report the Name of every Member thereof who shall have been absent therefrom without such Leave or Excuse as aforesaid, and such Member shall be directed to attend the House at the next Sitting thereof, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated and verified upon Oath, that such Member was, by a sudden Accident, or by Necessity, prevented from attending the said Select Committee.

Chairman to
report Absen-
tees, who are to
be directed to
attend, &c.

XLV. And be it enacted, That if more than Two Members of any such Select Committee shall on any Account be absent therefrom, such Select Committee shall adjourn in the Manner hereinbefore directed, and so from time to time, until Nine Members are assembled, except as is hereafter provided.

If more than
Two Members
be absent, Com-
mittee to ad-
journal.

XLVI. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall, by Death or otherwise, be unavoidably reduced to less than Nine, and shall so continue for the Space of Three sitting Days, such Select Committee shall be dissolved, and another chosen to try and determine the Matter of such Petition in manner aforesaid; and all the Proceedings of such former Select Committee shall be void and of no Effect: Provided always, that whenever any such Committee shall have sat for Business Fourteen Days, not including those Days on which they shall have adjourned on account of the Absence of

If any Com-
mittee is re-
duced to less
than Nine by
the Non-at-
tendance of its
Members, it
shall be dis-
solved, except
as herein men-
tioned.

any

any Member, nor including *Sunday, Christmas Day, or Good Friday*, it shall and may be lawful for them to proceed to Business, if a Number of Members not less than Eight be present; and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Eight, and shall so continue for the Space of Three sitting Days; and whenever any such Committee shall in like Manner have sat for Business Twenty-five Days, or shall have directed any Commission to be issued for the Examination of Evidence in *Ireland*, under the Provisions of an Act passed in the Forty-second Year of the Reign of His late Majesty, and intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland*, it shall and may be lawful for them to proceed to Business, if a Number of Members not less than Seven be present; and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Seven, and shall so continue for the Space of Three sitting Days.

42 G.S. c. 106.

XLVII. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the Course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as such Select Committee shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of such Committee consider thereof; and all such Questions, as well as such Determinations, and all other Resolutions, shall be by a Majority of Voices; and if the Voices shall be equal, including the Voice of such Chairman, the Chairman shall have a casting Voice.

When Committee is deliberating, the Room to be cleared, &c.

XLVIII. And be it enacted, That no Determination shall be made by any such Committee on any Question whatsoever, save and except such as may arise in consequence of the Absence of any Member, unless the Number of Members hereinbefore required be present: Provided always, that no Member shall be entitled to vote on the Determination of any Question, who has not attended during every Sitting of such Committee, except such at which the Committee shall have met and adjourned in manner hereinbefore directed, in consequence of the Absence of such Member.

No Determination to be made by any Committee unless the requisite Number of Members are present.

XLIX. And be it enacted, That the Oaths by this Act directed to be taken in the House shall be administered by the said Clerk or Clerk Assistant, and that the Oaths directed by this Act to be taken before any Select Committee shall be administered by the Clerk attending such Select Committee; and that all Persons who shall be guilty of wilful and corrupt Perjury in any Evidence which they shall give before the House or such Committee, in consequence of the Oath which they shall have taken by the Direction of this Act, shall on Conviction thereof incur and suffer the like Pains and Penalties to which any other Person convicted of

How Oaths are to be administered, &c.

of wilful and corrupt Perjury is liable by the Laws and Statutes of this Realm.

When the Merits of a Petition depend on Questions respecting the Right of Election, &c. Committee to require Statements in Writing of such Rights, and to report thereon, &c.

L. And be it enacted, That whenever any Committee appointed to try the Merits of any such Petition as aforesaid shall be of Opinion that the Merits of such Petition do wholly or in Part depend on any Question or Questions which shall be before them respecting the Right of Election for the County, City, Borough, District of Burghs, Port, or other Place to which such Petition shall relate, or respecting the Right of choosing, nominating, or appointing the Returning Officer or Returning Officers who is or are to make Return of such Election, the said Committee in such Case shall require the Counsel or Agents for the several Parties, or if there shall be none such before them, shall then require the Parties themselves, to deliver to the Clerk of such Committee Statements in Writing of the Right of Election, or of choosing, nominating, or appointing Returning Officers, for which they respectively contend; and the Committee shall come to distinct Resolutions on such Statements, and shall, at the same Time that they report to the House their final Determination on the Merits of such Petition, also report to the House such Statement or Statements, together with their Judgment with respect thereto; and such Report shall thereupon be entered in the Journals of the House, and Notice thereof shall be sent by the Speaker to the Sheriff or other Returning Officer of the Place to which the same shall relate, and a true Copy of such Notice shall, by such Sheriff or other Returning Officer, be forthwith affixed to the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held, and such Notice shall also be inserted, by Order of the Speaker, in One of the Two next *London Gazettes*.

Petitions of Appeal may be presented to the House within Six Months after a Report has been made on any Right of Election, &c.

LL. And be it enacted, That whenever any such Report with respect to such Rights, any or either of them, shall be made to the House, it shall and may be lawful for any Person or Persons within Six Months next after the Day on which such Report shall have been made to the House, or in case such Six Months shall end between the Time when the present or any future Parliament shall be dissolved or shall expire and the Day on which the next Parliament shall meet, or in case such Six Months shall expire during any Recess, either by the Prorogation of Parliament, or by the Adjournment of the House of Commons for Fourteen Days intervening between the Day of Adjournment and the Day to which the House shall be so adjourned, then within Fourteen Days next after the first Day of the next Parliament, or of the next Session of the same Parliament, or of the next Meeting of the House of Commons, as the Case may be, to petition the House to be admitted as a Party or Parties to oppose those Rights, any or either of them, which shall have been deemed valid in the Judgment of such Committee; and that such Petition, when presented, shall be ordered by the House to lay on the Table till such Six Months, or such Fourteen Days as aforesaid, shall be expired; and that within Twenty-one sitting Days after the Expiration of such Six Months, or Fourteen Days, a Day and Hour shall be appointed by the House for taking the same into Consideration, so that the Space of Fourteen Days at the least shall always intervene

tervene between the Day on which such Order shall be made and the Day appointed by the House for taking the same into Consideration; and such Day and Hour may from time to time be altered as to the House shall seem fit; and Notices of such Day and Hour, and of such Alteration thereof, shall be sent to the several Persons who have petitioned the House respecting such Rights, in like Manner as is done in other Cases: Provided always, that if no such Petition shall be so presented within the Times above limited for presenting the same, the said Judgment of such Committee on such Question or Questions shall be held and taken to be final and conclusive in all subsequent Elections of Members of Parliament for that Place to which the same shall relate, and to all Intents and Purposes whatsoever; any Usage to the contrary notwithstanding.

LII. And be it enacted, That whenever a Day or Hour shall be appointed by the House for taking any such Petition into consideration, Notice of such Day and Hour shall be inserted, by Order of the Speaker, in One of the Two next *London Gazettes*, and also shall be sent by him to the Sheriff or other returning Officer for the Place to which such Petition shall relate; and a true Copy of such Notice shall, by the said Sheriff or other Returning Officer, be forthwith affixed to the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held.

Notice of the Time fixed for taking Petitions into Consideration to be inserted in the Gazette, and sent to Returning Officers, &c.

LIII. And be it enacted, That it shall and may be lawful for any Person or Persons, at any Time before the Day so appointed for taking such Petition into Consideration, to petition the House to be admitted as a Party or Parties to defend such Right of Election, or of choosing, nominating, or appointing the Returning Officer or Officers; and such Person or Persons shall thereupon be so admitted, and shall be considered as such to all Intents and Purposes whatever.

Who may be admitted Parties to defend the Right of Election, &c.

LIV. And be it enacted, That at the Hour appointed by the House for taking such Petition into Consideration, the House shall proceed to appoint a Select Committee to try the Merits thereof, in the same Manner as Select Committees are hereinbefore by this Act directed to be appointed: Provided always, that if the Name of any Member shall be drawn who shall have served on the Select Committee whose Determination forms the Subject of Complaint in the Petition then about to be taken into Consideration, the Name of such Member shall not be entered in the List of Names drawn; and such Select Committee shall be sworn to try and determine the Merits of such Petition, so far as the same relate to any Question or Questions respecting the Right of Election for the Place to which the Petition shall relate or respecting the Right of appointing, nominating, or choosing the Returning Officer or Returning Officers who are to make Return of such Election; and the Determination of such Committee on such Question or Questions shall be entered in the Journals of the House, and shall be held and taken to be final and conclusive in all subsequent Elections of Members of Parliament for that Place to which the same shall relate, and to all Intents and Purposes whatsoever; any Usage to the Contrary notwithstanding.

Committees of Appeal, how to be appointed;

their Determination to be final.

Powers and Regulations given to other Election Committees to extend to Appeal Committees.

LV. And be it enacted, That all and every the Rules, Regulations, Authorities, or Powers prescribed and given by this Act to Select Committees for the Trial of controverted Elections or Returns, shall be in full Force and Effect with respect to Select Committees hereby appointed for the Trial of such Question or Questions of Right as aforesaid: Provided always, that the several Rules and Regulations hereinbefore mentioned, by which certain Persons are directed to enter into Recognizances, and by which certain Persons are made liable to the Payment of Costs, in the particular Manner and in the several Cases hereinbefore specified, shall not be construed to apply to the Case of any Petition presented to oppose or defend the Determination of any Select Committee on any Question or Questions respecting the Right of Election, or of choosing, nominating, or appointing a Returning Officer or Returning Officers.

Committees not dissolved by the Prorogation of Parliament, &c.

LVI. And be it enacted, That whenever it shall happen that Parliament shall be prorogued, after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but shall not have been taken into Consideration, the House shall, within Two Days after the next Meeting of Parliament, appoint a Day and Hour for taking the same into Consideration; and if the Parliament shall be prorogued while any Select Committee appointed under the Authority of this Act shall be sitting for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Dispatch of Business (*Sundays, Good Friday, and Christmas Day, always excepted*); and all former Proceedings of such Committee shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day, in the Manner hereinbefore provided, until they shall have reported to the House their Determination on the Merits of such Petition.

Costs, when incurred by Petitioners, &c.

LVII. And be it enacted, That whenever any Committee appointed to consider the Merits of any Petition complaining of an undue Election or Return, or of the Omission to return any Member or Members to Parliament, shall report to the House with respect to any such Petition (except as is hereinbefore excepted), that the same appeared to them to be frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner hereinafter directed.

Costs, when incurred by Parties opposing Petitions, &c.

LVIII. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such
Petition

Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner hereinafter directed.

LIX. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election or Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return, complained of in any such Petition, that the same appeared to them to be vexatious or corrupt, the Person or Persons who shall have signed such Petition shall be entitled to recover from the sitting Member or sitting Members (if any) whose Election or Return shall be complained of in such Petition (such sitting Member or sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting their Petition; such Costs and Expences to be ascertained in the Manner hereinafter directed.

Costs, when incurred where no Party appears to oppose a Petition, &c.

LX. And be it enacted, That the Costs and Expences of prosecuting or opposing any Petition presented under the Provisions of this Act, and the Costs, Expences, and Fees which shall be due and payable to any Witness summoned to attend before such Committee, or to any Clerk or Officer of the House of Commons, upon the Trial of any such Petition, shall be ascertained in manner following; (that is to say), that on Application made to the Speaker of the House of Commons within Three Months after the Determination of the Merits of such Petition, by any such Petitioner, Party, Witness, or Officer, as before mentioned, for ascertaining such Costs, Expences, or Fees, the Speaker shall direct the same to be taxed by Two Persons, of whom the Clerk or One of the Clerks Assistant of the House shall always be one, and One of the following Officers, not being a Member of the House, shall be the other; (that is to say), Masters in the High Court of Chancery, Clerks in the Court of King's Bench, Prothonotaries in the Court of Common Pleas, and Clerks in the Court of Exchequer; and the Persons so authorized and directed to tax such Costs, Expences, and Fees shall and they are hereby required to examine the same, and to report the Amount thereof, together with the Name of the Party liable to pay the same, to the Speaker of the said House, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the Costs, Expences, and Fees allowed in such Report, together with the Name of the Party liable to pay the same; and the Persons so appointed to tax such Costs, Expences, and Fees, and report the Amount thereof, are hereby authorized to demand and receive for such Taxation and Report such Fees as shall be from time to time fixed by any Resolution of the House; and such Certificate so signed by the Speaker shall be conclusive Evidence of the Amount of such Demands, in all

Costs, how to be ascertained.

Cases and for all Purposes whatsoever; and the Witness, Officer, or Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Costs to be taxed.

LXI. And be it enacted, That in all Cases the Persons hereinbefore authorized and directed by the Speaker of the House of Commons to tax such Costs and Expences shall allow all reasonable Costs as between Attorney and Client.

Persons appointed to tax Costs empowered to take Affidavits.

LXII. And be it enacted, That each of the Persons so authorized as aforesaid by the Speaker of the House of Commons to tax such Costs, Expences, or Fees, and also any Master of the High Court of Chancery, or any of His Majesty's Justices of the Peace, shall be, and they and each of them are hereby authorized and empowered to take any Affidavit relative to such Costs, Expences, or Fees, or the Taxation or Nonpayment thereof, and to administer the Oath for taking such Affidavit; and all and every Person convicted of wilfully false swearing in any Affidavit authorized to be made by this Act, shall be deemed guilty of and suffer the Penalties on Persons convicted of wilful and corrupt Perjury.

Costs, how to be recovered.

LXIII. And be it enacted, That it shall and may be lawful for the Party or Parties entitled to such Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any one or more of the Persons respectively who are hereinbefore made liable to the Payment thereof in the several Cases hereinbefore mentioned, and in case of Nonpayment thereof to recover the same by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum to which the Costs and Expences, ascertained in manner aforesaid, shall amount, by virtue of this Act; and the Certificate of such Amount, so signed as aforesaid by the Speaker, shall have the Force and Effect of a Warrant to confess Judgment; and the Court in which such Action shall be commenced shall, upon Motion, and on the Production of such Certificate, enter up Judgment in favour of the Plaintiff or Plaintiffs named in such Certificate, for the Sum specified therein to be due from the Defendant or Defendants in such Action, in like Manner as if the said Defendant or Defendants had signed a Warrant to confess Judgment in the said Action to that Amount.

Speaker's Certificate to have the Effect of a Warrant to confess Judgment.

Persons paying Costs may recover a Proportion thereof from other Persons liable thereto.

LXIV. And be it enacted, That in every Case where the Amount of such Costs and Expences shall have been so recovered from any Person or Persons, it shall and may be lawful for such Person or Persons to recover in like Manner, from the other Persons, or any of them (if such there shall be), who are liable to the Payment of the same Costs and Expences, a proportionable Share thereof, according to the Number of Persons so liable.

Recognizances, when to be estreated, &c.

LXV. And be it enacted, That if any Petitioner or Petitioners who shall have entered into such Recognizance as aforesaid shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf, before the House or such Select Committee, on the Trial

of such Petition, the Sums so certified as aforesaid by the Speaker to be due to such Witness, together with the further Sum of Forty Shillings *per Diem* for every Day during which such Petitioner or Petitioners shall delay to satisfy the same; or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after Demand, to pay to any Officer of the House, or to any Party who shall appear in opposition to the said Petition, the Sum so certified by the Speaker as aforesaid to be due to such Officer or Party, for their Fees, Costs, or Expences, and that such Neglect or Refusal shall be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case such Person or Persons shall be held to have made Default in his or their said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made Default therein; and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall have the same Effect as if the same were estreated from a Court of Law: Provided always, that such Recognizance and Certificate shall in every such Case be delivered by the Clerk or One of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron of the Exchequer, or of One of the Barons of the Exchequer, or of such Officer as shall be appointed by the said Court to receive the same.

LXVI. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain*, every such Person may, in case it shall have been determined by a Select Committee appointed in the Manner hereinbefore directed, that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of His Majesty's Courts of Record at *Westminster*, or of his Court of Session in *Scotland*, and shall recover Double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Returning Officer may be sued for neglecting to return any Persons duly elected.

LXVII. And be it enacted, That this Act shall commence and take effect from and after the last Day of the present Session of Parliament.

Commencement of Act.

Form of Recognizance referred to in this Act.

BE it remembered, That on the _____ Day of _____
 in the Year of our Lord _____ before me A. B.
 (Speaker of the House of Commons) or (One of His Majesty's
 Justices of the Peace for the County of _____) came C. D.,
 F 3 E. F.,

E. F., & *J. G.* (*H. K.* & *L. M.*) and severally acknowledged themselves to owe to our Sovereign Lord the King the following Sums; that is to say, the said *C. D.* the Sum of One thousand Pounds and (the said *E. F.* and the said *J. G.* the Sum of Five hundred Pounds each), [or, in case there should be Four Sureties, the said *E. F.*, *J. G.*, *H. K.*, & *L. M.* the Sum of Two hundred and Fifty Pounds each]; to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lord the King, His Heirs and Successors, in case the said *C. D.* shall fail in performing the Condition hereunto annexed :

The Condition of this Recognizance is, That if the said *C. D.* shall well and truly pay all Costs and Expences and Fees which shall be due and payable from the said *C. D.* to any Witness who shall be summoned to give Evidence in his Behalf, or to any Clerk or Officer of the House of Commons, upon the Trial of the Petition signed by the said *C. D.* (complaining of an undue Election or Return for the [here state the Place], or (complaining that no Return has been made for the said within the Time limited by Act of Parliament), or (complaining that the Return made for the said is not a Return of a Member or Members, according to the Requisition of the Writ); and if the said *C. D.* shall also well and truly pay the Costs and Expences of the Party who shall appear before the House in opposition to the said Petition, in case the said *C. D.* shall fail to appear before the House at such Time or Times as shall be fixed by the House for taking such Petition into Consideration; or in case the said *C. D.* shall withdraw his said Petition by the Permission of the House; or in case the Select Committee appointed by the House to try the Matter of the said Petition shall report to the House that the said Petition appears to them to be frivolous or vexatious; then this Recognizance to be void, otherwise to be of full Force and Effect.

C A P. XXIII.

An Act to enable Bankers in *England* to issue certain unstamped Promissory Notes and Bills of Exchange, upon Payment of a Composition in lieu of the Stamp Duties thereon. [19th June 1828.]

‘ WHEREAS it is expedient to permit all Persons carrying
 ‘ on the Business of Bankers in *England* (except within the
 ‘ City of *London*, or within three Miles thereof), to issue their
 ‘ Promissory Notes payable to Bearer on Demand, or to Order
 ‘ within a limited Period after Sight, and to draw Bills of Ex-
 ‘ change payable to Order on Demand, or within a limited Period
 ‘ after Sight or Date, on unstamped Paper, upon Payment of a
 ‘ Composition in lieu of the Stamp Duties which would otherwise
 ‘ be payable upon such Notes and Bills respectively, and subject
 ‘ to the Regulations hereinafter 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 Au-
 thority of the same, That from and after the First Day of *July*
 One thousand eight hundred and twenty-eight, it shall be lawful
 for

for any Person or Persons carrying on the Business of a Banker or Bankers in *England*, (except within the City of *London*, or within Three Miles thereof,) having first duly obtained a Licence for that Purpose, and given Security by Bond in manner hereinafter mentioned, to issue, on unstamped Paper, Promissory Notes for any Sum of Money amounting to Five Pounds or upwards, expressed to be payable to the Bearer on Demand, or to Order, at any Period not exceeding Seven Days after Sight; and also to draw and issue, on unstamped Paper, Bills of Exchange, expressed to be payable to Order on Demand, or at any Period not exceeding Seven Days after Sight, or Twenty-one Days after the Date thereof; provided such Bills of Exchange be drawn upon a Person or Persons carrying on the Business of a Banker or Bankers in *London*, *Westminster*, or the Borough of *Southwark*, or provided such Bills of Exchange be drawn by any Banker or Bankers, at a Town or Place where he or they shall be duly licensed to issue unstamped Notes and Bills under the Authority of this Act, upon himself or themselves, or his or their Copartner or Copartners, payable at any other Town or Place where such Banker or Bankers shall also be duly licensed to issue such Notes and Bills as aforesaid.

missory Notes and Bills of Exchange, subject to the Regulations herein mentioned.

II. And be it enacted, That it shall be lawful for any Two or more of the Commissioners of Stamps to grant to all Persons carrying on the Business of Bankers in *England* (except as aforesaid), who shall require the same, Licences authorizing such Persons to issue such Promissory Notes, and to draw and issue such Bills of Exchange as aforesaid, on unstamped Paper; which said Licences shall be and are hereby respectively charged with a Stamp Duty of Thirty Pounds for every such Licence.

Commissioners of Stamps may grant Licences to issue unstamped Notes and Bills.

III. And be it further enacted, That a separate Licence shall be taken out in respect of every Town or Place where any such unstamped Promissory Notes or Bills of Exchange as aforesaid shall be issued or drawn: Provided always, that no Person or Persons shall be obliged to take out more than Four Licences in all for any Number of Towns or Places in *England*; and in case any Person or Persons shall issue or draw such unstamped Notes or Bills as aforesaid, at more than Four different Towns or Places, then, after taking out Three distinct Licences for Three of such Towns or Places, such Person or Persons shall be entitled to have all the rest of such Towns or Places included in a Fourth Licence.

A separate Licence to be taken for every Place where such Notes or Bills shall be issued, but not to exceed Four Licences for any Number of such Places.

IV. And be it further enacted, That every Licence granted under the Authority of this Act shall specify all the Particulars required by Law to be specified in Licences to be taken out by Persons issuing Promissory Notes payable to Bearer on Demand, and allowed to be re-issued; and every such Licence which shall be granted between the Tenth Day of *October* and the Eleventh Day of *November* in any Year shall be dated on the Eleventh Day of *October*, and every such Licence which shall be granted at any other Time shall be dated on the Day on which the same shall be granted; and every such Licence shall (notwithstanding any Alteration which may take place in any Copartnership of Persons to whom the same shall be granted) have effect and continue in force from the Day of the Date thereof until the Tenth Day of *October* then next following, both inclusive, and no longer.

Regulations respecting Licences.

Commissioners may cancel Licences already taken out, and grant Licences under this Act in lieu thereof.

V. Provided always, and be it further enacted, That where any Banker or Bankers shall have obtained the Licence required by Law for issuing Promissory Notes payable to Bearer on Demand, at any Town or Place in *England*, and during the Continuance of such Licence shall be desirous of taking out a Licence to issue at the same Town or Place unstamped Promissory Notes and Bills of Exchange under the Provisions of this Act, it shall be lawful for the Commissioners of Stamps to cancel and allow as spoiled the Stamp upon the said first-mentioned Licence, and in lieu thereof to grant to such Banker or Bankers a Licence under the Authority of this Act; and every such last-mentioned Licence shall also authorize the issuing and re-issuing of all Promissory Notes payable to the Bearer on Demand, which such Banker or Bankers may by Law continue to issue or re-issue at the same Town or Place, on Paper duly stamped.

Bankers while licensed under this Act shall not issue, for the first Time, Notes on stamped Paper.

VI. Provided always, and be it further enacted, That if any Banker or Bankers, who shall take out a Licence under the Authority of this Act, shall issue, under the Authority either of this or any other Act, any unstamped Promissory Notes for Payment of Money to the Bearer on Demand, such Banker or Bankers shall, so long as he or they shall continue licensed as aforesaid, make and issue on unstamped Paper all his or their Promissory Notes for Payment of Money to the Bearer on Demand, of whatever Amount such Notes may be; and it shall not be lawful for such Banker or Bankers, during the Period aforesaid, to issue for the first Time any such Promissory Note as aforesaid on stamped Paper.

Bankers licensed to issue unstamped Notes or Bills shall give Security, by Bond, for the due Performance of the Conditions herein contained.

VII. And be it further enacted, That before any Licence shall be granted to any Person or Persons to issue or draw any unstamped Promissory Notes or Bills of Exchange under the Authority of this Act, such Person or Persons shall give Security, by Bond, to His Majesty, His Heirs and Successors, with a Condition, that if such Person or Persons do and shall from time to time enter or cause to be entered in a Book or Books to be kept for that Purpose, an Account of all such unstamped Promissory Notes and Bills of Exchange as he or they shall so as aforesaid issue or draw, specifying the Amount or Value thereof respectively, and the several Dates of the issuing thereof; and in like Manner also, a similar Account of all such Promissory Notes as, having been issued as aforesaid, shall have been cancelled, and the Dates of the cancelling thereof, and of all such Bills of Exchange as, having been drawn or issued as aforesaid, shall have been paid, and the Dates of the Payment thereof; and do and shall from time to time, when thereunto requested, produce and show such Accounts to, and permit the same to be examined and inspected by the said Commissioners of Stamps, or any Officer of Stamps appointed under the Hands and Seals of the said Commissioners for that Purpose; and also do and shall deliver to the said Commissioners of Stamps Half-yearly, (that is to say,) within Fourteen Days after the First Day of *January* and the First Day of *July* in every Year, a just and true Account in Writing, verified upon the Oaths or Affirmations (which any Justice of the Peace is hereby empowered to administer), to the best of the Knowledge and Belief of such Person or Persons, and of his or their Cashier, Accountant, or

Chief

Chief Clerk, or of such of them as the said Commissioners shall require, of the Amount or Value of all unstamped Promissory Notes and Bills of Exchange, issued under the Provisions of this or any former Act, in Circulation within the Meaning of this Act on a given Day, (that is to say,) on *Saturday* in every Week, for the Space of Half a Year prior to the Half-yearly Day immediately preceding the Delivery of such Account, together with the Average Amount or Value of such Notes and Bills so in Circulation, according to such Account; and also do and shall pay or cause to be paid to the Receiver General of Stamp Duties in *Great Britain*, or to some other Person duly authorized by the Commissioners of Stamps to receive the same, as a Composition for the Duties which would otherwise have been payable for such Promissory Notes and Bills of Exchange issued or in Circulation during such Half Year, the Sum of Three Shillings and Sixpence for every One hundred Pounds, and also for the fractional Part of One hundred Pounds, of the said Average Amount or Value of such Notes and Bills in Circulation, according to the true Intent and Meaning of this Act; and on due Performance thereof such Bond shall be void, but otherwise the same shall be and remain in full force and virtue.

VIII. And be it further enacted, That every unstamped Promissory Note payable to the Bearer on Demand, issued under the Provisions of this Act, shall, for the Purpose of Payment of Duty, be deemed to be in Circulation from the Day of the issuing to the Day of the cancelling thereof, both Days inclusive, excepting nevertheless the Period during which such Note shall be in the Hands of the Banker or Bankers who first issued the same, or by whom the same shall be expressed to be payable; and that every unstamped Promissory Note payable to Order, and every unstamped Bill of Exchange so as aforesaid issued, shall for the Purpose aforesaid be deemed to be in Circulation from the Day of the issuing to the Day of the Payment thereof, both Days inclusive: Provided always, that every such Promissory Note payable to Order, and Bill of Exchange as aforesaid, which shall be paid in less than Seven Days from the issuing thereof, shall, for the Purpose aforesaid, be included in the Account of Notes and Bills in Circulation on the *Saturday* next after the Day of the issuing thereof as if the same were then actually in Circulation.

IX. And be it further enacted, That in every Bond to be given pursuant to the Directions of this Act the Person or Persons intending to issue or draw any such unstamped Promissory Notes and Bills of Exchange as aforesaid, or such and so many of the said Persons as the Commissioners of Stamps shall require, shall be the Obligors; and every such Bond shall be taken in the Sum of One hundred Pounds, or in such larger Sum as the said Commissioners of Stamps may judge to be the probable Amount of the Composition or Duties that will be payable from such Person or Persons, under or by virtue of this Act, during the Period of One Year; and it shall be lawful for the said Commissioners to fix the Time or Times of Payment of the said Composition or Duties, and to specify the same in the Condition to every such Bond; and every such Bond may be required to be renewed from time to time, at the Discretion of the said Commissioners,

and

For what Period
Notes and Bills
are to be deemed
in Circulation.

Regulations
respecting the
Bonds to be
given pursuant
to this Act.

and as often as the same shall be forfeited, or the Parties to the same, or any of them, shall die, become bankrupt or insolvent, or reside in Parts beyond the Seas.

Fresh Bonds to be given on Alterations of Copartnerships.

X. And be it further enacted, That if any Alteration shall be made in any Copartnership of Persons who shall have given any such Security by Bond as by this Act is directed, whether such Alteration shall be caused by the Death or Retirement of One or more of the Partners of the Firm, or by the Accession of any additional or new Partner or Partners, a fresh Bond shall be given by the remaining Partner or Partners, or the Persons composing the new Copartnership, as the Case may be, which Bond shall be taken as a Security for the Duties which may be due and owing, or may become due and owing, in respect of the unstamped Notes and Bills which shall have been issued by the Persons composing the old Copartnership, and which shall be in Circulation at the Time of such Alteration, as well as for Duties which shall or may be or become due or owing in respect of the unstamped Notes and Bills issued or to be issued by the Persons composing the new Copartnership; provided that no such fresh Bond shall be rendered necessary by any such Alteration as aforesaid in any Copartnership of Persons exceeding Six in Number, but that the Bonds to be given by such last-mentioned Copartnerships shall be taken as Securities for all the Duties they may incur so long as they shall exist, or the Persons composing the same, or any of them, shall carry on Business in Copartnership together, or with any other Person or Persons, notwithstanding any Alteration in such Copartnership; saving always the Power of the said Commissioners of Stamps to require a new Bond in any Case where they shall deem it necessary for better securing the Payment of the said Duties.

Penalty on Bankers neglecting to renew their Bonds.

XI. And be it further enacted, That if any Person or Persons who shall have given Security, by Bond, to His Majesty, in the Manner hereinbefore directed, shall refuse or neglect to renew such Bond when forfeited, and as often as the same is by this Act required to be renewed, such Person or Persons so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Penalty for post-dating unstamped Notes or Bills.

XII. And be it further enacted, That if any Person or Persons who shall be licensed under the Provisions of this Act shall draw or issue, or cause to be drawn or issued, upon unstamped Paper, any Promissory Note payable to Order, or any Bill of Exchange which shall bear Date subsequent to the Day on which it shall be issued, the Person or Persons so offending shall, for every such Note or Bill so drawn or issued, forfeit the Sum of One hundred Pounds.

This Act not to exempt from Penalties any Persons issuing unstamped Notes or Bills not in accordance herewith.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to exempt or relieve from the Forfeitures or Penalties imposed by any Act or Acts now in force, upon Persons issuing Promissory Notes or Bills of Exchange not duly stamped as the Law requires, any Person or Persons who under any Colour or Pretence whatsoever shall issue any unstamped Promissory Note or Bill of Exchange, unless such Person or Persons shall be duly licensed to issue such Note or Bill under the Provisions of this Act; and such

Note

Note or Bill shall be drawn and issued in strict Accordance with the Regulations and Restrictions herein contained.

XIV. And be it further enacted, That all pecuniary Forfeitures and Penalties which may be incurred under any of the Provisions of this Act shall be recovered for the Use of His Majesty, His Heirs and Successors, in His Majesty's Court of Exchequer at *Westminster*, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majesty's Attorney or Solicitor General in *England*.

Recovery of Penalties.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, or affect any of the Rights, Powers, or Privileges of the Governor and Company of the Bank of *England*.

Not to affect the Privileges of the Bank of *England*.

XVI. And Whereas it may happen that Bankers who may be desirous to issue unstamped Promissory Notes payable to Bearer on Demand, under the Provisions of this Act, may have provided themselves with Stamps for such Notes, which may not have been issued, and which may by this Act be rendered useless or unnecessary, and it is expedient to enable the Commissioners of Stamps to cancel and allow such Stamps in manner hereinafter mentioned; Be it therefore enacted, That where any Banker or Bankers, who shall take out a Licence under the Authority of this Act, shall have in his or their Possession Stamps for re-issuable Promissory Notes payable to the Bearer on Demand, which shall be rendered useless or unnecessary in consequence of such Banker or Bankers electing to issue such Notes on unstamped Paper under the Provisions of this Act, it shall be lawful for the said Commissioners of Stamps, and they are hereby authorized and empowered to cancel and allow such Stamps so as aforesaid rendered useless or unnecessary, and to repay the Amount or Value thereof in Money, deducting therefrom the Sum of One Pound Ten Shillings for every One hundred Pounds, and so in Proportion for any greater or less Sum than One hundred Pounds of such Amount or Value; provided Proof be made by Affidavit or Affirmation, to the Satisfaction of the said Commissioners, that such Stamps have not been issued; and provided Application be made for such Allowance within Six Calendar Months next after the passing of this Act.

Where any Bankers taking out Licences under this Act shall have Stamps in their Possession which will become useless, the Commissioners may cancel such Stamps, and make Allowance for the same.

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

Act may be altered.

C A P. XXIV.

An Act to repeal certain Acts, and to consolidate and amend the Laws relating to Bills of Exchange and Promissory Notes in *Ireland*.
[19th June 1828.]

WHEREAS it is expedient that the Acts relating to Bills of Exchange and Promissory Notes in *Ireland* should be consolidated and amended, so that the Law in relation thereto may be assimilated to that of *England*; and also that the Fees payable to Notaries Public in *Ireland*, for noting and protesting such Bills and Notes, should be regulated and defined: Be it therefore enacted by the King's most Excellent Majesty, by and

After 1st Sept. 1828, the Irish Acts 8 Anne and 26 G. 3. relating to Promissory Notes, and so much of 1 & 2 G. 4. c. 78. and 7 & 8 G. 4. c. 15. (U. K.) as relate to Promissory Notes in Ireland, repealed.

Promissory Notes may be assignable as Bills of Exchange.

And the Persons to whom they are assigned may maintain Actions for the same.

and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Parliament of Ireland in the Eighth Year of the Reign of Queen Anne, intituled *An Act for the better Payment of Inland Bills of Exchange, and making Promissory Notes more obligatory*; and also an Act passed in the Parliament of Ireland in the Twenty-sixth Year of the Reign of King George the Third, to explain and amend the said Act of the Eighth Year of the Reign of Queen Anne; and also an Act passed in the Parliament of the United Kingdom in the First and Second Years of the Reign of His present Majesty, intituled *An Act to regulate Acceptance of Bills of Exchange*; and also an Act passed in the Parliament of the United Kingdom in the Seventh and Eighth Years of His present Majesty's Reign, intituled *An Act for declaring the Law in relation to Bills of Exchange and Promissory Notes becoming payable on Good Friday or Christmas Day*, so far as the said Two last-mentioned Acts or either of them relate to or are in force in Ireland, shall, from and after the First Day of September One thousand eight hundred and twenty-eight, be and the same are hereby repealed; except so far as any of the said Acts may repeal any former Act or Acts, and except as to Actions or Suits heretofore commenced and prosecuted upon any of the said so hereby repealed Acts respectively.

II. And be it enacted, That when any Note in Writing commonly called a Promissory Note shall at any Time after the said First Day of September One thousand eight hundred and twenty-eight be made and signed by any Person or Persons, Banker or Bankers, Goldsmith or Goldsmiths, Merchant or Merchants, Trader or Traders, or by any Clerk, Servant, or Agent usually intrusted by him, her, or them to sign such Promissory Notes for him, her, or them, whereby the Maker or Makers of such Note doth or do or shall promise to pay any Sum of Money mentioned therein to any other Person or Persons, his, her, or their Order, or unto Bearer, such Note shall be taken and construed to be, by virtue thereof, due and payable to the Person or Persons to whom the same is made payable, or to the Bearer thereof respectively; and every such Note payable to any Person or Persons, or to his, her, or their Order, shall be assignable or indorsable over in the same Manner as Inland Bills of Exchange are or may be according to the Custom of Merchants; and the Person or Persons to whom such Sum of Money is or shall by any such Note or Indorsement be made payable, or to whom such Note shall be indorsed or assigned, or shall be payable, shall and may maintain an Action for the same, in such Manner as he, she, or they might do upon any Inland Bill of Exchange made or drawn according to the Custom of Merchants, either against the Person or Persons by whom or by whose Servant or Agent as aforesaid the same was signed, or against any of the Persons having indorsed such assignable or indorsable Note, in like Manner as in Cases of Inland Bills of Exchange; and in every such Action the Plaintiff or Plaintiffs shall recover his, her, or their Damages and Costs of Suit; and if such Plaintiff or Plaintiffs shall be nonsuited, or a Verdict shall be given against him, her, or them, the Defendant

or Defendants shall recover his, her, or their Costs against the Plaintiff or Plaintiffs; and every such Plaintiff or Plaintiffs, Defendant or Defendants, respectively recovering, may sue out Execution for such Damages and Costs by Capias, Fieri facias, or Elegit.

III. And be it further enacted, That every such Action shall be commenced, sued, and brought within such Time as is appointed for commencing or suing Actions upon the Case, by an Act made in the Parliament of Ireland in the Tenth Year of the Reign of King Charles the First, intituled *An Act for Limitations of Actions, and for avoiding of Suits in Law.*

IV. And be it further enacted, That from and after the First Day of September One thousand eight hundred and twenty-eight, in all Cases where any Inland Bill of Exchange or Promissory Note for the Sum of Five Pounds and upwards respectively shall be dishonoured by Non-acceptance of such Bill, or Nonpayment of such Bill or Note, it shall be lawful for the Holder or Holders of such Bill or Note, to cause the same to be protested for such Non-acceptance or Nonpayment, as the Case may be, by a Notary Public, and in default of such Notary Public, by any other substantial Person of the City, Town, or Place where such Bill or Note shall be so dishonoured, in the Presence of Two or more credible Witnesses; which Protest shall be made and written under a fair written Copy of such Bill or Note, in the Form or to the Effect following:

‘ **K** NOW all Men, That I *A. B.* on the _____ Day of _____
 ‘ have demanded from the above-named _____ Payment of the Bill
 ‘ or Note [*or* Acceptance of the Bill] of which the above is a
 ‘ Copy, which the said _____ did not pay, [*or* accept] :
 ‘ Wherefore I the said _____ do hereby protest the
 ‘ said Bill [*or* Note]. Dated at _____ this _____
 ‘ Day of _____

Which Protest so made as aforesaid shall be sent, or otherwise due Notice of such Dishonour shall be given, by or on behalf of the Party holding or protesting such Bill or Note, to the Party from whom such Bill or Note was received, and whom it is sought to make chargeable therewith, and such Party shall thereupon pay the said Bill or Note, together with all Interest and Charges from the Day when such Bill or Note was protested; and there shall be paid to the Notary or other Person protesting any such Bill or Note a Sum of Two Shillings and Sixpence for any Bill or Note not amounting to Twenty Pounds, and a Sum of Four Shillings for any Bill or Note amounting to Twenty Pounds and upwards, over and above all Stamp Duty upon such Protest, and also of the Fee of One Shilling, hereinafter provided, for registering and copying such Bill; and in case such Protest shall be made and sent, or such due Notice of the Dishonour of such Bill or Note shall be given as aforesaid, to any Person liable to the Payment thereof by reason of such Dishonour, the Person so receiving such Protest or Notice, and failing or neglecting to pay the Amount of such Bill or Note so protested or dishonoured, together with the Costs of such Protest, shall be liable to all Costs, Damages, and Interest which may and shall accrue thereby.

Actions to be brought within the Time limited by the Statute of Limitations.

Dishonoured Bills above the Value of 5l. may be protested.

Form of Protest.

Notice of Protest to be given.

Expences of Protest.

When a Bill or Note is lost, the Drawer to give another, on certain Conditions.

V. And be it further enacted, That in case it shall happen that any Bill or Note shall be lost or miscarried before the same shall have been presented for Acceptance, or within the Time limited for Payment of the same, then the Drawer of such Bill, or the Maker of such Note, shall be obliged to give another Bill or Note of the same Tenor with the Bill or Note first given, the Person or Persons to whom the same shall be so delivered giving Security, if demanded, to the said Drawer or Maker, to indemnify him against all Persons whomsoever, in case the Bill or Note so alleged to be lost or miscarried shall be found again.

Bills accepted in satisfaction of any former Debt, to be deemed a full Payment.

VI. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, if any Person doth or shall receive any such Bill or Note, for and in Satisfaction of any former Debt, or of any Sum of Money formerly due unto such Person, the same shall be accounted and esteemed, at Law and in Equity, a full and complete Payment of such Debt, if such Person so receiving any such Bill or Note for his Debt shall not use due Diligence to obtain Payment thereof by endeavouring to get such Bill accepted and paid, or such Note paid, and also make his Protest as aforesaid, either for Non-acceptance or Nonpayment thereof, or otherwise give due Notice of the Dishonour thereof as aforesaid; provided that nothing herein contained shall extend to satisfy or discharge any other and different Security or Remedy that any Person using such due Diligence as aforesaid may have for the same Debt against the Drawer, Acceptor, or Indorser of such Bill, or the Maker or Indorser of such Note.

What shall be deemed a general, and what a qualified Acceptance.

VII. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, if any Person shall accept a Bill of Exchange payable at the House of a Banker or other Person, without further Expression in his Acceptance, such Acceptance shall be deemed and taken to be, to all Intents and Purposes, a general Acceptance of such Bill; but if the Acceptor shall in his Acceptance express that he accepts the Bill payable at the House of a Banker, or of any other Person only, or not otherwise or elsewhere, such Acceptance shall be deemed and taken to be, to all Intents and Purposes whatsoever, a qualified Acceptance of such Bill, and the Acceptor shall not be liable to pay such Bill, except in default of Payment when such Payment shall have been duly demanded at the Time when such Bill shall have become payable, and at the House of such Banker, or other Place where such Bill shall have been made payable.

No Acceptance of any Inland Bill of Exchange to be good, unless made in Writing on the same.

VIII. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, no Acceptance of any Inland Bill of Exchange shall be sufficient to charge any Person or Persons, unless such Acceptance shall have been made in Writing upon such Bill, or if there be more than One such Bill of the same Tenor and Date, then on One of the said Bills.

Bills falling due on Good Friday, Christmas Day, and Days of Fast,

IX. And Whereas the Bank of *Ireland*, and Banks in general, and other Persons in *Ireland*, are often under the Necessity of transacting Business on *Good Friday, Christmas Day*, and Days appointed by His Majesty's Proclamation for solemn Fasts or
 Days

‘ Days of Thanksgiving, for the Purpose of receiving Money for Foreign and Inland Bills of Exchange and Promissory Notes becoming payable on those Days respectively, in consequence whereof many Persons are prevented observing the same with due Solemnity: And Whereas Doubts have existed in Ireland, whether Foreign and Inland Bills of Exchange and Promissory Notes falling due on any *Sunday* are properly payable on the *Saturday* next before such *Sunday*, or on the *Monday* next after such *Sunday*: Now therefore, for the better Observance of *Good Friday* and *Christmas Day*, and such Days of Fast and Thanksgiving as aforesaid, and also for the removing such Doubts as aforesaid, and assimilating the Law of *Ireland* to that of *England* in such respects, Be it enacted, That in all Cases where any such Bill of Exchange or Promissory Note in *Ireland* shall fall due on any *Sunday*, or on any *Good Friday* or on any *Christmas Day*, or on any such Day of Fast or Day of Thanksgiving, the same shall be payable on the Day next preceding such *Sunday* or such *Good Friday*, or on the Day (not being a *Sunday*) next preceding such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively; and that in case of Nonpayment of such Bill of Exchange or Promissory Note, the same may be noted and protested on such preceding Day as if the same were payable on such Day; and that whenever such *Christmas Day* shall fall on, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Monday*, every such Bill of Exchange or Promissory Note, which would be payable on such *Christmas Day* or Day of Fast or Day of Thanksgiving, shall be payable on the *Saturday* preceding such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively, and in case of Nonpayment, being first duly demanded, may be noted and protested for † Payment on such preceding *Saturday*.

to be payable on the Day before.

† Sic.

X. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, in Cases of Bills of Exchange and Promissory Notes falling due on any *Sunday*, *Good Friday*, or any *Christmas Day*, or on any Day of Fast or Day of Thanksgiving as aforesaid, as well as in the Cases of Foreign or Inland Bills of Exchange and Promissory Notes falling due in *Ireland* on the Day preceding any *Sunday*, or any *Good Friday*, or any *Christmas Day*, or any such Day of Fast or Day of Thanksgiving, it shall not be necessary for the Holder or Holders of such Bills of Exchange or Promissory Notes to give Notice of the Dishonour thereof until the Day next after such *Sunday*, or *Good Friday*, or *Christmas Day*, or Day of Fast or Day of Thanksgiving; and in case such *Christmas Day* shall fall, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Saturday*, it shall not be necessary for the Holder or Holders of such Bills of Exchange or Promissory Notes to give Notice of the Dishonour thereof until the *Monday* next after such *Christmas Day* or Day of Fast or Thanksgiving; and that whensoever such *Christmas Day* shall fall on, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Monday*, it shall not be necessary for the Holder or Holders of such Bills of Exchange and Promissory Notes, as shall either, by virtue of this Act or otherwise, be payable on the preceding *Saturday*, to give Notice

In such Cases Notice of the Dishonour thereof not necessary to be given until the Day next after such *Good Friday*, &c.

Notice of the Dishonour thereof until the *Tuesday* next after such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively; and that every such Notice so given as aforesaid shall be valid and effectual to all Intents and Purposes.

Good Friday, &c. for the Purposes of this Act, to be considered the same as Sunday.

XI. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, *Good Friday* and *Christmas Day*, and every such Day of Fast and Thanksgiving so appointed by His Majesty, is and shall, for all other Purposes whatsoever as regards Bills of Exchange and Promissory Notes, be treated and considered in *Ireland* as the Lord's Day, commonly called *Sunday*.

XII. ' And Whereas it is the Usage and Custom in *Ireland* for Bankers and Banking Companies, and Merchants and other Persons having Offices of Business, to attend therein daily until the Hour of Six of the Clock in the Afternoon, for the Purpose of receiving Payment (should the same be offered) of such Foreign or Inland Bills of Exchange or Promissory Notes whereof they are the Holders, as had been presented for Payment at some earlier Hour of the Day upon which the same became payable, and which had not then been paid upon such Presentment; and in such Cases the Holder of such Bills of Exchange and Promissory Notes when such Bills of Exchange and Promissory Notes are not paid at or before the said Hour of Six of the Clock on the said Day of Payment, have been used to send the same to a Notary Public, in order that the same may be by him again presented for Payment, and in case of Nonpayment noted for Protest: And Whereas Doubts have existed whether the Acceptors of Bills of Exchange, and the Makers of Promissory Notes, have not by Law till the last Instant of the Day upon which the same respectively may become due to pay the same; and by reason of such Doubts Notaries Public in *Ireland* have been required, at late and unseasonable Hours of the Night, to receive Payment of such Bills or Notes as may at some previous Hour of the same Day have been presented for Payment as aforesaid: And Whereas it is expedient that such Doubts should be removed, and that the said inconvenient Practice occasioned thereby should be discontinued; Be it therefore enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, in any Case where any Notary Public in *Ireland* shall present any Bill of Exchange, whether Foreign or Inland, or Promissory Note, for Payment thereof as aforesaid, and Payment of the same shall not be made at or before the Hour of Nine of the Clock in the Afternoon of the Day of such Presentment, it shall not be necessary for such Notary Public, or any Person for him at his House or Office, to be in attendance after such Hour of Nine of the Clock, in order to receive Payment of the same; but every such Bill or Note as aforesaid, whereof Payment shall not be made, or duly and legally tendered, at or before such Hour of Nine of the Clock, shall be considered to be and shall be dishonoured to all Intents and Purposes, and thereupon such Notary Public shall and may note or protest the same for Nonpayment; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Notaries Public need not attend to accept Bills after Nine o'Clock in the Evening.

XIII. ' And

XIII. ' And Whereas it would be productive of great Benefit to
 ' the Holders of Foreign and Inland Bills of Exchange and Pro-
 ' missory Notes, to cause the same to be presented by a Notary
 ' Public, and (if necessary) noted for Non-acceptance or Non-
 ' payment, either with a view to a future Protest or otherwise, or
 ' whether such Bills or Notes may have been previously pre-
 ' sented for Acceptance or Payment by such Holders thereof, or
 ' otherwise; and also that such Notary shall fairly and truly re-
 ' gister and copy such Bill of Exchange or Promissory Note as
 ' he may so present; and it is therefore expedient to regulate
 ' the Charges which such Notary Public may lawfully make in
 ' relation to such noting, presentment, registering, and copying;'
 Be it therefore enacted, That from and after the First Day of *Septem-
 ber* One thousand eight hundred and twenty-eight, whenever
 any Bill of Exchange or Promissory Note shall be sent or delivered
 to any Notary Public in *Ireland*, for any of the Purposes afore-
 said, the same shall be by him forthwith registered and copied in
 a Book to be kept by him for that Purpose; and for which regis-
 tering and copying he shall be entitled and is hereby authorized
 to make a Charge of One Shilling, whether such Bill shall be
 afterwards noted or protested or not; and such Notary shall be
 further entitled to make an additional Charge of One Shilling
 and Sixpence for presenting or causing to be presented any such
 Bill or Note for Payment or Acceptance (as the Case may be);
 and such Notary shall be further entitled to make an additional
 Charge of One Shilling and Sixpence for noting every such Bill
 or Note, when the same shall be dishonoured for Non-acceptance
 or Nonpayment (as the Case may be); provided the Place where
 such Presentment shall be made shall be within the Limits or
 within the Bounds of any City or Town in *Ireland*: Provided
 always that every such Charge as such Notary Public shall be so
 entitled to make as aforesaid shall in all Cases be paid and pay-
 able to such Notary by the Holder or Holders of such Bills or
 Notes; and every such Holder shall be entitled and is hereby
 authorized to recover over, from the Acceptor of any such Bill
 of Exchange, or Maker of any such Promissory Note, or other
 Party or Parties liable to such Holder upon such Bill or Note, the
 full Amount of such Notary's Charge as aforesaid, for registering
 and copying the same in his Books as aforesaid, in case such Bill
 or Note shall, previously to its being sent or delivered to such
 Notary for the Purpose aforesaid, have been duly presented for
 Acceptance or Payment, and if same be payable, shall not have
 been paid, or the Amount thereof duly and legally tendered, or
 in case the same, though it may not have been so previously pre-
 sented and dishonoured, shall not, upon being duly presented by
 such Notary, be duly honoured by Acceptance or Payment
 thereof, as the Case may be; and every such Holder shall be
 further entitled and is hereby authorized to recover over, from
 such Acceptor or Maker of such Bill or Note, or other Party or
 Parties thereto, being liable thereon to such Holder as aforesaid,
 the full Amount of such Notary's said Charge for presenting or
 noting the same, in case the same shall not, upon being so duly
 presented by such Notary as aforesaid, be duly honoured by Ac-
 ceptance or Payment thereof, as the Case may be: Provided also,

Notaries Public, upon receiving Bills, to enter and register the same in a Book, to be open to Inspection.
 Charges for registering, &c.

Holders of Bills may recover the Amount of such Charges from the Acceptors.

that such Holder shall be entitled and is hereby authorized to recover over, in like Manner, from such Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, as last aforesaid, the full Amount of such Notary's Charge for presenting the same, in case (notwithstanding such Acceptance or Payment thereof, upon such Presentment by such Notary as aforesaid) the same had been previously thereto duly presented to such Acceptor or Maker for Acceptance or Payment thereof, and such Acceptance or Payment had not been made: Provided also, that in all Cases where the Holder of such Bill or Note shall be entitled, under the aforesaid Provisions of this Act, to recover from the Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, such Notary's Charge for registering and copying in his Books, or presenting the same for Payment, or noting the same as aforesaid, it shall be lawful for such Notary, at the Time of presenting such Bill or Note for the Payment thereof, to demand from the Acceptor or Maker thereof, or the Person paying the same, the full Amount of such Charge or Charges, over and above the Sum specified in such Bill or Note; and in case such Acceptor or Maker shall, on such Demand, refuse to pay such Notary the full Amount of such Charge or Charges, it shall and may be lawful for such Notary to refuse to receive Payment of the Sum specified in such Bill or Note, or the Acceptance of such Bill, notwithstanding that the same may be tendered; but every such Bill or Note shall, by reason of such Refusal to pay such Charge or Charges as aforesaid, be deemed to be and shall be dishonoured, to all Intents and Purposes whatsoever.

Notary may demand the Amount of Charges from the Acceptor or Maker of the Bill, and if not paid may refuse to receive Payment of the Bill.

Sums allowed for protesting Bills.

XIV. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, every such Notary Public, or other Person as aforesaid, shall be entitled to a Sum of Four Shillings for protesting any Foreign Bill of Exchange, over and above all Stamp Duty payable upon such Protest, and also over and besides the Sum of One Shilling for registering and copying such Bill, as hereinbefore provided.

Notaries practising in Dublin to keep a Public Office.

XV. And be it enacted, That all Public Notaries practising in the City of *Dublin*, shall keep a Public Office in some known and convenient Street or Place in the said City, on which the Name of such Notary and his Profession shall be set forth in legible Characters; and that the said Notaries shall keep their Offices open from Six of the Clock in the Afternoon until Nine of the Clock in the Evening of every Day (*Sunday, Good Friday, Christmas Day, and Days of Fast and Days of Thanksgiving* as aforesaid excepted).

Limits of Dublin for the Purposes of this Act.

XVI. And it is hereby further declared and enacted, That all Places within the City or County of *Dublin* over which the Jurisdiction of the Commissioners for paving, cleansing, and lighting the City of *Dublin*, commonly called the Paving Board, extends, pursuant to an Act passed in the Forty-seventh Year of His late Majesty *George the Third*, intituled *An Act for the more effectual Improvement of the City of Dublin and the Environs thereof*, shall be deemed and taken to be for the Purposes of this Act within the Bounds or Limits of the said City of *Dublin*.

XVII. Provided

XVII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to repeal or alter the Provisions of any Act relating to Bills of Exchange or Promissory Notes now in force in *Ireland*, saving so far as the same are repealed or altered by the express Provisions of this Act.

Act not to repeal former Acts, except so far as is provided.

C A P. XXV.

An Act to authorize the Appointment of Persons to act as Solicitors on behalf of His Majesty in any Court or Jurisdiction in Revenue Matters. [19th June 1828.]

WHEREAS it has been found greatly conducive to the Public Interest that Persons specially appointed by the Commissioners of the Treasury, or by the several Commissioners of His Majesty's Revenue, to be Solicitors or Attornies on behalf of His Majesty, should act and practise as such Solicitors or Attornies without being admitted and enrolled as Solicitors or Attornies, and without being subject, by reason of such acting or practising, to any of the Regulations in force in any Part of the United Kingdom relating to Solicitors or Attornies: 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 whenever any Person has been or is or shall be appointed to be Solicitor or Attorney on behalf of His Majesty, under the Orders and Directions of the Commissioners of the Treasury, Customs, Excise, or Stamps, or under the Orders and Directions of any Commissioners or other Persons or Person having the Management of any other Branch of His Majesty's Revenue, for the Time being, it is and shall and may be lawful for such Person to act and practise as such Solicitor or Attorney under such Orders and Directions in all and every Court and Courts, Jurisdiction and Jurisdictions, Place and Places, in any and every Part of the United Kingdom; any Thing in any Act of Parliament, or in any Order or Rule of any Court of Justice, or any Law, Usage, or Custom in force in any Part of the United Kingdom relating to Solicitors or Attornies, or to the Admission or Practice of such Solicitors or Attornies, to the contrary in anywise notwithstanding.

Persons appointed to be Solicitors or Attornies on behalf of His Majesty, under the Orders of the Treasury, &c., may act in all Courts or Jurisdictions in the United Kingdom.

II. And be it further enacted, That every Person who shall or may have acted as such Solicitor or Attorney under or in pursuance of or in obedience to any such Appointment, Orders, and Directions as aforesaid, shall be and is hereby respectively indemnified for and on account of the same, and of any Act or Thing done in pursuance of or in obedience to or in conformity with such Appointment, Orders, and Directions; and if any Action, Suit, Prosecution, or Proceeding hath been or shall be commenced against any Person, for or in respect of any Act, Matter, or Thing done under such Appointment, Orders, or Directions as aforesaid, it shall be lawful for the Defendant or Defender in any such Action, Suit, Prosecution, or Proceeding, in or before whatever Court the same may be commenced or had, to apply to such Court by Motion in a summary Way to stay all Proceedings what-

Persons who shall have acted as such indemnified; and Proceedings against them to be stayed.

ever against such Defendant or Defender, and such Court is hereby required to make Order for that Purpose accordingly.

C A P. XXVI.

An Act to regulate the Office of Keeper of the General Register of Hornings and Inhibitions in *Scotland*.

[19th June 1828.]

57 G. 3. c. 64.

‘ WHEREAS by an Act passed in the Fifty-seventh Year of
 ‘ the Reign of His late Majesty King *George* the Third,
 ‘ intituled *An Act to abolish certain Offices, and to regulate others,*
 ‘ in *Scotland*, it is enacted, that from and after and upon the Ter-
 ‘ mination respectively of the then existing Interests in certain
 ‘ Offices therein mentioned, *videlicet*, the Office of Auditor of the
 ‘ Exchequer in *Scotland*, the Office of King’s Remembrancer in
 ‘ Exchequer in *Scotland*, the Office of Lord Treasurer’s Remem-
 ‘ brancer in Exchequer in *Scotland*, the Office of Presenter of
 ‘ Signatures in Exchequer in *Scotland*, the Office of Keeper of the
 ‘ General Register of Seizins in *Scotland*, the Office of Clerk to
 ‘ the Admission of Notaries in *Scotland*, the Office of Director of
 ‘ the Chancery in *Scotland*, the Office of Clerk of the Chancery
 ‘ in *Scotland*, and the Office of the Clerk of the Court of Admiralty
 ‘ in *Scotland*, and so soon as the said Offices, or any or either of
 ‘ them respectively, should become vacant, the Duties thereof
 ‘ should be discharged by the Officer appointed to hold the same
 ‘ in Person; and from time to time as any of the said respective
 ‘ Offices should become vacant, it should be lawful for the Lord
 ‘ High Treasurer or Commissioners of the Treasury, or any Three
 ‘ or more of them, for the Time being, and they were thereby
 ‘ authorised and required to regulate the Duties and Establish-
 ‘ ments of the said Offices respectively, as they respectively
 ‘ become vacant, so as that the several Duties to be discharged
 ‘ therein respectively should be performed in Person; and there-
 ‘ upon and thereafter such and such Number of fit and proper
 ‘ Persons should be appointed, or should be authorized and di-
 ‘ rected to be appointed, as might be sufficient and necessary to
 ‘ perform and execute the Duties to be done, performed, and
 ‘ executed in the said Offices respectively, as the said Commis-
 ‘ sioners should deem fit, with such Salaries and Allowances as
 ‘ should be ordered and appointed by the said Lord High Treas-
 ‘ urer or Commissioners of the Treasury in that Behalf, Regard
 ‘ being had in every such Case to the Nature and Extent of the
 ‘ Duties to be performed, and to the Responsibility which might
 ‘ attach or belong to the several or respective Offices or Persons
 ‘ executing the Duties of said Offices respectively; and all such
 ‘ Regulations, Appointments, Salaries, and Allowances, when so
 ‘ made and established, should become and be in full Force
 ‘ and Effect in relation to the said Offices respectively, any Thing
 ‘ contained in any Act or Acts of Parliament, or any Law or
 ‘ Laws, or Usage, Custom, or Practice to the contrary notwith-
 ‘ standing; provided always, that any Fees then charged or
 ‘ chargeable for or in respect of any of the said Offices, or re-
 ‘ ceived or receivable, according to Law, in any of the said Offices
 ‘ respectively,

respectively, should continue to be received, and the same should be applied in Payment of the Salary or Salaries, Allowance or Allowances, authorized by the said recited Act to be granted or made in each of the said Offices in which such Fees should be received; and if any Balance of such Fees should remain, after paying and satisfying such Salaries or Allowances respectively, the same should be paid at least once in Three Months to the Receiver General of *Scotland*, and should by him be paid and accounted for in the same Manner with any Public Monies received and accounted for by him: And Whereas the Office of Keeper of the General Register of Hornings and Inhibitions in *Scotland* is now vacant, and it is expedient that this Office should be regulated, and that the whole Provisions of the said recited Act herein set forth should extend and apply to the said 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 from and after the passing of this Act the several Provisions of the said recited Act herein set forth shall all of them extend and be held to apply to, and shall apply to, the Office of Keeper of the General Register of Hornings and Inhibitions in *Scotland*.

Certain Powers of recited Act to extend to the Office of Register of Hornings and Inhibitions.

II. And it is hereby declared and enacted, That all Matters and Things relative to the Regulation of the said Office, the Discharge of its Duties in Person, its Establishment, Allowances, Payment of Fees, and the Application thereof, shall all of them be judged of, fixed, and determined in the same Manner in all respects as if the said Office of Keeper of the General Register of Hornings and Inhibitions had been included in the said recited Act along with the other Offices enumerated in the Provision thereof herein set forth.

Office to be under the same Regulations as if it had been included in the recited Act.

C A P. XXVII.

An Act to repeal the Allowances made to Stationers on the Purchase of Stamps for Receipts at the Head Office in *London*, and to grant an Allowance to Persons purchasing such Stamps to a certain Amount of the Commissioners of Stamps or of the Distributors of Stamps in *Great Britain*.

[19th June 1828.]

WHEREAS by an Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Stamp 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*, certain Allowances, set forth in the Schedule marked (C.) to the said Act annexed, are directed to be made, and amongst others to every Person who at one and the same Time should produce at the Head Office for Stamps in *London* to be stamped, or shall buy of the Commissioners of the Stamp Duties, Vellum, Parchment, or Paper, charged with any Stamp Duty to the Amount in the Whole of Thirty Pounds or upwards, an Allowance after the Rate of One

44 G. 3. c. 98.

‘ Pound Ten Shillings for every One hundred Pounds, and to
 ‘ Stationers who shall purchase Stamps for Receipts to the
 ‘ Amount at one and the same Time of Ten Pounds, on the
 ‘ Terms in the said Schedule mentioned, an Allowance after the
 ‘ Rate of Seven Pounds Ten Shillings for every One hundred
 ‘ Pounds, over and above the usual Allowance on the present
 ‘ Payment of Stamp Duties to the Amount of Thirty Pounds and
 ‘ upwards: And Whereas it is expedient to repeal the said Al-
 ‘ lowance of One Pound Ten Shillings *per Centum*, so far as the
 ‘ same relates to the Stamp Duty on Receipts, and also to repeal
 ‘ the said Allowance of Seven Pounds Ten Shillings *per Centum*
 ‘ by the said Act directed to be made to Stationers on the Pur-
 ‘ chase of Stamps for Receipts; and in order to encourage and
 ‘ promote the Purchase and Distribution of Stamps for Receipts
 ‘ in Places remote from the Head Office for Stamps, it is also
 ‘ expedient that in lieu of the said Allowances so to be repealed
 ‘ a liberal Allowance should be made to all Persons who shall at
 ‘ one and the same Time purchase Stamps for Receipts, to the
 ‘ Amount hereinafter mentioned, of the Commissioners of Stamps,
 ‘ or of any Distributor or Sub-distributor of Stamps in any Part
 ‘ of *Great Britain*, and that the said Commissioners should be
 ‘ authorized and directed to issue Stamps for Receipts upon
 ‘ Paper provided by them, without making any Charge upon the
 ‘ Persons to whom such Stamps shall be issued for the Paper
 ‘ upon which the same shall be impressed:’ Be it therefore en-
 ‘ acted by the King’s most Excellent Majesty, by and with the Ad-
 ‘ vice and Consent of the Lords Spiritual and Temporal, and
 ‘ Commons, in this present Parliament assembled, and by the Au-
 ‘ thority of the same, That from and after the Fifth Day of *July*
 ‘ One thousand eight hundred and twenty-eight the said Allowance
 ‘ of One Pound Ten Shillings *per Centum* granted by the said
 ‘ recited Act, so far as the same relates to the Duty upon Receipts,
 ‘ and also the said Allowance of Seven Pounds Ten Shillings *per*
 ‘ *Centum* by the said Act directed to be made to Stationers on the
 ‘ Purchase of Stamps for Receipts, shall be and the same are
 ‘ hereby respectively repealed; and in lieu of the said Allowances
 ‘ hereby repealed, and of all other Allowances on the Purchase of
 ‘ Stamps for Receipts, there shall be made to every Person who
 ‘ at one and the same Time shall buy of the Commissioners of
 ‘ Stamps, at their Head Office for Stamps in *London*, Stamps for
 ‘ Receipts to the Amount of Five Pounds or upwards, or who at
 ‘ one and the same Time shall buy of any Distributor or Sub-distri-
 ‘ butor of Stamps in any other Part of *Great Britain*, not being
 ‘ within the Distance of Ten Miles from the said Head Office,
 ‘ Stamps for Receipts to the Amount of One Pound or upwards,
 ‘ an Allowance of the Sum of Seven Pounds Ten Shillings for every
 ‘ One hundred Pounds, and so in proportion for any greater or less
 ‘ Sum than One hundred Pounds of such Stamps so purchased, not
 ‘ under Five Pounds or One Pound respectively: Provided always,
 ‘ that no Allowance shall be made for any fractional Part of the Sum
 ‘ of One Pound.

From the
 5th July 1828,
 the Allowances
 granted by the
 recited Act on
 the Purchase of
 Stamps for Re-
 cepts, repealed.
 New Allowance
 to be made in
 lieu thereof.

Commissioners
 to issue Stamps
 for Receipts

II. And be it further enacted, That it shall and may be lawful
 for the said Commissioners of Stamps, and they are hereby au-
 thorized and required, to issue Stamps for Receipts upon Paper
 provided

provided by them, without making any Charge upon the Person or Persons to whom such Stamps shall be issued for the Paper upon which the same shall be impressed.

without any Charge for Paper.

III. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners of Stamps, and they are hereby authorized and empowered, in such Cases as they shall think proper, to grant to any Person who shall at one and the same Time produce, at the Head Office for Stamps in London, Paper or Parchment to be stamped for Receipts to the Amount of Five Pounds or upwards, on which any Special Form shall be printed, such Form being applicable solely to the Business of any One Person or Firm, the said Allowance of Seven Pounds Ten Shillings for every One hundred Pounds of the Amount of the Duty on such Stamps for Receipts, and so in proportion for any greater or less Sum than One hundred Pounds.

Commissioners authorized to grant the Allowance on stamping Special Forms of Receipts.

IV. ' And Whereas it is highly improper that any Vendor of Stamps for Receipts should, upon the Sale thereof, make any Charge for the Paper upon which such Stamps are impressed, seeing that such Paper is by this Act directed to be supplied gratis by the Commissioners of Stamps; ' Be it further enacted, That if any Person or Persons, upon the Sale of any Stamp or Stamps for a Receipt or Receipts, shall make any Charge to the Purchaser of such Stamp or Stamps for the Paper whereon the same shall be impressed, or shall, under any Colour or Pretence whatever, demand or receive a greater Price or Sum than the Amount of the Stamp Duty denoted by such Stamp or Stamps, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, to be sued for and recovered, levied and applied, in such and the same Manner as any Penalties under any other Act or Acts relating to Stamp Duties may be sued for, recovered, levied, and applied.

Penalty on Vendors of Receipt Stamps charging for the Paper, 10l.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from making any Charge for any bound Book containing Stamps for Receipts, or for any Folio Sheet of Paper containing not more than One Stamp, or for any Skin or Piece of Vellum or Parchment whereon any such Stamp or Stamps may be impressed, nor to inflict any Penalty or Penalties by reason of the making of any such Charge as aforesaid.

Not to prevent any Charge for Books of Receipt Stamps, or for Vellum or Parchment.

VI. ' And Whereas many Tradesmen, Shopkeepers, and other Persons have, through Ignorance of the Law or Inadvertence, written Receipts upon Paper not duly stamped as the Law requires, whereby they have unwittingly incurred divers pecuniary Penalties; and it is expedient to relieve all Persons from such pecuniary Penalties as have been so incurred before the passing of this Act; ' Be it therefore further enacted, That all and every Person and Persons who may have written or signed, or caused to be written or signed, upon Vellum, Parchment, or Paper not duly stamped as the Law requires, any Receipt, Discharge, or Acquittance, for or upon the Payment of Money, shall be and is and are hereby relieved and indemnified from and against all pecuniary Forfeitures and Penalties incurred by reason of any such Offence as aforesaid committed at any time or times before the passing of this Act; and that all Actions, Informations, Prose-

Persons relieved from all pecuniary Penalties incurred by giving unstamped Receipts prior to the passing of this Act.

cutions, and Proceedings whatsoever, which have been commenced, filed, or prosecuted, and are now pending, or which shall or may hereafter be commenced, filed, or prosecuted, against any Person or Persons, for the Recovery of any such pecuniary Forfeiture or Penalty as aforesaid incurred before the passing of this Act, shall be and the same are hereby discharged and made void.

C A P. XXVIII.

An Act to enlarge the Powers granted to His Majesty under an Act passed in the Fifty-seventh Year of His late Majesty, to enable His Majesty to recompense the Service of Persons holding, or who have held, certain high and efficient Civil Offices. [19th June 1828.]

57 G. 3. c. 65.

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of his late Majesty, intituled *An Act to enable His Majesty to recompense the Service of Persons holding, or who have held, certain high and efficient Civil Offices*, with a View to enable His Majesty to recompense the meritorious Services of Persons who may fill high effective Civil Offices, it is among other Things enacted, that it shall and may be lawful for his Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, to grant to any Person who shall have served His Majesty, for any Period not less than Two Years in the whole, as First Lord of the Treasury, One of His Majesty's Principal Secretaries of State, or as Chancellor of the Exchequer, a Pension for Life not exceeding Three thousand Pounds *per Annum*: And Whereas His Majesty was further empowered by the said Act to grant one other like Pension, not subject to such Limitations and Restrictions as aforesaid: And Whereas His Majesty was pleased by a Warrant under His Royal Sign Manual, bearing Date the Sixth Day of *February* One Thousand eight hundred and twenty-three, to grant a Pension of Three thousand Pounds to the Right Honourable *George Canning*, who had filled the Office of One of His Majesty's Principal Secretaries of State: And Whereas the said Right Honourable *George Canning*, having during his Life held various high and effective Civil Offices, and having served His Majesty and the Country with the most eminent Talents, and the most distinguished Zeal and Integrity, died on the Eighth Day of *August* One thousand eight hundred and twenty-seven, holding at the Time of his Death the Offices of First Lord of the Treasury and Chancellor of the Exchequer: And Whereas the said Right Honourable *George Canning* never received any Payment on account of the said Pension so granted to him by His Majesty in consideration of his Services; and it is therefore just and fitting, under the special Circumstances of this Case, so far to extend the Powers granted to His Majesty under the said Act of the Fifty-seventh Year of the Reign of His late Majesty, as to enable His Majesty to make Provision for the Family of the said Right Honourable *George Canning*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, if He shall so think fit, by Warrant under His Royal Sign Manual, signed and countersigned in the Manner required by the said Act of the Fifty-seventh Year of the Reign of His late Majesty, subject to the Regulations and Provisions of the said Act, to grant to any Persons who may be nominated by His Majesty as Trustees in Trust for the Benefit of the Family of the late Right Honourable *George Canning*, and for the Life of *Charles Canning*, Second Son of the late Right Honourable *George Canning*, one of the said Pensions of Three thousand Pounds *per Annum*, which His Majesty is by the said Act of the Fifty-seventh Year of His late Majesty empowered to grant, and in the Warrant granting the same to make such Provision and Regulations as to the Application of the said Pension by the said Trustees for the Benefit of the said *Charles Canning*, or of his Brother *William Pitt Canning*, or of Viscountess *Canning*, or of all or either of them, as to His Majesty may seem fit.

Empowering His Majesty to make Provision for the Family of the late Rt. Hon. G. Canning, under certain Regulations.

II. Provided always, and be it further enacted, That if His Majesty shall be graciously pleased to grant such Pension accordingly, the Pension so granted to the said Trustees as aforesaid shall be deemed, considered, and counted as one of the Number of Pensions allowed by the said Act of the Fifty-seventh Year of the Reign of His late Majesty; and that so long as the said *Charles Canning* shall live, it shall not be lawful for His Majesty, His Heirs or Successors, to grant more than Five other such Pensions, exclusive of the supernumerary Pension which His Majesty is, under the said Act, empowered to grant; any Thing in the said-recited Act, or any other Act or Acts, to the contrary notwithstanding.

Limiting the Number of Pensions to be granted under 57 G.3. c.65.

III. 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 this Session.

C A P. XXIX.

An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in *Scotland*.

[19th June 1828.]

‘ **W**HEREAS from the great Increase of Criminal Offences in *Scotland* it is expedient that Provision should be made for holding additional Circuit Courts of Justiciary, and that Means should be taken for facilitating Criminal Trials, 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 from and after the passing of this Act it shall and may be lawful for the High Court of Justiciary at *Edinburgh*, and the said Court is hereby authorized and required, on or before the Twentieth Day of *November* in every Year, to fix, by Act of Adjournment, a Day for holding a Circuit Court of Justiciary at *Glasgow*, for trying Criminal Causes during the Recess of the Court of Session, in the End

High Court of Justiciary at *Edinburgh* yearly to fix a Day for holding a Circuit Court of Justiciary at *Glasgow*, and

name Two Judges to discharge the Duties thereof.

Powers vested in the Judges so named.

Other Judges may officiate.

His Majesty may direct additional Circuit Courts to be held ;

and may afterwards dispense with the same.

So much of 8 Anne, c. 16. as relates to Transmission of Presentments of Crimes to the Lord Justice Clerk, repealed.

Crimes may be tried before any Circuit Court.

Instead of a short Copy of Citation being left with the Party, a Notice in the Form of Schedule A. shall be served.

End of *December* and beginning of *January* yearly, and to name Two of the Judges of the said High Court to discharge the Duty of the said Circuit Court ; and such Circuit Court shall be held at *Glasgow* accordingly, and shall be continued from Day to Day, until the whole Criminal Business to be brought before the Court at that Time is concluded, and no longer : Provided always, that the Judges so named, and each of them, shall possess, as they are hereby vested with, all Powers which belong to and can be exercised by any Lord Commissioner of Justiciary in any other Circuit Court.

II. And be it enacted, That it shall and may be lawful for any Judge or Judges of the Court of Justiciary to discharge the Duty of the Circuit Court hereby appointed, or of any other Circuit Court, notwithstanding such Judge or Judges may not have been specially named for that Duty.

III. And be it enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by an Order to be made in His or Their Privy Council, from time to time, as Occasion may require, to direct that additional Circuit Courts shall be held in any Towns at which Circuit Courts are in use to be held, and at such Time or Times of the Year as to His Majesty may seem meet ; and upon such Order being communicated to the High Court of Justiciary, the said Court shall, and they are hereby required and empowered, by Act of Adjournal, to give all necessary Directions for carrying such Order into Effect.

IV. Provided always, and be it enacted, That if, in consequence of the Diminution of Criminal Offences, such Circuit Courts, or any of them, shall be deemed unnecessary, it shall in like Manner be lawful for His Majesty, His Heirs and Successors, by an Order to be made in His or Their Privy Council, from time to time to dispense with the holding of the additional Circuit Court at *Glasgow* hereby directed to be held, and with any other Circuit Courts which His Majesty, His Heirs or Successors, by Order made in His or Their Privy Council, may have directed to be held in any Place in *Scotland*.

V. And be it enacted, That so much of an Act passed in the Eighth Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for discharging the Attendance of Noblemen, Barons, and Freeholders, upon the Lords of Justiciary in their Circuits in that Part of Great Britain called Scotland, and for abolishing the Method of exhibiting Criminal Informations by the Porteous Roll*, as relates to Presentments of Crimes to be tried in the Circuit Courts, and the Transmissions of the same, with Writs and Evidence, to the Lord Justice Clerk or his Deputies, shall be and the same is hereby repealed ; and it is hereby provided, that hereafter all Crimes may be tried before any Circuit Court of Justiciary by Indictment, in the same Manner as before the High Court of Justiciary at *Edinburgh*.

VI. And be it enacted, That from and after the Twenty-seventh Day of *June* One thousand eight hundred and twenty-eight, instead of a short Copy of Citation being left with a Person accused, every Copy of a Criminal Libel served on such Person shall have marked upon it a Notice to be subscribed by the Officer of the Law who serves the same, and by One Person who shall witness such

such Service, in the Form contained in the Schedule annexed to this Act, and therein designated by the Letter A., which Form of Notice shall be observed in the Service of all Criminal Libels in *Scotland*; and it shall not be necessary for such Officer to subscribe any other Part of such Copy of a Libel.

VII. And be it enacted, That it shall be no Objection to such Service, or to the Citation of any Juror or Witness, that the Officer who discharged the Duty was not at the Time possessed of the Warrant of Citation; and it is hereby provided that the Execution of Citation of all Criminal Libels shall be in the Form contained in the Schedule annexed to this Act, and designated by the Letter B., which Execution it shall not be necessary to produce, unless Sentence of Fugitation or of Forfeiture of a Bond of Caution, granted for Appearance to stand Trial, shall be moved for, but without Prejudice to such Execution being exhibited to disprove Objections to Service when stated to the Court; and it shall be no Objection to the Admissibility of the Officer or Witness who served such Libel, to give Evidence respecting such Service, that their Names are not included in the List of Witnesses served on the Accused.

Service of Notice or Citation of Criminal Matters.

VIII. And be it enacted, That Copies of Criminal Libels served on Persons accused, and all Notices of Compearance or Attendance, whether left with Parties accused, or Jurors or Witnesses, and all Executions of Citation, may be either printed or in Writing, or partly both.

Libels and Notices may be printed or in Writing.

IX. And be it enacted, That when the Charge of Art and Part is set forth in the Outset of a Criminal Libel, it shall not be necessary to repeat that Charge in the latter Part thereof, according to the Form usually observed in the Clause commencing with the Words "at least," and that it shall be competent altogether to omit the said Clause; any Law or Practice to the contrary notwithstanding.

Provision in the Case of a Charge of Art and Part.

X. And Whereas frivolous Objections and Exceptions are raised to the Form and Mode of citing Witnesses and Jurors, and of setting forth the Executions of such Citations; Be it enacted, That it shall not be competent in any Criminal Cause or Prosecution whatsoever for any Prosecutor or Person accused to state any Objection to any Juror or to any Witness, on the Ground of such Juror or Witness appearing without Citation, or without having been duly cited to attend.

Witnesses or Persons appearing without Citation not to be objected to.

XI. And be it enacted, That if, owing to any Error in the Name or Designation of a Witness, as given in the List served along with the Criminal Libel, a Person accused can make it appear that he has been unable to find out such Witness, or that he has been misled or deceived in his Inquiries concerning such Witness, the same shall be stated to the Court before the Jury is sworn, and the Court shall thereupon give such Remedy as may be just, and no Objection of that Description shall be afterwards received.

Objections on account of Error shall be stated to the Court before Jury sworn.

XII. And be it enacted, That when a Person accused, on being brought to the Bar, shall say that he means to plead Not guilty, and does not desire that the Criminal Libel exhibited against him should be read over, it shall not be necessary to read over such Libel before proceeding to the Trial of such Person.

If Person pleads Not guilty, the Libel need not be read over.

XIII. And

Affirmation of Quakers to be admitted.

XIII. And be it enacted, That every Quaker who shall be required to give Evidence in any Criminal Cause or Prosecution shall, instead of taking the Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration, in the Words following; *videlicet*, 'I do solemnly, sincerely, and truly declare and affirm;' which Affirmation or Declaration shall be of the same Force and Effect, in all Courts of Justice, as if such Quaker had taken an Oath in the usual Form; and if any Quaker making such Affirmation or Declaration shall be convicted of having affirmed and declared any Matter or Thing in such a Way as if the same had been sworn to in the usual Form it would have amounted to Perjury, every such Offender shall be subject to the same Punishment to which Persons convicted of Perjury are liable; and if any Quaker shall refuse to make such Affirmation and Declaration, or having made the same shall refuse to give Evidence, or shall wilfully conceal the Truth, or be guilty of wilful Prevarication, such Quaker shall be liable to the same Pains of Law which apply to such Offences respectively when an Oath is administered.

When Person indicted pleads Guilty, Jury to be dispensed with.

XIV. And be it enacted, That when, after an Interlocutor of Relevancy shall have been pronounced, a Person indicted before any Criminal Court shall plead Guilty to the Crime or Crimes of which such Person is accused, it shall no longer be necessary to name a Jury for the Purpose of deciding on the Guilt of such Person, but the Court before which such accused Person shall be tried shall, upon such Confession being made, have Power forthwith to pronounce the Sentence of the Law in the same Manner as if a Verdict of Guilty had been returned: Provided always, that such Plea of Guilty shall be made in open Court, and shall then and there be subscribed by the Pannel, or by the Pannel's Procurator, and shall be authenticated by the Signature of the Judge.

Verdict of Jury how to be received.

XV. And be it enacted, That Verdicts in Writing shall be discontinued in all Cases when the Verdict is returned before the Court adjourns; and when on a Trial before the High Court of Justiciary at *Edinburgh*, a Jury shall retire to consider of their Verdict, it shall be sufficient that One Judge shall remain in Court to receive the Verdict, which Judge shall have Power to see the Verdict duly recorded when delivered, and to dismiss the Jury, and to assoilzie the Pannel, if not convicted by such Verdict; but if the Pannel shall be found guilty, or the Terms of the Verdict be such as may appear to require Consideration by the Court, such Judge shall continue the Diet, and commit the Pannel to Prison.

Jurisdiction of the Court.

XVI. And be it enacted, That the cumulative Jurisdiction of the High Court of Justiciary, with that of the High Court of Admiralty, shall extend to all Crimes and Offences whatsoever now competent to be tried in the said Court of Admiralty.

Admiralty and Sheriffs Courts to proceed to Trial without reducing the Evidence to Writing.

XVII. And be it enacted, That it shall and may be lawful for the High Court of Admiralty and for the Court of the Sheriff respectively, to proceed in, try, and determine all Causes and Prosecutions for Crimes before them, where the Trial is by Jury, by Verdict of such Jury, upon examining and hearing the Evidence of the Witness or Witnesses in any such Cause or Prosecution

cution *in voce*, without reducing into Writing the Testimony of any such Witness or Witnesses, in the same Manner and according to the same Rules as are observed in Trials before the Court of Justiciary; and it is hereby provided, that the Judge trying such Causes or Prosecutions shall preserve and duly authenticate the Notes of the Evidence taken by him in such Trial, and shall exhibit the same, or a certified Copy thereof, in case the same should be called for by the Court of Justiciary.

Judges to preserve and authenticate their Notes.

XVIII. And be it enacted, That in Trials of Crimes before the Sheriff or other inferior Court in *Scotland*, without a Jury, no Part of the Proceedings, which is not in use to be taken down in Writing in Trials by Jury shall be so taken down, excepting only the Depositions of Witnesses.

Certain Proceedings not to be taken down in Writing.

XIX. And be it enacted, That in the Prosecution of Criminal Offences before Sheriffs of Counties in *Scotland*, where the Prosecutor shall, in his Libel, conclude for a Fine not exceeding Ten Pounds, together with Expences, or for Imprisonment in Gaol or in Bridewell, not exceeding Sixty Days, accompanied, when necessary, with Caution for good Behaviour or to keep the Peace for a Period not exceeding Six Months, and under a Penalty not exceeding Twenty Pounds, it shall and may be lawful to proceed to try such Offences in the easiest and most expeditious Manner, without the Pleadings or Evidence being reduced into Writing: Provided always, that a Record shall be preserved of the Charge and of the Judgment, including the Names of the Witnesses examined on Oath, unless where the Accused pleads Guilty, which shall be made to appear; and the said Record shall also set forth, if the Prosecutor or accused Party desire it, any Offer of Proof made by either of those Parties, and refused to be admitted; and likewise, if so desired, any Objections to the Admissibility of Evidence sustained or repelled by the Court; which Record shall be in the Form contained in the Schedule annexed to this Act, and there designated by the Letter C.

Summary Form of Proceeding in certain Cases.

Record to be preserved.

XX. And be it enacted, That the Sheriff so trying any such Offence shall preserve a Note of the Evidence taken by him on such Trial, and shall exhibit the same, or a certified Copy thereof, in case the same should be called for by the Court of Justiciary.

Sheriff to preserve Notes of Evidence.

XXI. And be it enacted, That all Warrants of Imprisonment for Payment of Penalty, or for finding of Caution, shall specify a Period at the Expiry of which the Person sentenced shall be discharged, notwithstanding such Penalty shall not have been paid, or Caution found.

Warrants of Imprisonment to specify the Period of Discharge.

XXII. And be it enacted, That the Provisions made by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the Sheriff and Stewart and Burgh Courts in Scotland*, relative to the Qualifications of Sheriff Substitutes, shall apply only to such Sheriff Substitutes as receive Salaries out of the Civil List of *Scotland*, and not to such as may act gratuitously; and it is further provided, that every Person who shall be once certified to be duly qualified in Terms of the said Act, and admitted accordingly, may be re-appointed to the Office of Sheriff Substitute without any additional Certificate being necessary; and it is likewise provided, that any Person who held a Commission as a Sheriff Substitute, on account of which

Provisions as to the Qualification of Sheriff's Substitute.

which he received a Salary at the Date of the passing of the said Act, may be re-appointed a Sheriff Substitute, and thereafter draw his Salary, without any Certificate of Qualification being necessary in his Behalf, such as the said Act requires; and it is hereby provided, that the Sheriff Depute may be addressed by the Title of Sheriff, without the Term Depute being added.

Fees.

XXIII. And be it enacted, That no Fees or Expences of any Description shall be exigible by the Clerks or other Officers of a Criminal Court, from any Person on whom a Criminal Libel shall have been served, unless the same shall form Part of the Sentence of the Court; but the Fees exigible from the Prosecutor by such Clerks and Officers shall not be affected by the Provisions of this Act; and on Trials before the Circuit Court of Justiciary by Indictment, where before the passing of this Act the same must have proceeded on Criminal Letters, the same Fees shall be payable by the Prosecutor on such Indictment as if Criminal Letters had been used as heretofore.

Before the closing of any Circuit Court, Returns to be made of Persons committed and remaining in Gaol.

XXIV. And be it enacted, That before any Circuit Court shall be declared ended, the Sheriffs of the Counties included therein shall respectively lay before the Court a Return, showing, to as late a Date as it can be made up, the Names of all such Persons as may stand committed to the several Gaols within their respective Counties on Warrants of Detention, until liberated in due Course of Law, and who have not been brought to Trial before the said Court, and are still remaining in Gaol; which Return shall specify the Crime or Crimes of which such Prisoners are accused, and the Date of such Warrants of Commitment respectively; and the said Court is hereby required to call for such Returns for their Inspection, and to cause the same to be present in open Court, and thereafter to direct the Clerk of Court to lodge the same in the Justiciary Office at *Edinburgh*, for Preservation.

Records of Commitments and Liberations to be kept.

XXV. And be it enacted, That Records shall be kept in every Gaol in *Scotland*, respecting the Commitment and Liberation of Prisoners committed under Criminal Warrants, according to the Form contained in the Schedule annexed to this Act, and therein designated by the Letter D., which Records the Magistrates of Burghs and Keepers of Gaols are hereby ordered and required accurately to keep; and the Keepers of Gaols in *Scotland* are hereby ordained and required at all Times to exhibit to the Sheriff of the County within which such Gaols may be respectively situated, without Fee or Reward, such Records, when so required.

Provisions of 43 G. 3. c. 141. extended to all inferior Judges.

XXVI. And be it enacted, That the Provisions of an Act made in the Forty-third Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to render Justices of the Peace more safe in the Execution of their Duty*, shall extend to all inferior Judges and Magistrates in *Scotland*, in regard to any Sentence pronounced or Proceeding had in any Criminal Trial.

Commencement of Act.

XXVII. And be it enacted, That this Act, and the Matters therein contained, shall commence and take effect from and after the passing of this Act, unless in so far as it is otherwise therein specially provided.

SCHEDULES to which the Act refers.

SCHEDULE (A.)

Form of Notice.

A. B., Take notice, That you will have to compear before the High Court of Justiciary [*or other Court to be specified*], to answer to the Criminal Libel against you, to which this Notice is attached, on the _____ Day of _____ at _____ of the Clock.

This Notice served on the _____ Day of _____
by me

E. F. Witness. *C. D.* Macer [*or other Officer of the Law.*]

SCHEDULE (B.)

Execution of Citation.

A Copy of a Criminal Libel, containing a Charge of Theft [*or whatever the Crime may be*], consisting of _____ Pages, and having annexed to it a List of Witnesses and of Assize [*when the Trial is to be by Jury*], was, on the _____ Day of _____ served by me upon [*J. K.*] by delivering the same to him personally [*or as the Case may be*], on which Copy was marked a Notice of Compearance on the _____ Day of _____

E. F. Witness. *A. B.* Macer [*or other Officer of the Law.*]

SCHEDULE (C.)

1.—LIBEL.

UNTO the Sheriff of the County of _____ the Complaint of the Procurator Fiscal of Court [*or other Party with his Concurrence*], Humbly sheweth,

That [*J. K.*] has been guilty of the Crime of Theft [*or other Crime*] Actor, or Art and Part, in so far as on the _____ Day of _____ or about that Time, he did [*here state the Particulars of the Offence, specifying particularly the Place where the Crime was committed*]. May it therefore please your Lordship to grant Warrant to apprehend the said and bring him before you [*or to cite him to appear before you*] to answer to this Libel, and thereafter to [*here specify the Punishment concluded for*], according to Justice.

A. B.

2.—DELIVERANCE ON LIBEL.

At

18

The Sheriff, having considered this Libel, grants Warrant to Officers of Court to apprehend the above designed [*J. K.*], and to bring

C A P. XXX.

An Act for applying surplus Ways and Means to the Service of the Year One thousand eight hundred and twenty-eight.

[19th June 1828.]

“ 352,050*l.* 8*s.* 7*d.* being the Surplus of Ways and Means granted
“ for 1823, and the Four following Years, to be applied for the
“ Service of 1828.

C A P. XXXI.

An Act for consolidating and amending the Statutes in *England* relative to Offences against the Person.

[27th June 1828.]

“ **W**HEREAS it is expedient to repeal various Statutes now
“ in force in that Part of the United Kingdom called *Eng-*
“ *land*, relative to Offences against the Person, in order that the
“ Provisions contained in those Statutes may be amended and
“ consolidated into this Act; Be it therefore enacted by the
King’s most Excellent Majesty, by and with the Advice and Con-
sent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
That so much of the Great Charter made in the Ninth Year of the
Reign of King *Henry* the Third, as relates to Inquisitions of Life
or Member; and so much of a Statute made in the Fifty-second
Year of the same Reign, as relates to murder; and so much of a
Statute made in the Third Year of the Reign of King *Edward*
the First, as relates to Inquests of Murder, and the Writ of *Odio*
et Atiâ, and to any Person ravishing or taking away by Force any
Female as therein mentioned; and so much of a Statute made in
the Fourth Year of the same Reign, intituled *The Statute of*
Bigamy, as relates to Bigamists; and so much of a Statute made
in the Sixth Year of the same Reign, as relates to any Person
killing another by Misfortune or in his own Defence, or in other
Manner without Felony; and so much of a Statute made at *West-*
minster in the Thirteenth Year of the same Reign, as relates to
the Writ of *Odio et Atiâ* and to Rape; and so much of a Statute
made in the Ninth Year of the Reign of King *Edward* the Sec-
ond, commonly called *Articuli Cleri*, as relates to laying violent
Hands on a Clerk; and so much of a Statute made in the Eigh-
teenth Year of the Reign of King *Edward* the Third, as relates
to Bigamists; and so much of a Statute made in the Twenty-fifth
Year of the same Reign, as relates to Petit Treason; and so much
of a Statute made in the Fiftieth Year of the same Reign, as relates
to the Arrest of Persons of Holy Church; and so much of a Statute
made in the First Year of the Reign of King *Richard* the
Second, as relates to the like Arrests; and so much of a Statute
made in the Sixth Year of the same Reign, as relates to Ravishers,
and to Women ravished; and so much of a Statute made in the
Fifth Year of the Reign of King *Henry* the Fourth, as relates to
cutting the Tongues or putting out the Eyes of any the King’s
Liege People, and to any Assault upon the Servant of a Knight
of the Shire in Parliament; and so much of a Statute made in the
Second Year of the Reign of King *Henry* the Fifth, as relates to

Repeal of
9 H. 3. c. 26.
52 H. 3. c. 25.

3 Ed. 1. c. 11.
& 13.

4 Ed. 1. st. 3.
c. 5.
6 Ed. 1. c. 9.

13 Ed. 1. st. 1.
c. 29. & 34.

9 Ed. 2. st. 1.
c. 3.

18 Ed. 3. st. 3.
c. 2.

25 Ed. 3. st. 5.
Part of c. 2.

50 Ed. 3. c. 5.

1 Ric. 2. c. 15.

6 Ric. 2. st. 1.
c. 6.

5 H. 4. c. 5.

5 H. 4. c. 6.

2 H. 5. st. 1.
c. 9.

- Persons fleeing for Murders, Manslaughters, Robberies, and Batteries; and so much of a Statute made in the Eleventh Year of the Reign of King Henry the Sixth, as relates to any Assault or Affray made to any Lord, Knight of the Shire, Citizen, or Burgess being and attending at the Parliament or other Council of the King; and an Act passed in the Third Year of the Reign of King Henry the Seventh, intituled *An Act against taking away of Women against their Wills*; and an Act passed in the same Year, intituled *An Act that the Steward, Treasurer, and Controller of the King's House, shall enquire of Offences done within the same*; and an Act passed in the Twelfth Year of the same Reign, intituled *An Act to make some Offences Petty Treason*; and an Act passed in the Twenty-fourth Year of the Reign of King Henry the Eighth, intituled *An Act where a Man killing a Thief shall not forfeit his Goods*; and an Act passed in the Twenty-fifth Year of the same Reign, intituled *An Act for the Punishment of the Vice of Buggery*; and so much of an Act passed in the Thirty-third Year of the same Reign, intituled *An Act for Murther and malicious Bloodshed within the Court*, as relates to the Punishment of Manslaughter and of malicious Striking, by reason whereof Blood shall be shed; and an Act passed in the same Year, intituled *An Act to proceed by a Commission of Oyer and Determiner against such Persons as shall confess Treasons, without remanding the same to be tried in the same Shire where the Offence was committed*; and so much of an Act passed in the First Year of the Reign of King Edward the Sixth, intituled *An Act for the Repeal of certain Statutes concerning Treasons, Felonies, etc.*, as relates to Petty Treason and Murder, and to Bigamists, but nothing therein now in force relating to Foreign Pleas or Dower; and so much of an Act passed in the Fifth and Sixth Years of the same Reign, intituled *An Act against quarrelling and fighting in Churches and Churchyards*, as relates to the Punishment of Persons convicted of striking with any Weapon, or drawing any Weapon with Intent to strike as therein mentioned; and an Act passed in the Fourth and Fifth Years of the Reign of King Philip and Queen Mary, intituled *An Act that Accessories in Murder and divers Felonies shall not have the Benefit of Clergy*; and an Act passed in the same Years, intituled *An Act for the Punishment of such as shall take away Maidens that be Inheritors, being within the Age of Sixteen Years, or that marry them without Consent of their Parents*; and so much of an Act passed in the Fifth Year of the Reign of Queen Elizabeth, intituled *An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices*, as relates to the Punishment of any Servant, Workman, or Labourer making any Assault or Affray as therein mentioned; and an Act passed in the same Year, intituled *An Act for the Punishment of the Vice of Sodomy*; and an Act passed in the Eighteenth Year of the same Reign, intituled *An Act to take away Clergy from the Offenders in Rape and Burglary, and an Order for the Delivery of Clerks convict without Purgation*; and an Act passed in the Thirty-ninth Year of the same Reign, intituled *An Act for taking away of Clergy from Offenders against a certain Statute made in the Third Year of the Reign of King Henry the Seventh, concerning the taking away of Women against their Wills unlawfully*; and an Act passed in the
- 11 H. 6. c. 11.
- 3 H. 7. c. 2.
- 3 H. 7. c. 14.
- 12 H. 7. c. 7.
- 24 H. 8. c. 5.
- 25 H. 8. c. 6.
- 33 H. 8. c. 12.
Part of a. 6.
to a. 18.
- 33 H. 8. c. 23.
- 1 Ed. 6. c. 12.
a. 10. 13. 16.
& 22.
- 5 & 6 Ed. 6.
c. 4. a. 3.
- 4 & 5 P. & M.
c. 4.
- 4 & 5 P. & M.
c. 8.
- 5 Eliz. c. 4.
a. 21.
- 5 Eliz. c. 17.
18 Eliz. c. 7.
- 39 Eliz. c. 9.

the First Year of the Reign of King *James the First*, intituled *An Act to take away the Benefit of Clergy from some Kind of Manslaughter*; and an Act passed in the same Year, intituled *An Act to restrain all Persons from Marriage until their former Wives and former Husbands be dead*; and an Act passed in the Twenty-second and Twenty-third Years of the Reign of King *Charles the Second*, intituled *An Act to prevent malicious Maiming and Wounding*; and so much of an Act passed in the same Years, intituled *An Act to prevent the Delivery up of Merchant Ships, and for the Increase of good and serviceable Shipping*, as relates to any Mariner laying violent Hands on his Commander, as therein mentioned; and so much of an Act passed in the Eleventh Year of the Reign of King *William the Third*, intituled *An Act for the more effectual Suppression of Piracy*, as relates to any Master of a Merchant Vessel, who shall force any Man on Shore, or wilfully leave him behind, or refuse to bring Home any Man as therein mentioned; and so much of an Act passed in the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for the better preventing of excessive and deceitful Gaming*, as relates to the Forfeiture and Punishment of any Person assaulting and beating or challenging or provoking to fight any other Person on account of any Money won as therein mentioned; and an Act passed in the same Year, intituled *An Act to make an Attempt on the Life of a Privy Councillor in the Execution of his Office to be Felony without Benefit of Clergy*; and so much of an Act passed in the Twelfth Year of the Reign of King *George the First*, intituled *An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages*, as creates any Felony; and an Act passed in the Second Year of the Reign of King *George the Second*, intituled *An Act for the Trial of Murders in Cases where either the Stroke or Death only happens within that Part of Great Britain called England*; and so much of an Act passed in the Eleventh Year of the same Reign, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn*, as relates to any Person who shall beat, wound, or use any other Violence to any Person or Driver, and so much thereof as makes any Second Offence Felony; and so much of an Act passed in the Twenty-second Year of the same Reign, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages*, as extends to the Persons therein mentioned † that Part of the Act of the Twelfth Year of King *George the First* which is hereinbefore referred to; and the whole of an Act passed in the Twenty-fifth Year of the Reign of King *George the Second*, intituled *An Act for better preventing the horrid Crime of Murder*, except so far as relates to Rescues and Attempts to rescue; and so much of an Act passed in the Twenty-sixth Year of the same Reign, intituled *An Act for enforcing the Law*

Vulgo 2 J. 1.

c. 8.

Vulgo 2 J. 1.

c. 11.

22 & 23 C. 2.

c. 1.

22 & 23 C. 2.

c. 11. s. 9.

Vulgo

11 & 12 W. 3.

c. 7. s. 18.

9 Ann. c. 14.

s. 8.

9 Ann. c. 16.

12 G. 1. c. 34.

s. 6.

2 G. 2. c. 21.

11 G. 2. c. 22.

Part of s. 1.

& 2.

22 G. 2. c. 27.

Part of s. 12.

† Sic.

25 G. 2. c. 37.

except s. 9.

& 10.

26 G. 2. c. 19.

s. 11.

- 30 G. 3. c. 48. *against Persons who steal or detain Shipwrecked Goods, and for the Relief of Persons suffering Loss thereby, as relates to any Person who shall be assaulted, beaten, and wounded for the Exercise of his Duty in the Salvage of any Vessel, Goods, or Effects, as therein mentioned; and so much of an Act passed in the Thirtieth Year of the Reign of King George the Third, intituled An Act for discontinuing the Judgment which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgment in lieu thereof, as relates to Petit Treason; and*
- 33 G. 3. c. 67. s. 2. *so much of an Act passed in the Thirty-third Year of the same Reign, intituled An Act for better preventing Offences in obstructing, destroying, or damaging Ships or other Vessels, and in obstructing Seamen, Keelmen, Casters, and Ship Carpenters from pursuing their lawful Occupations, as relates to any Seaman, Keelman, Caster, Ship Carpenter, or other Person, who shall prevent, hinder, or obstruct, or assault, beat, wound, or do any bodily Violence or Hurt to any Seaman, Keelman, Caster, or Ship Carpenter, as therein particularly mentioned; and an Act passed in the Thirty-fifth Year of the same Reign, intituled An Act for rendering more effectual an Act passed in the First Year of the Reign of King James the First, intituled 'An Act to restrain all ' Persons from Marriage until their former Wives and former ' Husbands be dead;'*
- 35 G. 3. c. 67. *and so much of an Act passed in the Thirty-sixth Year of the same Reign, intituled An Act to prevent Obstructions to the free Passage of Grain within the Kingdom, as relates to any Person who shall beat, wound, or use any other Violence to any Person or Driver, and so much thereof as makes any Second Offence Felony; and an Act passed in the Forty-third Year of the same Reign, intituled An Act for the further Prevention of malicious shooting, and attempting to discharge loaded Fire Arms, stabbing, cutting, wounding, poisoning, and the malicious using of Means to procure the Miscarriage of Women, and also the malicious setting fire to Buildings; and also for repealing a certain Act made in England in the Twenty-first Year of the late King James the First, intituled 'An Act to prevent the destroying and murdering of Bastard Children,' and also an Act made in Ireland in the Sixth Year of the Reign of the late Queen Anne, also intituled 'An Act to ' prevent the destroying and murdering of Bastard Children,' and for making other Provisions in lieu thereof; and an Act passed in*
- 43 G. 3. c. 113. *the same Forty-third Year, intituled An Act for the more effectually providing for the Punishment of Offences in wilfully casting away, burning, or destroying Ships and Vessels, and for the more convenient Trial of Accessories in Felonies, and for extending the Powers of an Act made in the Thirty-third Year of the Reign of King Henry the Eighth, as far as relates to Murders, to Accessories to Murders, and to Manslaughters; and an Act passed in the*
- 54 G. 3. c. 101. *Fifty-fourth Year of the Reign of King George the Third, intituled An Act for the more effectual Prevention of Child-stealing; and so*
- 58 G. 3. c. 38. s. 1. *much of an Act passed in the Fifty-eighth Year of the same Reign, intituled An Act to extend and render more effectual the present Regulations for the Relief of seafaring Men and Boys, Subjects of the United Kingdom of Great Britain and Ireland, in Foreign Parts, as relates to the Trial of Offences against the Act of King William the Third, hereinbefore mentioned; and so much of an*
- Act

Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to remove Doubts and to remedy Defects in the Law, with respect to certain Offences committed upon the Sea or within the Jurisdiction of the Admiralty*, as refers to the Act of the Forty-third Year of the Reign of King George the Third, hereinbefore first mentioned; and an Act passed in the same First Year, intituled *An Act to repeal so much of the several Acts passed in the Thirty-ninth Year of the Reign of Elizabeth, the Fourth of George the First, the Fifth and Eighth of George the Second, as inflicts Capital Punishment on certain Offences therein specified, and to provide more suitable and effectual Punishment for such Offences*; and so much of an Act passed in the First and Second Years of the present Reign, intituled *An Act for the Amendment of the Law of Rescue*, as relates to the Offences of assaulting, beating, and wounding therein mentioned; and an Act passed in the Third Year of the present Reign, intituled *An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the Fact of Grand Larceny, and certain other Felonies*; and so much of an Act passed in the same Year, intituled *An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with hard Labour*, as relates to any of the Assaults therein mentioned; shall continue in force until and throughout the last Day of June in the present Year, and shall from and after that Day, as to that Part of the United Kingdom called *England*, and as to Offences committed within the Jurisdiction of the Admiralty of *England*, be repealed, except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to Offences committed before or upon the said last Day of June, which shall be dealt with and punished as if this Act had not been passed; and this Act shall commence and take effect (except as is hereinbefore excepted) on the First Day of July in the present Year.

1 G.4. c.90.
a.2.

1 G.4. c.115.

1 & 2 G.4. c.88.

3 G.4. c.38.

3 G.4. c.114.

Commence-
ment of this
Act.Petit Treason
to be treated in
all respects as
Murder.Punishment of
Principals and
Accessories in
Murder.Period of Ex-
ecution, and
Marks of
Infamy.Sentence to be
pronounced
immediately.

II. And be it enacted, That every Offence, which before the Commencement of this Act would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater Offence; and all Persons guilty in respect thereof, whether as Principals or as Accessories, shall be dealt with, indicted, tried, and punished as Principals and Accessories in Murder.

III. And be it enacted, That every Person convicted of Murder, or of being an Accessory before the Fact to Murder, shall suffer Death as a Felon; and every Accessory after the Fact to Murder shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Four Years.

IV. And be it enacted, That every Person convicted of Murder shall be executed according to Law on the Day next but One after that on which the Sentence shall be passed, unless the same shall happen to be *Sunday*, and in that Case on the *Monday* following; and the Body of every Murderer shall, after Execution, either be dissected or hung in Chains, as to the Court shall seem meet; and Sentence shall be pronounced immediately after the Conviction of every Murderer, unless the Court shall see reason-

able Cause for postponing the same; and such Sentence shall express not only the usual Judgment of Death, but also the Time hereby appointed for the Execution thereof, and that the Body of the Offender shall be dissected or hung in Chains, whichever of the Two the Court shall order: Provided always, that after such Sentence shall have been pronounced, it shall be lawful for the Court or Judge to stay the Execution thereof, if such Court or Judge shall so think fit.

Power to respite.

As to the Dissection of the Bodies of Murderers.

V. And be it enacted, That whenever Dissection shall be ordered by such Sentence, the Body of the Murderer, if executed in the County of *Middlesex* or City of *London*, shall be immediately conveyed by the Sheriff or Sheriffs, or his or their Officers, to the Hall of the Surgeons' Company, or to such other Place as the said Company shall appoint, and shall be delivered to such Person as the said Company shall appoint, for the Purpose of being dissected; and the Body of the Murderer, if executed elsewhere, shall in like Manner be delivered to such Surgeon as the Court or Judge shall direct, for the same Purpose.

Prison Regulations as to Murderers under Sentence.

VI. And be it enacted, That every Person convicted of Murder shall, after Judgment, be confined in some safe Place within the Prison, apart from all other Prisoners, and shall be fed with Bread and Water only, and with no other Food or Liquor, except in case of receiving the Sacrament, or in case of any Sickness or Wound, in which Case the Surgeon of the Prison may order other Necessaries to be administered; and no Person but the Gaoler and his Servants, and the Chaplain and Surgeon of the Prison, shall have access to any such Convict, without the Permission in Writing of the Court or Judge before whom such Convict shall have been tried, or of the Sheriff or his Deputy: Provided always, that in case the Court or Judge shall think fit to respite the Execution of such Convict, such Court or Judge may, by a Licence in Writing, relax, during the Period of the Respite, all or any of the Restraints or Regulations hereinbefore directed to be observed.

British subjects may be tried in England for Murder or Manslaughter committed Abroad.

VII. And be it enacted, That if any of His Majesty's Subjects shall be charged in *England* with any Murder or Manslaughter, or with being accessory before the Fact to any Murder, or after the Fact to any Murder or Manslaughter, the same being respectively committed on Land out of the United Kingdom, whether within the King's Dominions or without, it shall be lawful for any Justice of the Peace of the County or Place where the Person so charged shall be, to take Cognizance of the Offence so charged, and to proceed therein as if the same had been committed within the Limits of his ordinary Jurisdiction; and if any Person so charged shall be committed for Trial, or admitted to bail to answer such Charge, a Commission of Oyer and Terminer under the Great Seal shall be directed to such Persons, and into such County or Place as shall be appointed by the Lord Chancellor, or Lord Keeper, or Lords Commissioners of the Great Seal, for the speedy Trial of any such Offender; and such Persons shall have full Power to enquire of, hear, and determine all such Offences, within the County or Place limited in their Commission, by such good and lawful Men of the said County or Place as shall be returned before them for that Purpose, in the same Manner as if the Offences had been actually committed

committed in the said County or Place : Provided always, that if any Peers of the Realm, or Persons entitled to the Privilege of Peerage, shall be indicted of any such Offences, by virtue of any Commission to be granted as aforesaid, they shall be tried by their Peers in the Manner heretofore used : Provided also, that nothing herein contained shall prevent any Person from being tried in any Place out of this Kingdom for any Murder or Manslaughter committed out of this Kingdom, in the same Manner as such Person might have been tried before the passing of this Act.

VIII. And be it enacted, That where any Person, being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any Place out of *England*, shall die of such Stroke, Poisoning, or Hurt in *England*, or being feloniously stricken, poisoned, or otherwise hurt at any Place in *England*, shall die of such Stroke, Poisoning, or Hurt, upon the Sea, or at any Place out of *England*, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, enquired of, tried, determined, and punished in the County or Place in *England* in which such Death, Stroke, Poisoning, or Hurt shall happen, in the same Manner, in all respects, as if such Offence had been wholly committed in that County or Place.

IX. And be it enacted, That every Person convicted of Manslaughter shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Four Years, or to pay such Fine as the Court shall award.

X. Provided always, and be it enacted, That no Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune, or in his own Defence, or in any other Manner without Felony.

XI. And be it enacted, That if any Person unlawfully and maliciously shall administer or attempt to administer to any Person, or shall cause to be taken by any Person, any Poison or other destructive Thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any Person, or shall unlawfully and maliciously shoot at any Person, or shall, by drawing a Trigger, or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to murder such Person, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

XII. And be it further enacted, That if any Person unlawfully and maliciously shall shoot at any Person, or shall, by drawing a Trigger, or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable such Person, or to do some other grievous bodily Harm to such Person, or with Intent

Proviso.

Provision for the Trial of Murder and Manslaughter, where the Death, or the Cause of Death only, happens in England.

Punishment of Manslaughter.

As to Homicide not felonious.

Attempts to murder, when evidenced by certain Acts, shall be Capital.

Shooting at, or stabbing, cutting, or wounding any Person, with intent to maim, &c. shall be Capital, provided the

Case would have been Murder if Death had ensued.

to resist or prevent the lawful Apprehension or Detainer of the Party so offending, or of any of his Accomplices, for any Offence for which he or they may respectively be liable by Law to be apprehended or detained, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon: Provided always, that in case it shall appear, on the Trial of any Person indicted for any of the Offences above specified, that such Acts of shooting, or of attempting to discharge loaded Arms, or of stabbing, cutting, or wounding as aforesaid, were committed under such Circumstances, that if Death had ensued therefrom, the same would not in Law have amounted to the Crime of Murder, in every such Case the Person so indicted shall be acquitted of Felony.

Administering Poison or using any Means to procure the Miscarriage of a Woman quick with Child. The like as to a Woman not quick with Child.

XIII. And be it enacted, That if any Person, with Intent to procure the Miscarriage of any Woman then being quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Poison or other noxious Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person, with Intent to procure the Miscarriage of any Woman not being, or not being proved to be, then quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Medicine or other Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor 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 exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

A Woman secreting the dead Body of her Child, to conceal the Fact of its Birth, guilty of Misdemeanor.

XIV. And be it enacted, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead Body of the said Child, endeavour to conceal the Birth thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and it shall not be necessary to prove whether the Child died before, at, or after its Birth: Provided always, that if any Woman tried for the Murder of her Child shall be acquitted thereof, it shall be lawful for the Jury, by whose Verdict she shall be acquitted, to find, in case it shall so appear in Evidence, that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead Body of such Child, endeavour to conceal the Birth thereof, and thereupon the Court may pass such Sentence as if she had been convicted upon an Indictment for the Concealment of the Birth.

Proviso.

XV. And be it enacted, That every Person convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall suffer Death as a Felon. Sodomy.

XVI. And be it enacted, That every Person convicted of the Crime of Rape shall suffer Death as a Felon. Rape.

XVII. And be it enacted, That if any Person shall unlawfully and carnally know and abuse any Girl under the Age of Ten Years, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and carnally know and abuse any Girl, being above the Age of Ten Years and under the Age of Twelve Years, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for such Term as the Court shall award. Carnal Knowledge of a Girl under 10. The like of a Girl above 10 and below 12.

XVIII. And Whereas upon Trials for the Crimes of Buggery and of Rape, and of carnally abusing Girls under the respective Ages hereinbefore mentioned, Offenders frequently escape by reason of the Difficulty of the Proof which has been required of the Completion of those several Crimes; for Remedy thereof be it enacted, That it shall not be necessary, in any of those Cases, to prove the actual Emission of Seed in order to constitute a carnal Knowledge, but that the carnal Knowledge shall be deemed complete upon Proof of Penetration only. What shall be sufficient Proof of carnal Knowledge in the Four preceding Cases.

XIX. And be it enacted, That where any Woman shall have any Interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any Real or Personal Estate, or shall be an Heiress presumptive or next of Kin to any one having such Interest, if any Person shall, from Motives of Lucre, take away or detain such Woman against her Will, with Intent to marry or defile her, or to cause her to be married or defiled by any other Person, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted 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 exceeding Four Years. Forcible Abduction of a Woman on account of her Fortune, with Intent to marry her, &c.

XX. And be it enacted, That if any Person shall unlawfully take, or cause to be taken, any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award. Unlawful Abduction of a Girl from her Parents or Guardians.

XXI. And be it enacted, That if any Person shall maliciously, either by Force or Fraud, lead or take away, or decoy or entice away, or detain, any Child under the Age of Ten Years, with Intent to deprive the Parent or Parents, or any other Person having the lawful Care or Charge of such Child, of the Possession of such Child, or with Intent to steal any Article upon or about the Person of such Child, to whomsoever such Article may belong; or if any Person shall, with any such Intent as aforesaid, receive or harbour any Child-stealing.

any such Child, knowing the same to have been, by Force or Fraud, led, taken, decoyed, enticed away, or detained as hereinbefore mentioned; every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that no Person who shall have claimed to be the Father of an illegitimate Child, or to have any Right to the Possession of such Child, shall be liable to be prosecuted by virtue hereof, on account of his getting Possession of such Child, or taking such Child out of the Possession of the Mother, or any other Person having the lawful Charge thereof.

Not to extend to Fathers taking their illegitimate Children.

Bigamy.

XXII. And be it enacted, That if any Person, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken Place in *England* or elsewhere, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and any such Offence may be dealt with, enquired of, tried, determined, and punished in the County where the Offender shall be apprehended or be in Custody, as if the Offence had been actually committed in that County: Provided always, that nothing herein contained shall extend to any Second Marriage contracted out of *England* by any other than a Subject of His Majesty, or to any Person marrying a Second Time, whose Husband or Wife shall have been continually absent from such Person for the Space of Seven Years then last past, and shall not have been known by such Person to be living within that Time, or shall extend to any Person who at the Time of such Second Marriage shall have been divorced from the Bond of the First Marriage, or to any Person whose former Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction.

Place of Trial.

Exceptions.

Arresting a Clergyman during Divine Service.

XXIII. And be it enacted, That if any Person shall arrest any Clergyman upon any Civil Process, while he shall be performing Divine Service, or shall, with the Knowledge of such Person, be going to perform the same, or returning from the Performance thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Punishment for Assaults on Officers, &c. for their Endeavours to save shipwrecked Property.

XXIV. And be it enacted, That if any Person shall assault and strike or wound any Magistrate, Officer, or other Person whatsoever lawfully authorized, on account of the Exercise of his Duty in or concerning the Preservation of any Vessel in Distress, or of any Vessel, Goods, or Effects wrecked, stranded, or cast on Shore, or lying under Water, every such Offender, being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the

the Common Gaol or House of Correction, for such Term as the Court shall award.

XXV. And be it enacted, That whete any Person shall be charged with and convicted of any of the following Offences as Misdemeanors; that is to say, of any Assault with Intent to commit Felony, of any Assault upon any Peace Officer or Revenue Officer in the due Execution of his Duty, or upon any Person acting in aid of such Officer; of any Assault upon any Person with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so assaulting, or of any other Person, for any Offence for which he or they may be liable by Law to be apprehended or detained; or of any Assault committed in pursuance of any Conspiracy to raise the Rate of Wages; in any such Case the Court may sentence the Offender to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years, and may also (if it shall so think fit) fine the Offender, and require him to find Sureties for keeping the Peace.

XXVI. And be it enacted, That if any Person shall unlawfully and with Force hinder any Seaman, Keelman, or Caster from working at or exercising his lawful Trade, Business, or Occupation, or shall beat, wound, or use any other Violence to him, with Intent to deter or hinder him from working at or exercising the same; or if any Person shall beat, wound, or use any other Violence to any Person, with Intent to deter or hinder him from selling or buying any Wheat or other Grain, Flour, Meal, or Malt, in any Market or other Place, or shall beat, wound, or use any other Violence to any Person having the Care or Charge of any Wheat or other Grain, Flour, Meal, or Malt, whilst on its Way to or from any City, Market Town, or other Place, with Intent to stop the Conveyance of the same, every such Offender may be convicted thereof before Two Justices of the Peace, and imprisoned and kept to hard Labour in the Common Gaol or House of Correction, for any Term not exceeding Three Calendar Months: Provided always, that no Person, who shall be punished for any such Offence by virtue of this Provision, shall be punished for the same Offence by virtue of any other Law whatsoever.

XXVII. ' And Whereas it is expedient that a summary Power of ' punishing Persons for Common Assaults and Batteries should be ' provided under the Limitations hereinafter mentioned; ' Be it therefore enacted, That where any Person shall unlawfully assault or beat any other Person, it shall be lawful for Two Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence, and the Offender, upon Conviction thereof before them, shall forfeit and pay such Fine as shall appear to them to be meet, not exceeding, together with Costs (if ordered), the Sum of Five Pounds, which Fine shall be paid to some One of the Overseers of the Poor, or to some other Officer of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate; whether the same shall or shall not contribute to such general Rate; and the Evidence of any Inhabitant of the County, Riding, or Division shall

Assaults with Intent to commit Felony; Assaults on Peace Officers; or to prevent the Arrest of Offenders; or in pursuance of a Conspiracy to raise Wages; punishable with hard Labour.

Assault on any Seaman, &c. to prevent him from working; Assaults with Intent to obstruct the buying or selling of Grain, or its free Passage; punishable before Two Magistrates, with Imprisonment not exceeding Three Months.

Persons committing any Common Assault or Battery may be compelled by Two Magistrates to pay Fine and Costs not exceeding 5*l*.

Application of the Fine.
Commitment on Nonpayment.

If the Magistrate dismiss the Complaint, they shall make out a Certificate to that Effect.

Such Certificate or Conviction shall be a Bar to any other Proceedings.

These Provisions not to apply to aggravated Cases, &c.

Punishment for the Master of a Merchant Vessel forcing a Seaman on Shore, or refusing to bring him Home.

Mode of Trial, &c.

be admitted in Proof of the Offence, notwithstanding such Application of the Fine incurred thereby; and if such Fine as shall be awarded by the said Justices, together with the Costs (if ordered), shall not be paid, either immediately after the Conviction, or within such Period as the said Justices shall at the Time of the Conviction appoint, it shall be lawful for them to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned for any Term not exceeding Two Calendar Months, unless such Fine and Costs be sooner paid; but if the Justices, upon the Hearing of any such Case of Assault or Battery, shall deem the Offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any Punishment, and shall accordingly dismiss the Complaint, they shall forthwith make out a Certificate under their Hands, stating the Fact of such Dismissal, and shall deliver such Certificate to the Party against whom the Complaint was preferred.

XXVIII. And be it enacted, That if any Person against whom any such Complaint shall have been preferred for any Common Assault or Battery, shall have obtained such Certificate as aforesaid, or having been convicted shall have paid the whole Amount adjudged to be paid under such Conviction, or shall have suffered the Imprisonment awarded for Nonpayment thereof, in every such Case he shall be released from all further or other Proceedings, Civil or Criminal, for the same Cause.

XXIX. Provided always, and be it enacted, That in case the Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of Opinion that the same is, from any other Circumstance, a fit Subject for a Prosecution by Indictment, they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as they would have done before the passing of this Act: Provided also, that nothing herein contained shall authorize any Justices of the Peace to hear and determine any Case of Assault or Battery in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice.

XXX. And be it enacted, That if any Master of a Merchant Vessel shall, during his being Abroad, force any Man on Shore, or wilfully leave him behind in any of His Majesty's Colonies or elsewhere, or shall refuse to bring Home with him again all such of the Men whom he carried out with him, as are in a Condition to return when he shall be ready to proceed on his homeward-bound Voyage, every such Master shall be guilty of a Misdemeanor, and being lawfully convicted thereof, shall be imprisoned for such Term as the Court shall award; and all such Offences may be prosecuted by Indictment or by Information, at the Suit of His Majesty's Attorney General, in the Court of King's Bench, and may be alleged in the Indictment or Information to have been committed at *Westminster*, in the County of *Middlesex*; and the said Court is hereby authorized to issue One or more Commissions, if necessary, for the Examination of Witnesses Abroad; and the Depositions taken under the same shall be received

received in Evidence on the Trial of every such Indictment or Information.

XXXI. And be it enacted, That every Accessory before the Fact, to any Felony punishable under this Act, for whom no Punishment has been hereinbefore provided, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor 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 exceeding Three Years; and every Accessory after the Fact to any Felony punishable under this Act (except Murder), shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and every Person who shall counsel, aid, or abet the Commission of any Misdemeanor punishable under this Act, shall be liable to be proceeded against and punished as a principal Offender.

Provision for Accessories to Offences against this Act.

XXXII. And be it enacted, That all indictable Offences mentioned in this Act, which shall be committed within the Jurisdiction of the Admiralty of *England*, shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in *England*, and may be dealt with, enquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of *England*: Provided always, that nothing herein contained shall alter or affect any of the Laws relating to the Government of His Majesty's Land or Naval Forces.

As to Offences against this Act committed at Sea.

XXXIII. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any such Offence, the Justice may summon the Person charged to appear before any Two Justices of the Peace at a Time and Place to be named in such Summons, and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person by delivering the same to him) the Justices may either proceed to hear and determine the Case *ex parte*, or may issue their Warrant for apprehending such Person and bringing him before them; or the Justice before whom the Charge shall be made may (if he shall so think fit) issue such Warrant in the first Instance, without any previous Summons.

Not to affect the Laws relating to the Forces.

Provision for Offences against this Act punishable on summary Conviction.

XXXIV. Provided always, and be it enacted, That the Prosecution for every Offence punishable on summary Conviction by virtue of this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise.

Time for summary Proceeding.

XXXV. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; (that is to say,)

Form of Conviction.

‘ **BE** it remembered, That on the Day of
 ‘ in the Year of our Lord at
 ‘ in the County of (or Riding, Di-
 ‘ vision,

‘ vision, Liberty, City, *etc.* as the Case may be], *A. O.* is convicted
 ‘ before us [naming the Justices], Two of His Majesty’s Justices
 ‘ of the Peace for the said County [or Riding, *etc.*], for that he
 ‘ the said *A. O.* did [specify the Offence, and the Time and Place
 ‘ when and where the same was committed, as the Case may be];
 ‘ and we the said Justices adjudge the said *A. O.* for his said
 ‘ Offence to be imprisoned in the _____ and there
 ‘ kept to hard Labour for the Space of _____ [or,
 ‘ we adjudge the said *A. O.* for his said Offence to forfeit and pay
 ‘ the Sum of] [here state the Amount of the Fine imposed], and
 ‘ also to pay the Sum of _____ for Costs; and in default
 ‘ of immediate Payment of the said Sums, to be imprisoned in the
 ‘ _____ for the Space of _____ unless the said Sums
 ‘ shall be sooner paid; [or, and we order that the said Sums shall
 ‘ be paid by the said *A. O.* on or before the _____ Day
 ‘ of _____], and we direct that the said Sum of
 ‘ [i. e. the Amount of the Fine] shall be paid to _____ of
 ‘ _____ aforesaid, in which the said Offence was committed,
 ‘ to be by him applied according to the Directions of the Statute
 ‘ in that Case made and provided; and we order that the said
 ‘ Sum of _____ for Costs shall be paid to *C. D.* [the Party
 ‘ aggrieved]. Given under our Hands the Day and Year first
 ‘ above mentioned.’

No Certiorari,
 &c.

XXXVI. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty’s superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Not to repeal
 any Act relating
 to High Treason,
 the Revenue, or Com-
 binations.

XXXVII. Provided always, and be it enacted, That nothing in this Act contained shall affect or alter any Act, so far as it relates to the Crime of High Treason, or to any Branch of the Public Revenue, or shall affect or alter any Act for the Prevention of Smuggling, or any Part of the Act passed in the Sixth Year of the present Reign, intituled *An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.*

Not to extend
 to Scotland or
 Ireland.

XXXVIII. Provided also, and be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland.*

C A P. XXXII.

An Act for amending the Law of Evidence in certain Cases.

[27th June 1828.]

‘ **W**HEREAS it is expedient that Quakers and Moravians
 ‘ should be allowed to give Evidence upon their solemn
 ‘ Affirmation in all Cases, Criminal as well as Civil; and that,
 ‘ in Prosecutions for Forgery, the Party interested should be ren-
 ‘ dered a competent Witness:’ Be it therefore enacted by the
 King’s most Excellent Majesty, by and with the Advice and Con-
 sent of the Lords Spiritual and Temporal, and Commons, in this
 present Parliament assembled, and by the Authority of the same,
 That

That every Quaker or Moravian who shall be required to give Evidence in any Case whatsoever, Criminal or Civil, shall, instead of taking an Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration in the Words following; that is to say, " I A. B. do solemnly, sincerely, and truly declare " and affirm;" which said Affirmation or Declaration shall be of the same Force and Effect in all Courts of Justice, and other Places where by Law an Oath is required, as if such Quaker or Moravian had taken an Oath in the usual Form; and if any Person making such Affirmation or Declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any Matter or Thing, which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Offender shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful and corrupt Perjury are or shall be subject.

II. And be it enacted, That on any Prosecution by Indictment or Information, either at Common Law, or by virtue of any Statute, against any Person, for forging any Deed, Writing, Instrument, or other Matter whatsoever; or for uttering or disposing of any Deed, Writing, Instrument, or other Matter whatsoever, knowing the same to be forged; or for being Accessory before or after the Fact to any such Offence, if the same be a Felony; or for aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor; no Person shall be deemed to be an incompetent Witness in support of any such Prosecution, by reason of any Interest which such Person may have or be supposed to have in respect of such Deed, Writing, Instrument, or other Matter.

III. ' And Whereas it is expedient to prevent all Doubts respecting the Civil Rights of Persons convicted of Felonies not capital, ' who have undergone the Punishment to which they were adjudged;' Be it therefore enacted, That where any Offender hath been or shall be convicted of any Felony not punishable with Death, and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, the Punishment so endured hath and shall have the like Effects and Consequences as a Pardon under the Great Seal as to the Felony whereof the Offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such Punishment, shall prevent or mitigate any Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any other Felony.

IV. ' And Whereas there are certain Misdemeanors which ' render the Parties convicted thereof incompetent Witnesses, and ' it is expedient to restore the Competency of such Parties after ' they have undergone their Punishment;' Be it therefore enacted, That where any Offender hath been or shall be convicted of any such Misdemeanor (except Perjury or Subornation of Perjury), and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, such Offender shall not, after the Punishment so endured, be deemed to be by reason of such Misdemeanor an incompetent Witness in any Court or Proceeding, Civil or Criminal.

Quakers or Moravians required to give Evidence may, instead of an Oath, make their solemn Affirmation, which shall be of the same Effect in all Cases, Civil or Criminal.

The Party whose Name is forged shall be a competent Witness in Prosecutions for Forgery.

Every Punishment for Felony, after it has been endured, shall have the Effect of a Pardon under the Great Seal.

No Misdemeanor (except Perjury) shall render a Party an incompetent Witness after he has undergone the Punishment.

C A P. XXXIII.

An Act to declare and settle the Law respecting the Liability of the Real Estates of *British* Subjects and others, situate within the Jurisdiction of His Majesty's Supreme Courts in *India*, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners. [27th June 1828.]

‘ WHEREAS some Doubts have arisen whether, and to what Extent, the Real Estates of *British* Subjects and others (not being Mahomedans or Gentoos), situate within or being under the Jurisdiction of His Majesty's Supreme Courts of Judicature in *India*, are liable, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners: And Whereas it is expedient that such Doubts should be removed;’ Be it therefore and it is hereby declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any *British* Subject shall die seized of or entitled to any Real Estate in Houses, Lands, or Hereditaments, situate within or being under the general Civil Jurisdiction of His Majesty's Supreme Courts of Judicature at *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay* respectively, or whenever any Person (not being a Mahomedan or Gentoos) shall die seized of or entitled to any such Real Estate, situate within the local Limits of the Civil Jurisdiction of the same Courts respectively, such Real Estate of such *British* Subject or other Person as aforesaid (not being a Mahomedan or Gentoos) is and shall be deemed Assets, in the Hands of his or her Executor or Administrator, for the Payment of his or her Debts, whether by Specialty or Simple Contract, in the ordinary Course of Administration.

II. And it is further declared and enacted, That it is and shall be lawful for such Executor or Administrator of such *British* Subject or other Person as aforesaid (not being a Mahomedan or Gentoos), to sell and dispose of such Real Estate for the Payment of such Debts as aforesaid, and to convey and assure the same Estate to a Purchaser, in as full and effectual a Manner in Law as the Testator or Intestate of such Executor or Administrator could or might have done in his Life-time.

III. And it is further declared and enacted, That in any Suit or Action to be commenced and prosecuted in any of the said Courts respectively, against such Executor or Administrator as aforesaid, for the Recovery of any Debt or Demand due and owing by such Testator or Intestate in his Life-time and at the Time of his Death, such Executor or Administrator shall and may be charged with the full Amount in Value of such Real Estate as aforesaid, not exceeding the actual net Proceeds of such Estate when sold by the Sheriff, as Assets in the Hands of such Executor or Administrator to be administered.

IV. And it is further declared and enacted, That in any such Suit or Action against such Executor or Administrator as aforesaid, it is and shall be lawful for the said Courts respectively to award

Whenever any *British* Subjects, or Persons not being Mahomedans or Gentoos, shall die, entitled to any Real Estate in *India*, such Estate shall be deemed Assets.

Executors may sell such Real Estates for the Payment of Debts.

In any Action for Debt, the Executor may be charged with the full Amount of such Real Estate.

In Suits against Executors, Courts may

award and issue such Writs of Sequestration and Execution against such Houses, Lands, and Real Effects of such Testator or Intestate, in the Hands of such Executor or Administrator as aforesaid, and to cause the same to be seized, sequestered, and sold, or Possession thereof delivered under such Writs respectively, in the same Manner as such Courts could and might have done in the Life-time of such Testator or Intestate as aforesaid.

V. And it is further declared and enacted, That all Conveyances and Assurances of such Real Estates of such *British* Subjects and other Persons so dying seized or entitled as aforesaid (not being Mahomedans or Gentoos), situate within or being under the general or local Jurisdiction of such Courts respectively as aforesaid, heretofore made and executed by Executors and Administrators of such deceased *British* Subjects and other Persons as aforesaid, are hereby confirmed, and shall be deemed, held, and taken to be of the same Force, Validity, and Effect in Law, as if the same had been made and executed by such deceased Persons in their Life-time.

VI. Provided nevertheless, and it is hereby declared and enacted, That neither this Act, nor any thing herein contained, shall be construed to operate as or have the Effect of changing or altering the legal Quality, Nature, or Tenure of any Lands, Houses, Estates, Rights, Interests, or any other Subject of Property whatsoever, or of making the same or any of them to be of the Nature of Real Property, if by Law, before the passing of this Act, the same or any of them were Personal Property; but that the Law in that respect shall be and continue the same as if this Act had not passed.

order Writs of Sequestration.

Conveyances and Assurances of such Estates shall be deemed good.

This Act not to alter the legal Quality or Tenure of any Estates,

C A P. XXXIV.

An Act for altering and amending an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to regulate Madhouses in Scotland.* [27th June 1828.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate Madhouses in Scotland*, which requires to be altered and amended in some respects; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for and in respect of any Licence to be granted by any Sheriff, for the Care and Confinement of any factious or furious Person, or Lunatic, within his County, in the Manner directed by the said recited Act, there shall be paid only Ten Shillings and Sixpence for every Person confined, in place of Two Guineas, as required by the said recited Act, to be accounted for in the Manner thereby directed: Provided always, that for no Licence to be so granted shall there be paid less than the Sum of Two Guineas.

II. And be it enacted, That a Book shall be kept in every House so licensed, in which shall be inserted the Name and Date of Admission of every Insane Person into such House, and also the Death or Discharge of every such Person, specifying the State of Mind

55 G. 4, c. 3.

What Sums shall be paid for Licences granted for the Care of Insane Persons.

Books to be kept for entering the Time of Admission and of Dis-

charge of
Insane Persons.

Whenever
Coercion shall
be made use of
towards any
Person con-
fined, an Entry
thereof to be
made in such
Books.

Books to be
produced to
Inspectors,
who are to
insert the Date
of their Inspec-
tion, &c.

No Insane
Person to be
received into
an Hospital
without a
Warrant from
the Sheriff, who
is to inspect
Hospitals.

Houses of
Reception to
be visited by
Medical Men.

Ministers
empowered
to visit Mad-
houses within
their Parishes.

in which such Person was at the Date of such Death or Discharge, and the Cause of his or her Death.

III. And be it enacted, That whenever any Coercion, Severity, or Restraint, beyond that of Solitary Confinement, shall be used towards any Person confined in such House, an Entry shall be made in the foresaid Book on the same Day on which such Coercion, Severity, or Restraint shall be first used, setting forth the Nature of such Coercion, Severity, or Restraint, together with the special Cause thereof; and it is further provided, that the Keeper of such House shall make or cause to be made an Entry in said Book on each succeeding Day during which such Coercion, Severity, or Restraint may be continued, showing the Progress of the Disorder, and how far such Coercion, Severity, or Restraint has been increased, diminished, continued, or put an end to, as also the Reasons for the Continuance or Change of such Treatment.

IV. And be it enacted, That such Book or Books shall be produced to the Inspectors authorized to visit and inspect such Houses, which Inspectors are hereby required to mark thereon the Date of such Inspection, together with any Observations which they may deem material as to the State of such House, or of all or any of the Persons therein confined; and any Keeper of such House who shall neglect to keep the Books hereby ordered, or to make therein any of the Entries hereby ordered, at the Times and in the Terms hereby prescribed, or who shall refuse or neglect to produce such Books when duly required, shall forfeit the Sum of Five Pounds for each Offence, to be recovered in the same Manner as Penalties may be recovered under the said recited Act.

V. And be it enacted, That no Insane Person shall be received into any Public Hospital or Public Lunatic Asylum without a Warrant from the Sheriff, such as is required by the said recited Act in the Case of a Private Madhouse; and the said Sheriff is hereby required to inspect such Hospitals and Asylums in the same way as Private Madhouses; and he is further authorized to order any Person to be discharged from such Hospital or Asylum, who, after due Inquiry and medical Inspection, shall be considered by him as improperly detained therein.

VI. And be it further enacted, That in every House of Reception for Two or more Insane Persons there shall, if it contain One hundred Patients, be a resident Physician or Surgeon; and every such House containing less than One hundred Patients (in case such House shall not be kept by a Physician or Surgeon) shall be visited twice in every Week by a Physician or Surgeon; and such resident Attendant or visiting Physician or Surgeon is hereby respectively required to report to the Keeper the Condition of the House, and State of Health of the Patients, and shall once in every Week enter and sign the same in a Register, according to the Form in the Schedule hereunto annexed; and such Register shall by the Keeper of such House be regularly laid before the Inspectors appointed by this and the before-recited Act, who are hereby required to sign the same in testimony of its Production.

VII. Provided always, and be it further enacted, That the established Minister of the Parish wherein any House for the Reception of Insane Persons is situate, with the Consent in Writing of the Sheriff, shall have Liberty to visit all such Houses at

any

any Hour between Eight in the Morning and Eight in the Evening; but notwithstanding such written Consent as aforesaid, the Keeper of any such House may refuse such Minister Access to any Patient, if he shall think such Visit prejudicial to the due Care or Recovery of the Patient, provided such Refusal, and the Grounds thereof, shall be duly entered in the Register, and reported by such Keeper to the Inspectors at their then next ensuing Visitation.

VIII. And be it further enacted, That no Person shall receive into his exclusive Care and Maintenance, except he be a Relative, any one Insane Person, without first having an Order and Certificate signed by Two Physicians or Surgeons in Terms similar to that which is required on the Admission of any Insane Person into a licensed House; and that every such Person so having received into his Charge any Insane Person as aforesaid shall, within Five Days thereof, transmit to the Sheriff of the County a Copy of such Certificate, and shall also state the Parish wherein such House shall be situate, and the Name of the Occupier thereof; and such Order and Return may be sealed, and indorsed "Private Return;" and also on the First Day of *January*, or within Seven Days thereof, in every Year, every such Person shall also transmit to such Sheriff a Certificate signed by Two Physicians or Surgeons, describing the then actual State of such Insane Person; and in case of the Death or Removal of such Insane Person, he shall forthwith notify the same to such Sheriff; all which said Certificates and Notifications shall be duly preserved; and the said Sheriff shall make or cause to be made therefrom a separate Register, containing the true Christian and Surname of each Insane Person so confined, together with the Place of Confinement; which Register shall be open to the Inspection of His Majesty's Principal Secretary of State for the Home Department, or the Lord President of the Court of Session, or the Lord Justice Clerk, or to such other Persons as shall be authorized to inspect the same, by an Order under their respective Hands; and any Person receiving into his Care any Person contrary to this Enactment, shall incur a Penalty of Fifty Pounds, to be recovered in the Manner before specified.

IX. Provided always, and be it further enacted, That it shall and may be lawful for His Majesty's said Principal Secretary of State, in all Cases in which any such Patient shall have been discharged cured, upon his or her Application, verified, as to the Identity of Person and other Facts, to the Satisfaction of such Secretary of State, to direct that the Name of such Patient shall be wholly erased from the said Register.

X. And be it enacted, That it shall and may be lawful for the Justices of the Peace of every County in *Scotland* to name and appoint, at a Court of Quarter Sessions to be held annually on the same Day on which the *Michaelmas* Meeting of Freeholders takes place, if they shall think fit so to do, any Three of their Number to visit and inspect any Private Madhouses or Asylums for the Custody of Lunatics situated in such County; and such Three Justices so appointed, or any Two of them, shall have Power to visit and inspect any such Madhouses or Public Hospitals or Asylums

Regulations as to Persons with whom Lunatics are privately confined.

Secretary of State empowered to erase Name of Lunatic from Register.

Justices may appoint Three of their Number to inspect Hospitals, &c.

lums in their County accordingly, and to report annually thereannent to the Justices met in Quarter Sessions as aforesaid.

This Act and the recited Act to be construed together.

XI. And be it enacted, That this Act shall be deemed and taken to be a Part of the said recited Act; and this Act and the said recited Act shall be construed together, in giving Effect to the said recited Act and this Act.

SCHEDULE.

WEEKLY REGISTER to be kept in each House, and to be laid before the Inspectors.

Number of Curable Men.	Number of Incurable Men.	Number of Curable Women.	Number of Incurable Women.	Number of Men under Restraint.	Number of Women under Restraint.	General Remarks.

In Cases of Restraint the Necessity to be certified by the Physician, Surgeon, or Apothecary.

C A P. XXXV.

An Act to protect Purchasers for valuable Consideration in *Ireland* against Judgments not revived or re-docketed within a limited Time. [27th June 1828.]

‘ WHEREAS great Difficulties are frequently found to arise in making out Title to Freehold Property in *Ireland*, by reason not only of the Number of old outstanding Judgments in the respective Courts of King’s Bench, Common Pleas, and Exchequer, in that Part of the United Kingdom, appearing unsatisfied on Record, though considerable Numbers of the same have been actually paid off and discharged, but also by reason that in many Cases the Defendants in Judgments entered in the said Courts are not sufficiently described, so as to identify the Persons against whom such Judgments have been actually recovered, to the great Impediment of the due Transfer of such Freehold Property, and to the great Disquiet of Purchasers for valuable Considerations; and it is expedient that a Remedy be provided for the same:’ 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 Judgments which shall, after the passing of this Act, be entered or recovered in His Majesty’s Courts of King’s Bench, Common Pleas, or Exchequer, in *Ireland*, shall, after the Expiration of Twenty Years from the Date of the Entry or Recovery thereof, be null and void as against Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*,

Judgments entered in the Courts in *Ireland* to be null and void unless re-docketed and

Ireland, unless the same be duly revived according to the Course and Practice of the said respective Courts, or re-docketed in manner hereinafter directed, and the Revival or Re-docketing thereof entered in the Manner hereinafter provided, within Twenty Years next before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to such Purchaser for valuable Consideration.

entered within Twenty Years before the Execution of Conveyance of the Estate,

II. And be it further enacted, That all Judgments which shall have been entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer in *Ireland*, within Twenty Years next before the passing of this Act, shall, after the Expiration of Twenty Years from the Entry or Recovery thereof, be null and void as against Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, unless the same be duly revived according to the Course and Practice of the said respective Courts, or re-docketed in manner hereinafter directed, and the Revival or Re-docketing thereof be entered in the Manner hereinafter mentioned, within Twenty Years next before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to such Purchaser for valuable Consideration, or within Five Years from the passing of this Act.

Judgments entered in the Courts within Twenty Years before the passing of this Act to be void, unless revived according to the Practice of the Courts, &c.

III. And be it further enacted, That all Judgments which shall have been entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, Twenty Years or upwards next before the passing of this Act, shall be null and void as against all Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, whether their Purchases shall have been made before or after the passing of this Act, unless the same shall be duly revived according to the Course and Practice of the said respective Courts, or re-docketed in manner hereinafter directed, and the Revival or Re-docketing thereof be entered in the Manner hereinafter mentioned, within Five Years from the passing of this Act.

Judgments entered in the Courts Twenty Years before the passing of this Act to be void, unless Revival entered within Five Years from the passing of this Act.

IV. And be it further enacted, That when any Judgment shall be duly revived in any of the said Courts, according to the Course and Practice of the said Courts, respectively, an Entry of such Revival shall, for the Purposes of this Act, be made in a Book to be kept for the Purpose by the proper Officer of each of the said Courts respectively, and which he is hereby directed and required to keep in the Manner and Form set forth in the Schedule to this Act annexed; and which Entry shall in all Cases be and be held to be Evidence of the due Revival of such Judgment, without producing the Judgment or Revivor thereof.

Revivals of Judgments to be entered in a Book according to the Form in the Schedule.

V. And be it further enacted, That in order to the Re-docketing for the Purposes of this Act of any Judgment entered or to be entered in any of the Courts aforesaid, an Affidavit shall be made by the Attorney employed by the Party or Parties legally or beneficially interested in said Judgment or some Part thereof, which Affidavit shall be in the Form or to the Effect set forth in the Schedule to this Act annexed, and shall be numbered by and filed with the proper Officer of the Court in

Affidavit to be made by the Attorney to the Party interested in any Judgment.

which such Judgment is or shall be entered or recovered; and thereupon such Officer shall, on such Affidavit being presented to him, make or cause to be made an Entry in a Book to be kept for that Purpose, and which he is hereby directed and required to keep in Manner and according to the Form set forth in the Schedule to this Act annexed; and which Entry shall in all Cases be and be held to be Evidence of the due Re-docketing of such Judgment within the Meaning and for the Purposes of this Act.

Sum to be paid for each Entry.

VI. And be it further enacted, That the Sum of Sixpence, and no more, shall be paid to the respective proper Officer of the said Courts for each such Entry so required to be made by him as aforesaid.

This Act not to extend to give Validity to any Judgment legally barred by Act 8 G. 1. (L)

VII. And be it further enacted and provided, That nothing in this Act contained shall extend, or be construed or deemed or taken to extend, to set up or give Validity to any Judgment or Judgments which by the Lapse of Twenty Years from the Entry or Recovery thereof, without any Payment or Satisfaction being made on account, or any Proceeding being taken for Recovery thereof, is, are, or shall be legally or equitably extinguished and barred under and by virtue of an Act passed in the Eighth Year of the Reign of His Majesty King George the First, intituled *An Act for the more effectual quieting and securing Possessions, and preventing vexatious Suits at Law*; and that the Re-docketing of any such Judgment or Judgments in manner aforesaid shall not be taken or deemed or construed as a Revival thereof, but solely as a Proceeding for the Purposes of this Act.

Attorney to give the Officer a Description of the Parties, and their Places of Residence.

VIII. And for the Purpose of furnishing the Means in all Cases hereafter to identify the Parties to all Judgments in the Courts aforesaid; be it further enacted, That from and after the passing of this Act the Attorney employed for the Purpose of entering or making up any Judgment in any of the said Courts shall, previous to the entering thereof, deliver to the Officer whose Duty it is to cause such Judgments to be entered, a Note in Writing, stating the Degree, Quality, Profession, or Trade, and also the Places of Residence, of the several Parties thereto; and thereupon such Officer shall make an Entry of the said Particulars in the Margin of the Roll of the said Judgment.

Officer not to be obliged to enter any Judgment until such Description is given.

IX. And be it further enacted, That no Officer shall be obliged to enter any Judgment on the Rolls of any of the said Courts, until such Note in Writing shall have been delivered to him as aforesaid; which Note he is hereby directed to file and keep; and if after having received the same, he shall neglect or refuse to enter the Particulars thereof in the Margin of the Roll of such Judgment, he shall forfeit and pay the Sum of Twenty Pounds to any Person suing for the same: Provided always, that no Neglect, Error, or Omission of any Officer of any of the said Courts, with respect to the entering, in the Margin of the Roll of any Judgment, of the Degree, Quality, Profession, Trade, or Place of Residence of any of the Parties to the said Judgment, shall in any manner vitiate or affect the Validity of the same, or bind any Person except the Person against whom such Judgment was really obtained, and those deriving undor him.

X. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any Manner to affect or prejudice any Judgment whatsoever as between the Parties thereto, their Representatives, or those deriving as Volunteers under them.

Not to affect any Judgment between the Parties thereto.

SCHEDULES.

FORM OF AFFIDAVIT referred to in this Act.

A. B. } A. B. of [stating his registered Residence], Attorney at Law,
 v. } maketh Oath, and saith, That it appears by the Records
 C. D. } of this Honourable Court that the above-named Plaintiff
 [or Plaintiffs] did in or as of Term, in the Year
 obtain a Judgment in this Honourable Court against the above-named Defendant [or Defendants] for the Sum of
 which Judgment is entered upon the Roll of the said Term and Year, and Number . And this Deponent further saith, That he hath been employed by [or on behalf of] C. D. whom he believes to be legally or beneficially entitled to or interested in the said Judgment, or some Part thereof, for the Purpose of Re-docketing the same, pursuant to an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled [here set forth the Title of this Act].

FORM OF REVIVAL BOOK referred to by this Act.

Date of Revival.	Defendant's Name and Addition.	Sum recovered, or Amount of Judgment.	Plaintiff's Name and Addition.	Year, Term, and Roll of Entry on Recovery.	Name of Party on whose Behalf revived.	Name and registered Residence of the Attorney to the Revival.

FORM OF RE-DOCKETING Book referred to in this Act.

Date of Re-docketing.	Number of Affidavit.	Defendant's Name and Addition.	Sum recovered, or Amount of Judgment.	Plaintiff's Name and Addition.	Year, Term, and Roll of Entry on Recovery.	Name of Party on whose Behalf re-docketed.	Name and registered Residence of Attorney Re-docketing.

C A P. XXXVI.

An Act for continuing to His Majesty for One Year certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and twenty-eight. [27th June 1828.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty’s Public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties hereinafter mentioned; and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties on Sugar, Brown or Muscavado, or Clayed, not being refined, which by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act to alter and amend the several Laws relating to the Customs*, and by a Table contained in the said Act, were made payable until the Fifth Day of *July* One thousand eight hundred and twenty-seven, and which have been continued and are in force until the Fifth Day of *July* One thousand eight hundred and twenty-eight, shall be and the same are hereby continued from and after the Expiration of the Time limited as aforesaid, until the Fifth Day of *July* One thousand eight hundred and twenty-nine.

Duties imposed on Sugar by 7 G. 4. c. 48. further continued until 5th July 1829.

Monies paid into the Exchequer under this Act shall be entered separate from other Payments.

II. And be it further enacted, That there shall be provided and kept, in the Office of the Auditor of the Receipt of His Majesty’s Exchequer at *Westminster*, One Book of Register, in which all the Money that shall be paid into the said Exchequer from so much of the said Rates and Duties hereby granted or continued on Sugar as shall arise and be payable in *Great Britain* shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty; and that it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from time to time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and that so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer there, and shall be carried to the Consolidated Fund.

[The remaining Sections of this Act are the same (except as to Dates) as the 6th and Twelve following Sections of 7 & 8 G. 3. c. 7.]

C A P. XXXVII.

An Act to amend an Act of the First and Second Years of His present Majesty, for preventing Depredations within the Jurisdiction of the Cinque Ports, and for the Adjustment of Salvage; and for giving further Powers to the Deputy Warden of the Cinque Ports and Lieutenant of *Dover Castle*.

[27th June 1828.]

‘ **W**HEREAS by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Ship Owners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports; and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of Her late Majesty Queen Anne*, Power is given to the Lord Warden of the Cinque Ports to nominate and appoint, in the Manner therein directed, Persons in each of the Cinque Ports, Two ancient Towns and their Members, to adjust and determine Differences relative to Salvage, and for the other Purposes in the said Act mentioned: And Whereas it is expedient and necessary that the Powers given by the said Act to the said Lord Warden should be also exercised by the Deputy Warden of the Cinque Ports and Lieutenant of *Dover Castle*:’

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 Deputy Warden of the Cinque Ports and Lieutenant of *Dover Castle* for the Time being, and he is hereby authorized and empowered, to nominate and appoint such Commissioners, and to have the same Power, and to do all other Acts, Matters, and Things contained in the said recited Act, as the Lord Warden of the Cinque Ports for the Time being can or may do.

1 & 2 G. 4. c. 76.

The Deputy Warden may appoint Salvage Commissioners, &c.

Public Act.

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

C A P. XXXVIII.

An Act for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts therein recited.

[27th June 1828.]

‘ **W**HEREAS it is expedient to rectify Mistakes made in the naming or describing Persons appointed Commissioners by an Act made in the last Session of Parliament, intituled *An Act to appoint Commissioners for carrying into Execution several Acts, granting an Aid to His Majesty by a Land Tax to be raised in Great Britain, and continuing to His Majesty certain Duties on Personal*

7 & 8 G. 4. c. 75.

‘ *Personal Estates, Offices, and Pensions, in England:*’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Persons hereinafter named shall and may and are hereby empowered and authorized to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties and Places of *Great Britain* hereinafter severally and respectively mentioned and expressed, as if they had been named with the other Commissioners in the said Act of the last Session of Parliament, and properly described therein; (that is to say),

[*Here follow the Names of the Commissioners.*]

Mistakes in Names not to vitiate Appointments.

And no Mistake in the Spelling of the Christian or Surname of any Person, or of any Place, mentioned in the said Act of the last Session of Parliament or this Act, shall be construed to vitiate the Appointment of such Person to be a Commissioner, so that the Person or Place mentioned be designated therein to common Intent and Understanding, or to subject any Person so designated to any Pains, Penalty, or Forfeiture for his acting in the Execution of the Act herein mentioned.

Qualifications to be the same as required by recited Acts of 38 G. 3. c. 5.

II. Provided always, and be it enacted, That the several Persons appointed by the said Act of the last Session of Parliament, or by this Act, shall severally have the Qualifications required by an Act passed in the Thirty-eighth Year of His late Majesty’s Reign, intituled *An Act for granting an Aid to His Majesty by a Land Tax to be raised in Great Britain, for the Service of the Year One thousand seven hundred and ninety-eight*; and also of an Act of the same Session of Parliament, intituled *An Act to alter and amend so much of an Act passed in the present Session of Parliament, intituled ‘An Act for granting an Aid to His Majesty by a Land Tax to be raised in Great Britain, for the Service of the Year One thousand seven hundred and ninety-eight,’ as relates to the Qualifications of Commissioners*; and shall be subject to the several Penalties and Forfeitures contained in the said Acts respectively.

38 G. 3. c. 48.

Persons in Cities, &c. having Qualifications may act as Commissioners.

III. Provided also, and be it further enacted, That where in any City, Liberty, or Place the Qualifications shall consist of Personal Estate, it shall be lawful for any Person having a Personal Estate of the Value required by the said Acts, or either of them, to act as such Commissioner in all Cases where such Person shall have been taxed, and shall have paid for such Personal Estate, by and upon the last Assessment then made for such City, Liberty, or Place, by virtue of any Act for continuing and granting to His Majesty a Duty on Pensions, Offices, and Personal Estates, in *England*, passed before the making of such Assessments; any Thing in the said Acts, or either of them contained, to the contrary notwithstanding.

Persons having acted as Commissioners without having been properly

‘ IV. And Whereas several Persons may have acted as Commissioners for executing the said Acts without having been properly named as Commissioners by the said recited Act of the last Session of Parliament, and others named in former Acts of Parliament

‘ Parliament to be Commissioners may have been omitted in the said Act of the last Session of Parliament, and may have acted as aforesaid before Notice of such Omission: And Whereas it is expedient that such Persons should be indemnified for such acting, and that all Acts by them done should be confirmed and made valid;’ Be it therefore enacted, That all Acts done by any such Persons in the Execution of the said Acts, or any other Acts to be executed by such Commissioners, shall be and are hereby declared to be valid, and that all personal Actions and Suits, Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which have been or shall be prosecuted or commenced against any Person or Persons for or by reason of such acting, are declared to be void by virtue of this Act, and shall be quashed and determined; and that if any Action or Suit shall be prosecuted or commenced against any Person or Persons for or by reason of such acting, such Person or Persons may plead the General Issue, and give this Act and the special Matter in Evidence.

‘ V. And Whereas by the Acts relating to the Land Tax Three or more Commissioners are required to sign and seal the Assessments, and Duplicates thereof, and to hear and determine Appeals, and also to do and execute other Matters and Things in and by the said Acts prescribed and authorized in the Execution thereof; and it is expedient that Two or more Commissioners should be authorized and empowered to do and execute the same Acts respectively;’ Be it therefore enacted, That all Acts, Matters, and Things whatsoever, which in and by the Acts relating to the Land Tax are directed, authorized, or required to be done, executed, or performed by or before Three or more Commissioners acting in the Execution thereof, shall and may, from and after the passing of this Act, be done, executed, or performed by and before any Two or more of such Commissioners; and all Acts, Matters, and Things so hereafter to be done, executed, and performed by or before Two or more of such Commissioners, shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same Acts respectively were done, executed, or performed by or before Three or more Commissioners; any Thing in the said Acts or this Act contained to the contrary notwithstanding.

named, or whose Names had been omitted, shall be indemnified, and the Acts done by them shall be valid.

All Matters which are directed by the Land Tax Acts to be executed by Three or more Commissioners may, after the passing of this Act, be executed by Two or more of such Commissioners.

C A P. XXXIX.

An Act for the Preservation of the Salmon Fisheries in *Scotland*.
[15th July 1828.]

‘ WHEREAS by an Act passed in the Parliament of *Scotland* in the Year One thousand four hundred and twenty-four, it was forbidden that any Salmon be slain from the Feast of the Assumption of our Lady until the Feast of *Saint Andrew* in Winter: And Whereas sundry other Laws and Acts were made and passed at divers Times by the Parliament of *Scotland* anent the killing of Salmon, Kipper, Red and Black Fish, in forbidden Time, and the killing and destroying of the Fry and Smolts of Salmon; which Laws and Acts were ratified, confirmed, and ap-
proved

1424. c. 35.

1696. c. 33.

‘ proved by an Act passed by the said Parliament in the Year
 ‘ One thousand six hundred and ninety-six, intituled, *Act against*
 ‘ *killers of Black Fish, and Destroyers of the Fry and Smolts of*
 ‘ *Salmon* : And Whereas it is expedient, for the Preservation of
 ‘ the Salmon Fisheries in *Scotland*, that the Penalties enacted by
 ‘ the said Acts should be augmented, and the Period of the for-
 ‘ bidden Time altered and extended, and that sundry other Regu-
 ‘ lations should be made :’ 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 passed in the Year One thousand four hundred and
 twenty-four shall be and the same is hereby repealed ; and that no
 Salmon, Grilse, Sea Trout, nor other Fish of the Salmon Kind,
 shall be taken in or from any River, Stream, Lake, Water, or
 Estuary whatsoever, or on any Part of the Sea Coast, between
 the Fourteenth Day of *September* and the First Day of *February*
 in any Year, by any Person or Persons ; any Law, Statute, or
 Practice to the contrary notwithstanding.

Recited Act
repealed.

No Fish of the
Salmon Kind
to be taken
between the
14th September
and 1st Feb-
ruary.

Penalty on
taking or
fishing for
Salmon within
the above Time.

II. And be it further enacted, That if between the Fourteenth
 Day of *September* and the First Day of *February* in any Year any
 Person shall wilfully take, fish for, or attempt to take, or aid or
 assist in taking, fishing for, or attempting to take, in or from any
 River, Stream, Lake, Water, or Estuary, or on any Part of the Sea
 Coast, any Salmon, Grilse, Sea Trout, or other Fish of the Salmon
 Kind, such Person shall forfeit and pay any Sum not less than One
 Pound and not exceeding Ten Pounds, for and in respect of each
 and every such Offence, over and above forfeiting each and every
 such Fish so taken, and each and every Boat, Net, or Engine by
 which the same may have been taken.

Penalty on
Trespassers.

III. And be it further enacted, That if any Person shall, after
 the Expiration of Two Months from and after the passing of this
 Act, trespass in any Ground, inclosed or uninclosed, or in or
 upon any River, Stream, Watercourse, or Estuary, with Intent to
 kill Salmon, Grilse, Sea Trout, or other Fish of the Salmon Kind,
 such Person shall forfeit and pay any Sum not less than Ten Shil-
 lings and not exceeding Five Pounds.

Penalty on
taking Salmon
Fry, Spawn,
&c.

IV. And be it further enacted, That from and after the passing
 of this Act, if any Person shall wilfully take, by any Means or by
 any Device, in or from any River, Lake, Stream, Water, Estuary,
 or Sea Coast, or use, sell, purchase, or wilfully have in his Posses-
 sion, the Spawn, Smolts, or Fry of Salmon, or of any other Fish
 of the Salmon Kind, or in any Way or by any Device wilfully ob-
 struct the Passage of the said Smolts or Fry, or injure or disturb
 any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow
 where the same may be, such Person shall forfeit and pay a Sum
 not less than One Pound and not exceeding Ten Pounds for each
 and every such Offence.

Penalty on
taking unclean
Salmon.

V. And be it further enacted, That from and after the passing
 of this Act, if any Person shall at any Time wilfully take, kill,
 destroy, or expose to Sale, any Red or Black Fish, or other
 foul, unclean, or unseasonable Salmon, Grilse, Sea Trout, or Fish
 of the Salmon Kind, such Person shall forfeit and pay a Sum not
 less

less than One Pound and not exceeding Two Pounds for every Fish so taken, killed, or destroyed, or exposed to Sale.

VI. And be it enacted, That from and after the passing of this Act, if any Person shall use any Light or Fire of any kind, in or for the taking or with Intent to take any Salmon, Grilse, Sea Trout, or other Fish of the Salmon Kind, such Person shall forfeit and pay a Sum not less than Two Pounds and not exceeding Ten Pounds for each and every such Offence.

Penalty for using Lights to take Fish.

VII. ' And Whereas by an Act passed in the Parliament of ' *Scotland* in the Year One thousand four hundred and seventy- ' seven, intituled *Anent Cruves*, it is *inter alia* ordained, that they ' that hes Cruves in fresh Waters, gar keip the Lawes anent *Satter- ' daies* Slop, and suffer them not to stand in forbidden Time ; and ' that ilk heek of the said Cruves be Three Inche wide, and quha ' that beis convict thereof, to pay Five Pund : And Whereas it is ' expedient that the said Penalty of Five Pounds *Scots* Money ' should be augmented ;' Be it therefore enacted, That from and after the passing of this Act, if any Owner or Occupier of Cruves shall offend against the said Law, such Person shall forfeit and pay a Sum not less than Five Pounds nor exceeding Twenty Pounds Sterling for every such Offence.

Saturday's Slop to be kept. 1477. c. 73.

VIII. And be it further enacted, That every Occupier of any Fishery shall and is hereby required to remove and carry away from such Fishery, and from the Landing Places and Grounds adjacent thereto, all Boats, Oars, Nets, Engines, and other Tackle used and employed by such Occupier in the taking and killing such Fish as aforesaid, on or before the Commencement of the Close Time, or otherwise effectually to secure the same so as to prevent their being used in fishing, until the End of the Close Time ; and in case any such Occupier shall neglect or refuse so to remove or secure all and every such Boats, Oars, Nets, Engines, or other Tackle as aforesaid, and to keep the same secure and apart from the said Fisheries during the Time aforesaid, such Person so refusing or neglecting, and being convicted thereof, shall for such Offence, and for every subsequent Neglect after Notice given, forfeit and pay a Sum not less than Forty Shillings and not exceeding Ten Pounds : Provided always, that nothing herein contained shall be construed or taken to prevent any Proprietor of Lands from continuing any such Boat or Boats for the Use of himself or herself, or any of his or her Family, if such Boat or Boats shall have the Name of the Proprietor painted thereon.

Boats to be removed in Close Time.

Proprietors of Lands may continue Boats for their own Use.

IX. Provided always, and be it enacted, That each and every Penalty provided by this Act shall go to the Informer, and may and shall be recoverable, with Expences, as well before the Sheriff as before the Justices of the Peace of any County as aforesaid wherein the same may be incurred, or where the Offender shall reside, at the Instance of any Person or Persons who shall prosecute for the same ; and in Prosecutions for the different Penalties imposed by this Act, or any other Act for the Preservation of the Salmon Fisheries in *Scotland*, it shall be lawful for the Sheriff or Justices before whom any Complaint for the Recovery thereof may be brought, to proceed in a summary Way, and to grant Warrant for bringing the Parties complained upon immediately before them, and on Proof on Oath by One or more credible

Recovery and Application of Penalties.

credible Witnesses, or Confession of the Offence, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any Written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of all Penalties and Expences decerned for, failing Payment within Fourteen Days after Conviction, by Poinding and Imprisonment, for a Period, at the Discretion of the Sheriff or Justices, not exceeding Six Months, it being hereby provided that a Record shall be preserved of the Charge and of the Judgment pronounced; and any Person or Persons who shall think himself, herself, or themselves aggrieved by any Judgment of any Sheriff or Justices, pronounced in any Case arising under this Act, or by Assessment made under this Act, in *Scotland*, may appeal to the Commissioners of Judiciary at their next Circuit Court, or where there are no Circuit Courts, to the High Court of Judiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of King *George* the Second, for taking away and abolishing the Heritable Jurisdictions in *Scotland*; with this Variation, that such Person or Persons 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, her, or them by the Sentence or Sentences appealed from, in the event of the Appeal or Appeals being dismissed, together with any additional Expences that shall be awarded by the Circuit Court on dismissing the said Appeal or Appeals; and it shall not be competent to appeal from or bring the Judgments of any Justices or Sheriff acting under this Act under Review, by Advocation or Suspension, or by Reduction, or in any other Way than as herein provided.

Two Proprietors of Fisheries on any River in *Scotland* may call Meetings of other Proprietors on the same, in order to assess them for the Purposes of this Act.

X. And be it enacted, That it shall be lawful, in *Scotland*, for any Two Proprietors of Salmon Fisheries in any River, or any Stream, Lake, Water, or Estuary communicating therewith, from Time to Time to call Meetings of all the other Proprietors of Salmon Fisheries in such River, and the several Streams, Lakes, Waters, and Estuaries communicating therewith, or on the Sea Coast within Five Miles of the Mouth of such River or Estuary, by Three several Advertisements in any Newspaper published in the County where such Meeting is to be held, or if no Newspaper be there published, then in any Newspaper published in any adjoining County, and also in One *Edinburgh* Newspaper, Fourteen Days before such Meeting shall be held; at which Meetings it shall be lawful for the Majority of Proprietors in Number and Value attending, or authorizing their Factors or other Proprietors by a Written Mandate to act for them, to assess the Whole Proprietors of Salmon Fisheries in such River, Stream, Lake, Water, or Estuary, and on the Sea Coast within Five Miles of the Mouth of such River or Estuary, in such Sums as they shall think fit, rateably according to the real Rents of their Fisheries, for the Purpose of enforcing this Act, and the other Laws regulating Salmon Fisheries; and it shall be lawful for such Meetings to appoint and pay Clerks, Water Bailiffs, and other Officers, as they shall see Cause; and all such Assessments shall be recoverable in the Sheriff's Court, at the Instance of any Clerk or other Person authorized

authorized by any such Meeting, in the same Manner and under the same Provisions and Regulations as small Debts are now recovered by the Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the more easy Recovery of Small Debts in the Sheriff Courts in Scotland*; and this notwithstanding the Amount of such Assessment shall exceed Eight Pounds: Provided always, that if any Salmon Fishery on the Sea Coast shall be within Five Miles of the Mouths of more than One River or Estuary, the Proprietor of such Fishery shall be liable in One Assessment only for such Fishery, and shall be at liberty to make his Election of any One such River or Estuary in connection with which he shall be assessed.

6 G. 4. c. 24.

Proviso as to Fisheries situate within Five Miles of the Mouths of more than One River.

Apprehension of Offenders.

XI. And be it further enacted, That it shall be lawful for any Person, without any Warrant or other Authority than this Act, *brevis manu*, to seize and detain any Person who shall be found committing any Offence against this Act, and to carry such Person before any Justice of the Peace or other Magistrate, or to deliver such Person to a Constable, who is hereby required to carry such Person before a Justice of the Peace or Magistrate, who shall forthwith examine and discharge, or commit such Person until Caution *de judicio sisti* be found, as the Case may require.

XII. And be it enacted, That all Justices of the Peace and other Magistrates shall and may act in the Execution of this Act, notwithstanding such Justice or Magistrate shall be interested in any Salmon Fishery, except in any Case where such Justice or Magistrate, or his Tacksmen, is a Party in the Prosecution or Case to be heard and determined by such Justice or Magistrate; and also that every Owner or Occupier of, or any Person otherwise interested in any Salmon Fishery, shall and is hereby declared not to be an incompetent Witness to prove any Offence committed against this Act, by reason of being such Owner or Occupier so interested.

Justices, though interested in Fisheries, may act.

Owners not incompetent Witnesses.

XIII. And be it further enacted, That no Prosecution or other Proceeding whatever shall be brought or commenced against any Person or Persons for any Offence or Offences against this Act, unless the same shall be laid or commenced within Six Calendar Months after any such Offence or Offences shall have been committed; and provided that where any Offender shall be punished by virtue of this Act, he shall not incur the Penalty of any other Law or Statute for the same Offence.

Limitation of Actions.

XIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to *England, Ireland, Wales, or Berwick-upon-Tweed*; or to the Fisheries in the River *Tweed*, or in any of the Streams and Waters that run into or communicate therewith, or to the Fisheries in the Arm of the Sea between the County of *Cumberland* and the Counties of *Dumfries* and *Wigton* and the Stewartry of *Kirkcudbright*, or the Fisheries in the several Streams and Waters which run into or communicate with the said Arm of the Sea.

Act not to extend to England, Ireland, Wales, &c.

C A P. XL.

An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in *England*. [15th July 1828.]

‘ **W**HEREAS it is expedient that the several Statutes now in force in that Part of the United Kingdom called *England*, relating to the Care and Maintenance of Lunatics, being Paupers or Criminals, should be amended and consolidated into One Act, and that such other Provision should be made as will facilitate the Erection of County Lunatic Asylums, and improve the Treatment of Pauper and Criminal Lunatics; 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 Acts hereinafter mentioned, *viz.* an Act passed in the Seventeenth Year of the Reign of His Majesty King George the Second, intituled *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*, so far as relates to Lunatics to be confined by Warrant of Justices; and also an Act passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England*; and also an Act passed in the Fifty-first Year of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Forty-eighth Year of His present Majesty, for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England*; and also an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Forty-eighth Year of His present Majesty, intituled ‘An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England;’* and also an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, for the safe Custody of Insane Persons charged with Offences*; and also an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act for making Provision for the better Care of Pauper Lunatics in England*; and also an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend several Acts passed for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England*, shall be and the same are hereby repealed, except as to any Matters committed or done before the passing of this Act, which shall be dealt with as if this Act had not passed; and that all Asylums erected or established under the said recited Acts shall in future be regulated under the Directions of this Act.

II. And be it further enacted, That it shall and may be lawful for the major Part of the Justices of the Peace in and for every County in *England*, present at any General Quarter Sessions for the said County, to direct public Notice to be given in some Newspaper or Newspapers circulated in such County, of their Intention

of

Repeal of
17 G. 2. c. 5.
s. 20. & 21.

48 G. 3. c. 96.

51 G. 3. c. 79.

55 G. 3. c. 46.

56 G. 3. c. 117.

59 G. 3. c. 127.

5 G. 4. c. 71.

Justices at
Quarter Ses-
sions may give
Notice respect-
ing the pro-
viding Lunatic
Asylums.

of taking into consideration at their next Quarter Sessions the Expediency of providing a County Lunatic Asylum or Asylums, or House or Houses for the Reception of Insane Persons, or of appointing a Committee of Justices to treat with the Justices of any One or more of the adjacent Counties, or with the Subscribers to any Lunatic Asylum heretofore built and established, or intended to be built and established, by voluntary Contributions, to unite with them for such Purpose.

III. And be it further enacted, That the said Justices of the Peace, after such Notice so given as aforesaid, shall at their next General Quarter Sessions proceed to take the same into consideration; and if it shall appear to the major Part of the said Justices then and there assembled (such major Part not being less in Number than Seven), that it is expedient that a County Lunatic Asylum, or House for the Reception of Insane Persons, should be erected in and for the said County Sole, the said Justices shall nominate and appoint such Number of Visiting Justices as they shall think fit to superintend the Erection and Management of such County Lunatic Asylum, who from time to time shall report their Proceedings to the Court of General Quarter Sessions.

IV. And be it further enacted, That in all Cases where it shall appear expedient to the said Justices, so assembled as aforesaid, to unite for the Purposes of this Act with any One or more adjacent Counties, or with any Lunatic Asylum heretofore built and established by voluntary Contributions, or so intended to be built and established, it shall and may be lawful for the said Justices, so assembled as aforesaid, to appoint any Number of Justices not exceeding Five, to be a Committee for treating with any Committee of Justices of any such said County or Counties, appointed according to the Provisions of this Act, or with any Committee of any such Lunatic Asylum, to be appointed as hereinafter directed for such Purposes.

V. And be it further enacted, That it shall and may be lawful for the major Part of the Subscribers to any such Lunatic Asylum, present at any Meeting of Subscribers to the same, to be called together by public Advertisement for the express Purpose of making such Appointment, to appoint any Number of subscribers not exceeding Five, to be a Committee to treat with and enter into any Agreement with the Committee of Justices of any County for the Purposes of this Act; and that every such Agreement shall specify the Place at or near which such County Lunatic Asylum shall be situate, the Regulations under which the Expenses to be incurred shall be defrayed, and the Number or Proportion of the Visitors to be appointed by the said County and Subscribers respectively, and, when signed by the major Part of the Committee of Justices aforesaid, and the major Part of the Committee of Subscribers so appointed as aforesaid, shall be binding upon the said County and Subscribers, if subsequently approved of as hereinafter directed.

VI. And be it further enacted, That where the Committees of Justices so appointed by any Two or more Counties shall think fit to unite the said Counties for the Purposes of this Act, and shall signify their Inclination and Desire so to do at a Meeting holden for that Purpose, an Agreement shall at such Meeting,

Justices may appoint Committee to superintend the Erection of a Lunatic Asylum.

Justices may appoint Committee to treat with adjacent Counties, or with the Committee of Subscribers to Asylums maintained by voluntary Contributions.

Subscribers to any Lunatic Asylum may appoint a Committee to enter into Agreement with Committee of Justices.

Agreement to be entered into where Counties shall be united.

or as soon as conveniently may be afterwards, be entered into by the said Justices so appointed as aforesaid, or the major Part of them, in the Form or to the Effect set forth in the Schedule hereunto annexed (No. I.), which Agreement, when subscribed by the major Part of the Justices so nominated and appointed for each County, shall be binding upon the said County; and every such Agreement shall specify the Place at or near which such County Lunatic Asylum shall be situate, and the Proportions in which the Expences necessary for the carrying into Execution the Purposes of this Act shall be charged and assessed upon the several Counties so uniting, which Proportions shall be calculated by the said Justices so appointed upon the Numbers of the respective Population of the said several Counties and Places as shall have been stated in the last Returns of the said Population which shall have been made under the Authority of Parliament previous to the Union of such Counties.

Agreement to be reported to Quarter Sessions, and not to be valid unless approved of.

VII. And be it further enacted, That whensoever any Agreement shall have been so entered into and signed as aforesaid, the Justices so appointed to be a Committee for each County so uniting shall respectively report the same to the Justices at their next General Quarter Sessions to be holden for each of the said Counties, and shall then and there deliver into Court a Duplicate of the said Agreement, to be by the Clerks of the Peace of the said Counties entered among the Records: Provided always, that no Agreement made by any Committee of Justices shall be valid until the same shall have been submitted to and approved by the Majority of the Justices of the Peace of the County, assembled at the next ensuing General Quarter Sessions which shall be holden after such Agreement shall have been entered into.

Appointment of Committees of Justices and Subscribers to form united Committee of Visitors for providing and managing a Lunatic Asylum.

VIII. And be it further enacted, That whenever a County Lunatic Asylum has been provided under the Provisions of any former Act of Parliament, and in every Case in which it shall be determined that a County Lunatic Asylum shall be provided under the Provisions of this Act, it shall be lawful for the major Part of the Justices of the Peace acting in and for the County or united Counties at whose Expence, wholly or in Part, such County Lunatic Asylum shall have been or is to be provided, present at the General Quarter Sessions next after the passing of this Act, if a County Lunatic Asylum shall have been already provided, or present at the General Quarter Sessions where such Determination shall be made, or such Agreement as aforesaid shall be approved of, as the Case may be, if the County Lunatic Asylum is hereafter to be provided, and thereafter at the *Michaelmas* General Quarter Sessions of the Peace to be holden for such County or Counties respectively in each Year, and for the major Part of the Subscribers to any Lunatic Asylum erected or to be erected by voluntary Contributions, who may have united or who may hereafter unite with any County or Counties under the Provisions of this or any former Act, present at a General Meeting to be holden in the Months of *September* or *October* in every Year, of which due Notice shall be given by public Advertisement in some Newspaper circulated within the County in which such Lunatic Asylum shall be situated, to elect respectively the Members of the Committee of visiting Justices, or Committee

of Subscribers, to act together, for the providing, building, Erection, and Management of such County Lunatic Asylum; and that it shall be lawful for the major Part of the Justices of the Peace acting in and for such County or Counties, such major Part not being less than Seven, present at any General Quarter Sessions of the Peace to be holden for such County or Counties respectively, or any Adjournment thereof, and for the major Part of the Subscribers to any such Asylum erected or to be erected by voluntary Contributions as aforesaid, present at any General Meeting to be called for that Purpose, of which due Notice shall be given as aforesaid, to fill up any Vacancy in the Number of such Committee as may have occurred by Death or Resignation of any Member of such Committee of Justices or Subscribers respectively: Provided always, that the Number of such Justices so appointed to be the Committee of Visitors as aforesaid shall be in proportion to the Share of Expences to be charged and assessed upon the County for which they shall act, but so that a Number less than Seven shall in no case be appointed for any County so united, and the Number of the Committee of Subscribers to any Lunatic Asylum uniting with any County as aforesaid, shall be in such Proportion as shall have been specified in the Agreement entered into between such County or Counties and the Subscribers to such Lunatic Asylum.

Mode of filling up Vacancies in the same.

Proviso as to the Proportion of the Numbers of such Committees.

IX. And be it further enacted, That if the Justices or Subscribers as aforesaid shall in any Year neglect or omit to make such Election, or to fill up any Vacancy which may have occurred as aforesaid, then the Committee of Visitors before appointed, or such of them as shall continue to act, shall be deemed and taken to be the legal Committee of Visitors for the providing, Building, Erection, and Management of such County Lunatic Asylum, until such Election as aforesaid shall have been made, or such Vacancy shall have been filled up.

If Appointment not made, the Visitors continuing to act shall be deemed the Committee.

X. And be it further enacted, That the said Visitors so nominated and appointed are hereby authorized and required, within Three Calendar Months after such Nomination and Appointment as aforesaid, to meet and assemble at such Place as shall appear most convenient for that Purpose (due Notice thereof being previously given to such Visitors by the Clerk or Clerks of the Peace of such County or Counties respectively); and that the said Visitors may adjourn the said Meeting from time to time, or from Place to Place, and meet as often as they shall think necessary; and the said Visitors, or the major Part of them, are hereby authorized at their said Meetings to appoint a Clerk and a Surveyor for duly exercising the Powers of this Act, and from time to time to receive Plans and Estimates, and, subject as hereinafter mentioned, to contract for the Purchase of Lands and Buildings, and for building, erecting, altering, furnishing, and completing such County Lunatic Asylum, and the Yards, Courts, and Outlets thereto belonging; and every such Contractor shall give sufficient Security for the due Performance of his Contract to the Clerk to such Visitors; and all Contracts, when made, and all Orders relating thereto, shall be entered in a Book to be kept by the Clerk to such Visitors; and when such County Lunatic Asylum shall be declared to be completed, then such Book shall

Empowering Visitors to act;

to appoint Clerk and Surveyor;

to contract for the Purchase of Lands;

Contracts to be entered in a Book.

be deposited and kept among the Records of such County Sole, or of such of the Counties so united for the Purposes of this Act as shall have paid the largest Quota or Proportion of the Expences of providing such County Lunatic Asylum, to be inspected at all reasonable Times by any Persons contributing to the County Rates of such County or Counties respectively, or by any such voluntary Subscribers as aforesaid; and all Buildings or Land so to be contracted for and purchased shall be conveyed to such Person or Persons as the Visitors shall think fit, in Trust for the Uses and Purposes of this Act; and the said Visitors shall from time to time make their Report to the General Quarter Sessions of the Peace of such County or Counties respectively, of the several Plans, Estimates, and Contracts which shall have been made and entered into in manner aforesaid, and also a Report of the Sum or Sums of Money necessary to be raised and levied on such County Sole as the Expence, or on each of such united Counties as the Quota or Proportion of the Expence, to be incurred in the several Accounts as aforesaid.

Visitors not to be concerned in Contracts.

XI. Provided always, and be it further enacted, That no Visitor who shall, under the Authority of this Act, do any Matter or Thing in the Execution hereof, shall be capable of having any beneficial Interest or Concern whatsoever, either in his own Name or in the Name of any other Person in Trust for him, in any Contract or Agreement to be made under the Authority of this Act, or shall, for any Design or Plan he may deliver or produce, receive any Benefit or Emolument whatever.

Justices to make Rates to defray the necessary Expences.

XII. And be it further enacted, in order to defray the necessary Expences for the Execution of this Act, That the Justices of the Peace at their General or Quarter Sessions may and shall assess and tax a special County Rate or Rates on all Places liable to contribute to the County Rate, which said special County Rate shall be collected, levied, and recovered in like Manner, and by such Ways and Means, and under such Penalties, as any ordinary County Rate may by Law be collected, levied, and recovered.

Justices may borrow Money upon Mortgage of the Rates herein directed to be raised.

XIII. And Whereas the Expences of carrying this Act into Execution may in some Cases become very burthensome on the Occupiers of Land, and others the Contributors to the County Rates, in case the said Expences shall be raised in the Manner herein mentioned; Be it further enacted, That when it shall appear in the Report of such Visitors that the Charge and Costs of carrying this Act into Execution will exceed One Half of the Amount of the ordinary Annual Assessment for the County Rate for any County (such ordinary Assessment to be taken on a mean Proportion of the said Rate of the last Five Years preceding that), then and in that Case it shall and may be lawful for the Justices of the Peace within the respective Limits of their Commission, so assembled in their Quarter Sessions as aforesaid, from time to time to borrow and take upon Mortgage of the Rates herein mentioned, by Instruments in the Form contained in the Schedule hereunto annexed (No. 2.), or to that or the like Effect, any Sum not less than Fifty Pounds each, at legal or lower Interest, as to them or the major Part of them (such major Part not being less than Five) shall seem necessary and expedient for the Purposes aforesaid,

aforsaid, and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon such County respectively; and the said Justices so assembled as aforsaid are hereby authorized to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money, and by their Order to confirm and establish every such Agreement as aforsaid; and every such Agreement so established by such Order, and signed by the Chairman and Two or more Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing to the Person or Persons so advancing any Sum or Sums of Money, his or their Executors, Administrators, and Assigns, all and every such Sum or Sums of Money, with Interest for the same, on such Terms as in and by such Agreement respectively shall be for that Purpose stipulated; and the said Securities shall be numbered in Order of Succession in which they shall be granted, and Copies or Extracts of all such Agreements or Securities shall be kept with the Clerk of the Peace, or other proper Officer having the Custody of the Records of the Quarter Sessions of such County respectively; and all and every Person and Persons to whom any such Security or Securities shall be made, or who shall be entitled to the Money thereby secured, is and are hereby empowered (by indorsing his, her, or their Name or Names on the Back of such Security or Securities) to transfer and assign the same, and his, her, or their Right to the Principal Money and Interest thereby secured, unto any Person or Persons, and every such Assignee may in like Manner transfer the same again, and so *toties quoties*; and the Person or Persons to whom such Security or Securities, or any such Assignment thereof, shall be made, and his or their respective Executors, Administrators, and Assigns, shall be Creditors upon the said Rates in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

XIV. And be it further enacted, That the said Justices are hereby authorized and required, not only to charge the Rates to be raised upon such County with the Interest of the Money so borrowed on such Securities, but also with the Payment of a further Sum, equal at least with the Sum so charged for the Interest of such Securities, which said Sum shall be paid and applied, under the Direction of the said Justices, in Discharge of the Interest, and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices are required to fix One or more Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing, and what Principal Money has been discharged, and what remains due;

Rates so raised to be charged with the Interest, and with a further Sum to be applied in Discharge of Interest and Principal.

A Person to be appointed to keep the Accounts, and deliver the same to the Justices at the Michaelmas Quarter Ses-

sions, who are to inspect them.

Penalty on such Person for Neglect.

For discharging Securities.

Justices at Sessions may direct Tenants at Rack Rent to deduct One Half of the Rates from their Rent.

Justices to make Provision for paying Money borrowed within a limited Time.

Bodies Politic, Guardians, &c. may convey Lands.

due; and the said Book or Books, so adjusted and settled, to deliver into Court at every General Annual *Michaelmas* Quarter Sessions to be held for any such County, or at such other Period of the Year in any County in which General Annual Sessions shall be held; and the said Justices are hereby required, at every such Sessions, carefully to inspect all such Accounts, and to make Orders for carrying the several Purposes of this Act into Execution, in such Manner as to them shall seem meet; and if at any Time it shall appear to the said Justices that the Person so appointed has neglected the said Order, and has not duly applied the Money in his Hands to the Purposes hereby directed, such Person shall forfeit Double the Amount of the Money which shall not have been applied for the Purposes of this Act, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and the said Penalty, after the Charges of recovering the same, shall be paid to the Treasurer of such County Lunatic Asylum, to be applied to the Use of the same; and the said Justices, on a Day and Hour to be fixed at some General Quarter Sessions of the Peace to be holden for such County (of which Fourteen Days public Notice shall be given as aforesaid), shall, in open Court, cause all the said several Securities to be drawn by Lot, and numbered for Payment according to the Event of such Drawing, and the Securities so drawn and numbered shall be regularly discharged in succession, according to the Priority of such drawn Number.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Justices of the Peace at their said General or Quarter Sessions, if they shall unanimously agree so to do, to direct that every Tenant at Rack Rent paying such Rent aforesaid may deduct and detain, out of the Rent payable to his or her Landlord or Landlords for the Premises in respect of which such Rent is payable, One Half Part of the full Amount of such Rate; and every Tenant at Rack Rent, having paid such Rate in manner as aforesaid, shall be and is hereby acquitted and discharged of and from the Payment of so much Money as such Half Part shall amount to, as fully and effectually as if the same had been actually paid to any such Landlord or Landlords in part of the Rent due from such Tenant.

XVI. Provided always, and be it further enacted, That the Justices of the Peace in their respective Quarter Sessions shall and they are hereby required to make Provisions, by means of the Rates (which they are hereby authorized to make), and by their Orders and Directions (which they are hereby authorized to give), in such Manner that the whole Money to be borrowed under the Authority of this Act shall be fully paid and discharged within a Time to be limited, not exceeding Fourteen Years from the Time of borrowing the same.

XVII. And be it further enacted, That it shall and may be lawful for the King's most Excellent Majesty, His Heirs and Successors, and for all Bodies Politic and Corporate, and also for Guardians, Committees, Husbands, Trustees, and Attornies of any Person or Persons, being Infants, Lunatics, Idiots, under Coverture or any other Disability, and also for all other Persons who are or shall be seised, possessed of, or interested in any Houses,

Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges which shall be deemed necessary for the Purposes of this Act, to contract and agree for, and to sell, convey, and assure such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, unto such Person or Persons as shall be named by the Visitors, in Trust and for the Purpose of erecting or providing such County Lunatic Asylum, and the Yards, Courts, and Outlets thereunto belonging; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

XVIII. And be it further enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, Guardian, Committee, Husband, Trustee, or Attorney, for or on behalf of any Infants, Lunatics, Idiots, Femes Covert, or Cestuique Trusts, or to any other Person or Persons whose Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges shall be limited in Settlement for the Purchase of any such Lands, Tenements, and Hereditaments, shall, in case such Sums of Money shall exceed the Sum of One hundred Pounds, be laid out by such Corporations, Guardians, Committees, Husbands, Trustees, Attornies, or any Person or Persons seised or possessed of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so limited in Settlement, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments in Fee Simple, to be conveyed to or to the Use of such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, and to and for such Person or Persons, and for such Estate or Estates, and to, for, and upon and subject to such Uses, Limitations, Remainders, and Contingencies as the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, for or in respect whereof such Purchase Money shall be paid as aforesaid, shall be limited, settled, and assured at the Time such Purchase or Contract shall be made in manner aforesaid, or such as shall then be capable of taking Effect, the Charges of such Conveyances and Settlements to be paid in the same Manner as the other Expences relating to the County Lunatic Asylum; and in the meantime, and until such Purchase or Purchases shall be made, such Money, whether the same shall or shall not exceed the Sum of One hundred Pounds, shall be laid out by such Corporations, or other Persons for the Time being interested therein, in some Government Securities, in the Names of Two Persons, one to be nominated by the Party or Parties for the Time being interested therein, and the other by the Visitors aforesaid; and the Interest arising from such Securities shall be paid to such Person or Persons respectively as would have been entitled to the Rents and Profits of such Lands, Tenements, Hereditaments, Easements, and Privileges, in case the same had not been sold, or would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased, in case the same were purchased and settled as aforesaid.

XIX. And be it further enacted, That in case the Body or Person to whom any Sum of Money shall be contracted to be paid for the Purchase of any Lands, Tenements, or Hereditaments,

Application of Money to be paid for the Purchase of Land, &c.

In case of not making out Title, or if Persons cannot

be found, Purchase Money to be paid into the Bank.

for the Purposes of this Act, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Visitors, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person to whom any Sum or Sums of Money shall be so contracted to be paid as aforesaid cannot be found, or be not known or discovered, then it shall be lawful for the said Visitors to pay the said Sum of Money into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Party, if known, who shall be interested in the said Lands, Tenements, or Hereditaments (describing such Tenements or Hereditaments), but if not known, then to the Credit of the said Visitors, subject to the Order, Control, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Person making claim to any such Sum of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, on Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum of Money is and are hereby required to give a Receipt for such Sum of Money, specifying for what the same is received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

If Person entitled to Lands, &c. cannot be found, or refuse to execute a Conveyance thereof, upon Payment of the Money into the Bank, such Lands, &c. to vest in the Clerk of the Peace of the County, freed of all Claims.

XX. And be it further enacted, That if any Body or Person seized or possessed of or interested in any Lands, Tenements, or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Visitors, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum of Money as shall have been contracted and agreed to be paid for the Purchase of the same Premises into the Bank of *England*, as hereinbefore directed (in case the same shall be requisite), for the Use of such Person so interested or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interest, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Person, or unknown Person, to whose Credit such Money shall be paid, in, to, and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the Clerk of the Peace for the Time being, and his Successors in Office, of the County in which such Lands, Tenements, and Hereditaments shall be situated, who shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or
Person

Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Person, or unknown Person, of, in, or to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to bar the Dower and Dowery of the Wife of such Person, and all Estates Tail and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person, and every other Person whomsoever; and the same Premises shall and may be thereupon made use of and employed for the Purposes of this Act, according to the Directions of the said Visitors, and under the Regulations of this Act.

XXI. Provided always, and be it further enacted, Where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or Part thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest thereof, the Body or Person who shall have been in the Possession of such Houses, Buildings, Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Bodies or Persons claiming under such Body or Person, or under the Possession of such Body or Person, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of, and the Capital of the Bank Annuities to be purchased with such Money, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Person was lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, Part or Parts thereof, or some Estate or Interest therein, or Charge thereon.

XXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapability of the Body or Corporation or other Person entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases to be made in pursuance of this Act, or so much thereof as the said

Persons in Possession deemed entitled, unless the contrary be shown.

The Court may order reasonable Expences of Purchase to be paid by the Treasurer of the County, and charged to the County Rate.

Court

Court shall deem reasonable, to be paid by the Treasurer of the County, who shall pay such Sums of Money for such Purposes as the said Court shall direct, and charge the same to the County Rate.

Money to be paid before any Use made of the Premises.

XXIII. Provided always, and be it further enacted, That all Sums of Money to be paid pursuant to any such Agreement as aforesaid, shall be paid or tendered to the Party entitled to the same, or into the Bank of *England* as herein mentioned, before the said Visitors, or any Person authorized by them, shall proceed to take possession of any Lands, Tenements, or Hereditaments comprised in or affected by such Agreement, or to use the same for any of the Purposes of this Act.

Commissioners of Woods and Forests, with Consent of Treasury, &c. may grant Sites for building.

XXIV. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, by and with the Consent of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, in Writing, or for His Majesty, by any Grant signed by the Chancellor of the Duchy of *Lancaster* for the Time being, or for the Duke of *Cornwall*, by any Grant signed by the Chancellor of the Duchy of *Cornwall* for the Time being, to grant any Lands, Tenements, and Hereditaments, as and for a Site of a County Lunatic Asylum, and to be used therewith; and the said Visitors, and the Persons to be appointed by them, and their Successors, shall be and are hereby empowered and made capable of receiving and enjoying the Benefit of any such Grant for the Use and Purposes of this Act.

Justices may purchase Lands, notwithstanding the Statute of Mortmain.

XXV. And be it further enacted, That for the Purposes of this Act the said Visitors shall have full Power, Capacity, and Ability to accept and take from any Person willing to give the same, or otherwise to purchase, take, hold, and enjoy, any Lands, Tenements, Hereditaments, and any Interest therein, and any Money issuing out of or charged upon or to arise from the Sale of Lands, Tenements, and Hereditaments of and to any Value and Amount whatever; the Statutes of Mortmain, or any other Statute or Law to the contrary thereof, in anywise notwithstanding.

Justices to fix Sums to be expended on Purchase of Land and Houses, &c. or in erecting Buildings.

XXVI. And be it further enacted, That in every Case in which a County Lunatic Asylum shall be provided under the Provisions of this Act, it shall be lawful for the major Part of the Justices of the Peace of any County or Counties united under this Act (such major Part not being less than Five), present at any Quarter Sessions of the Peace, or any Adjournment thereof, to be held for such County or Counties, from time to time to fix and limit the Sums which may be expended on the Purchase of Lands or Houses, or in the Erection of new Buildings, or in the Extension or Alteration of existing Buildings, for the Purpose of such County Lunatic Asylum, or the Yards, Outlets, or Courts thereunto belonging, as well on the first Establishment of such County Lunatic Asylum as at any Time during its Continuance; and it shall not be lawful for the Committee of Visitors appointed for the Building, Erection, and Management of such County Lunatic Asylum, to enter into any Contract or Contracts for the

Purchase

Purchase of Lands or Houses, for the Erection of new Buildings, or for the Extension or Alteration of existing Buildings, for the Purpose of such County Lunatic Asylum, or the Yards, Outlets, and Courts thereunto belonging, at a Sum or Sums which may in the whole exceed the Sum so from time to time limited and appointed by the Justices assembled in Sessions as aforesaid; and no Contract so entered into by such Visitors shall be held to be valid or legal.

XXVII. And be it further enacted, That it shall and may be lawful for, and the said Visitors, with the previous Consent of the major Part of the said Justices assembled in Sessions, shall have full Power and Authority to take a Demise or Grant of any Houses, Buildings, Lands, Tenements, or Hereditaments, on the Site or Sites of which it shall be proposed to erect or maintain any such County Lunatic Asylum, at a Rent in the Nature of Fee Farm Rent; but such Grant or Demise shall contain a Power for such Justices to purchase the Fee Simple, free from Incumbrances, on Payment of any agreed Sum, not to exceed Thirty Years Purchase of the Rent reserved.

XXVIII. And be it further enacted, That when any County Lunatic Asylum so provided or so to be provided for any County or Counties, or any Part thereof, or any Addition to any County Lunatic Asylum already provided, shall be situate within the Limits of any other County, then and in every such Case the Justices of the Peace for the County or Counties to which such County Lunatic Asylum shall belong shall have full Power and Authority to act therein, so far as concerns the Regulation of the same, in the like Manner as if such County Lunatic Asylum, or the Additions thereto, were situate within the Bounds of their respective Counties.

XXIX. And be it further enacted, That in all future Rates, Taxes, and Levies to be made for any Parish or Place in which any Land or Ground already purchased or to be purchased under the Provisions of this or any former Act, for the Purposes of any County Lunatic Asylum, shall be situate, such Land or Ground, with any Buildings to be erected thereon, shall not be assessed to any such Rates, Taxes, or Levies, at a higher Value and more improved Rent than the same Land or Ground was at the Time of such Purchase; nor shall any Building or Buildings, which under this or any former Act has been or shall be erected on such Land, be assessed to any House or Window Tax; any Act or Acts to the contrary notwithstanding.

XXX. And be it further enacted, That in all Cases where any such County Lunatic Asylum shall have been established under the Authority of this Act, or any former Act or Acts, the major Part of the Visitors appointed as aforesaid to superintend the same, present at a Meeting duly summoned, such major Part not being fewer than Three, shall from time to time make such Regulations as to them shall seem expedient for the Management and Conduct thereof, in which Regulations shall be set forth the Number and Description of Officers and Servants to be kept, the Duties to be required, and what Salaries respectively shall be paid to them, and may appoint a Treasurer, and such other Officers and Servants, together with such Number of Assistants

Visiting Justices may rent Premises for erecting a Lunatic Asylum.

If Asylum be situate in any other County, Justices of the County or Counties to which it belongs may act therein.

Assessment to Rates not to be increased by reason of Purchases of Land under this Act.

Visitors to make Regulations and appoint Officers;

and to fix a weekly Rate for Maintenance of Insane Persons.

Rate not to exceed 14s. per Week.

If Rate be found insufficient, Justices in Quarter Sessions may increase it.

A Chaplain to be appointed for every County Lunatic Asylum.

Visitors to direct Repairs and make Order upon the Treasurers for Payment of Expences.

as they shall from time to time find necessary, in proportion to the Number of Persons confined in such County Lunatic Asylum, and may dismiss any such Officer, Servant, or Assistant, if they see Occasion; and shall from time to time fix a certain weekly Rate to be paid for each Person confined in such County Lunatic Asylum, which may be sufficient to defray the whole Expence of the Maintenance and Care, Medicine and Clothing, requisite for such Person, and the Salaries of the Officers and Attendants: Provided always, that such Rate shall in no Case exceed Fourteen Shillings *per Week*; and that the said Visitors shall annually audit the Accounts of the Treasurer, and report the same to the next General Quarter Sessions of the Peace to be holden for the Counties at the Expence of which such County Lunatic Asylum shall have been erected.

XXXI. And be it further enacted, That if the aforesaid Rate of Fourteen Shillings shall be found insufficient, it shall be lawful for the major Part of the Justices of the Peace acting in and for the County or Counties at whose Expence such County Lunatic Asylum shall have been established, present at any Quarter Sessions of the Peace to be holden for such County or Counties, or any Adjournment thereof (such major Part not being less than Seven), to make such Addition to such Rate as to them shall seem fit and necessary, and to make an Order accordingly; which Order shall be signed by the Clerks of the Peace, or their Deputies, on behalf of the Court for their respective Counties, and forthwith published in some Newspaper circulated within the County or Counties; and such additional Rates shall be paid by the Overseers of the Poor of the Parishes, Townships, or Places to which the Insane Persons in such County Lunatic Asylum respectively belong, in the same Manner as is provided by this Act with regard to the weekly Rate from time to time to be fixed on by the Visitors for the Maintenance, Medicine, Clothing, and Care of such Insane Persons.

XXXII. Provided always, and be it further enacted, That in every Case where a County Lunatic Asylum shall be provided, a Chaplain shall be appointed for the same, which Chaplain shall be in full Orders, and shall be licensed by the Bishop of the Diocese; and the said Licence shall be revocable by the Bishop whenever he shall think fit to withdraw it; and such Chaplain shall perform on each *Sunday*, and on the great Festivals, the Divine Service of our Church, according to the Forms by Law established.

XXXIII. And be it further enacted, That such Visitors may from time to time order all such Repairs or other Expences as may be necessary for such County Lunatic Asylum, and shall direct the same to be paid by an Order upon the County Treasurer where such County Lunatic Asylum shall be established by One County only, or shall apportion the same as afore-mentioned upon each County or Lunatic Asylum, when Two or more County or Counties and Lunatic Asylum are united, and shall make an Order upon the Treasurer of each of the said united Counties, and Treasurer of such Asylum, for the Payment of the Proportion to be paid by such County or Lunatic Asylum, and that such Treasurer shall immediately discharge the same out of any

any Money which may then be in his Hands, under the Penalty of Double such Sum as he shall be directed to pay, to be recovered from him for the Benefit of such County Lunatic Asylum, by Action in any of His Majesty's Courts at *Westminster*, by the Treasurer of the said County Lunatic Asylum; provided that no Order or Determination to be made at any Meeting of the Visitors which shall be held under this Act shall be made, nor unless due Notice of such Meeting shall have been previously given, according to the Provisions of this Act, or according to the Rules and Regulations made by the Visitors; and that all Acts, Orders, and Proceedings which by this Act are directed to be had, made, or done by or before the said Visitors, and all the Powers and Authorities by this Act vested in them generally, shall and may be made and done by the major Part of such Visitors present at the respective Meetings to be held by virtue of this Act, such major Part not being fewer than Three.

No Order to be made by Visitors unless the major Part concur.

XXXIV. And be it further enacted, That if any Committee of Visitors of any County Lunatic Asylum shall neglect to adjourn any Meeting held for the Purposes of this Act, or where any Circumstance shall occur rendering the Meeting of such Committee necessary within the Period to which their Meeting may have been adjourned, it shall be lawful for the Clerk to such Committee to convene a new Meeting by a Circular Letter to each Member of such Committee, informing him of the Time and Place of such Meeting, Ten Days at least before the same shall be held.

Clerk may convene new Meetings of Visitors in certain Cases.

XXXV. And be it further enacted, That the said Visitors may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said Visitors, or any of them, by virtue of this Act, in the Name of the Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Visitors, or any Five or more of them, but the Clerk to the Visitors for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case shall be.

Visitors may sue in the Name of their Clerk, whose Death or Removal shall not abate Actions.

XXXVI. And be it further enacted, That the Justices of the Peace acting in and for any County within *England*, at their several Petty Sessions which shall be held next after the Fifteenth Day of *August* in each Year, shall and they are hereby required to issue their Warrants to the Overseers of the Poor of the Parishes within their respective Subdivisions, in the Form in the Schedule hereunto annexed (No. 3.), to return Lists of all Insane Persons chargeable to their respective Parishes, specifying the Name, Sex, and Age of each Insane Person, and whether such Insane Person be dangerous or otherwise, and for what Length of Time they have been disordered in their Senses, and where confined, or how otherwise disposed of; and the Overseers of the Poor as aforesaid shall, on the Receipt of such Warrants, forthwith prepare such Lists accordingly, in the Form in the Schedule hereunto annexed (No. 4.), and such Lists shall be verified on Oath before any One Justice of the Peace, and, accompanied with a Certificate as to the State and Condition of every Insane Person from a Physician, Surgeon, or Apothecary, shall within Fifteen Days be transmitted by such Overseer to the Clerk of the

Justices at Petty Sessions to require Overseers to make Returns of Insane Persons yearly.

Penalty on Overseers neglecting to make such Returns.

Peace acting in and for such County, or his Deputy, to be by him laid before the Justices acting for such County at their next General Quarter Sessions; and any Overseer of the Poor to whom any such Warrant shall have been directed and delivered, who shall not return such List so verified on Oath, and so accompanied with such Certificate as aforesaid, shall for every such Offence be subject to a Fine not exceeding Ten Pounds, to be levied by Warrant of Distress, under the Hands and Seals of Two Justices of the Peace; and it shall be lawful for such Overseers of the Poor, and they are hereby required, to defray the necessary Expences of the Examination of such Insane Persons by a Physician, Surgeon, or Apothecary, out of the Poor Rates of the Parish, Township, or Place to which such Insane Persons respectively belong, or where the legal Settlement of such Insane Person shall not have been ascertained, then out of the Poor Rates of the Parish, Township, or Place in which such Insane Person shall reside.

Penalty on Overseer neglecting to give Notice to Justice of the Peace of the State of Insane Persons.

XXXVII. And be it further enacted, That if any Overseer of the Poor of any Parish or Place to which any Insane Person shall be chargeable, shall for the Space of Seven Days wilfully neglect to give Information of the State of such Person to some Justice of the Peace acting within the Division of the County within which the said Parish or Place is situate, he shall for every such Offence forfeit and pay a Sum of Money not exceeding Ten Pounds nor less than Forty Shillings (Half to the Informer and Half to the Treasurer of the County, to be by him placed to the Credit of the County), to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County in which such Parish or Place is situate.

When any poor Person is deemed to be insane, One Justice may require the Overseers to bring such Person before Two Justices, who, upon due Examination, may cause him or her to be sent to the Lunatic Asylum or Licensed House.

XXXVIII. And be it further enacted, That upon its being made known to any Justice of the Peace of any County, that a Poor Person chargeable to any Parish or Place within such County is deemed to be insane, either by Notice from the Overseer of such Parish or otherwise, it shall be lawful for the said Justice, by an Order under his Hand and Seal, if he shall so think fit, to require the Overseer of the Poor of the said Parish or Place to bring the said Insane Person before any Two Justices of the Peace of the said County, at such Time and Place as shall be appointed by the said Order; and the said Justices are hereby required to call to their Assistance a Physician, Surgeon, or Apothecary, at the Charge of the said Parish or Place; and if upon View and Examination of the said poor Person, or from other Proof, the said Justices shall be satisfied that such poor Person is insane, the said Justices shall make Inquiry into the Place of last legal Settlement of such Insane Person; and it shall be lawful for them, if they shall so think fit, by an Order under their Hands and Seals, directed to the said Overseer of the Poor, according to the Form in the Schedule (5.) annexed to this Act, to cause the said poor Person to be conveyed to and placed in the County Lunatic Asylum established under the Directions of this or any former Act, for the County, or District of United Counties, for which or any of which they shall act, and if no such County Lunatic Asylum shall have been established, then to some public Hospital

Hospital or some House duly licensed for the Reception of Insane Persons; and it shall be lawful for the said or any other Two Justices of the Peace of the said County, from time to time, as Occasion may require, to make Order on the Overseer of the Parish or Place wherein such last legal Settlement shall be adjudged to be, for the Payment of all reasonable Charges of conveying such poor Person to such County Lunatic Asylum, public Hospital, or Licensed House; and if such poor Person shall be conveyed to such County Lunatic Asylum or public Hospital, for the Payment of such weekly Sum to the Treasurer of such County Lunatic Asylum, or proper Officer of such public Hospital respectively, as shall be from time to time fixed upon by the Visitors of such County Lunatic Asylum, or as may be required by the Regulations of such public Hospital; or if such poor Person shall be conveyed to such Licensed House, for the Payment of such weekly or monthly Sum to the Keeper of such Licensed House, for the Maintenance, Medicine, Clothing, and Care of such poor Person, as such Keeper shall be willing to accept, and as shall appear to the said Justices to be a reasonable Charge in that Behalf; and the said last-mentioned Overseer shall not remove such poor Person from the said House, without an Order for that Purpose made by Two Justices of the Peace for the County in which such House shall be situated, after due Inquiry into the Circumstances of the Case, unless such Person shall have been discharged as cured: Provided always, that the Overseer or other Person so conveying such Insane Person to such County Lunatic Asylum, public Hospital, or Licensed House as aforesaid, shall and is hereby required to deliver a Certificate from the Physician, Surgeon, or Apothecary so called to the Assistance of the Justices as aforesaid, which Certificate such Physician, Surgeon, or Apothecary is hereby required to give, according to the Form in Schedule (6.) annexed to this Act, to the Superintendent of such County Lunatic Asylum or public Hospital, or Keeper of such Licensed House, as the Case may be.

XXXIX. And be it further enacted, That in every Case where Application shall be made to the Visitors of any County Lunatic Asylum, by any Relative or Friend of a Pauper Lunatic Patient confined therein, requiring that he may be delivered over to his Custody and Care, it shall and may be lawful for the Visitors aforesaid, if they shall think fit, upon the Undertaking of such Relative or Friend as aforesaid, to the Satisfaction of the Overseers of the Parish to which such Pauper Lunatic belongs, that he shall be no longer chargeable to such Parish, to discharge such Pauper Lunatic.

XL. Provided always, and be it further enacted, That a Medical Practitioner, to be duly authorized and appointed at the Charge of any Parish, shall, with the Consent of the Overseers or Guardians and Directors of the Poor of such Parish, have Liberty, Eight Times in every Year, between the Hours of Eight in the Morning and Six in the Evening, to visit and examine such Pauper Patient belonging to the said Parish as shall be confined in the public Hospital, County Lunatic Asylum, if any such County Asylum shall have been established, or in the House duly licensed for the Reception of Insane Persons, within which any Pauper

Justices to make Order for the Payment of the Charges of conveying and maintaining such Person.

Insane Persons not to be removed without Justices' Order, unless cured.

Overseer to deliver to the Keeper a Certificate of Examination.

Visitors may deliver any Pauper to his Relatives or Friends upon their undertaking that he shall be no longer chargeable.

Medical Practitioners appointed by Parishes may visit Eight Times in the Year Pauper Patients confined in any public Hospital, &c.

Pauper Patient belonging to such Parish shall be confined, and to report to such Overseers, Guardians, or Directors of the Poor the Result of such Inspection and Examination.

Where the legal Settlement of Lunatics cannot be discovered, Justices shall send them to the Asylum, or other Place of Confinement for the County where found.

XLI. 'And Whereas it sometimes happens that the Place of legal Settlement of such Insane Persons cannot be ascertained;' Be it enacted, That in every such Case it shall be lawful for the said Justices, by their said Warrant, to direct such Person to be confined in the County Lunatic Asylum for the County, or District of Counties, within which such Person shall have been found, if any such County Lunatic Asylum shall have been established, and if no such County Lunatic Asylum shall have been established, in some public Hospital or House duly licensed for the Reception of Insane Persons as aforesaid, and to direct that the reasonable Charges for the Removal, Maintenance, Medicine, Clothing, and Care of such Person shall be satisfied and paid by the Treasurer of the County within which such Person shall be found, out of the County Rates, by Order of Two Justices to him directed for that Purpose.

If Settlement has not been ascertained, Two Justices may enquire respecting the same, and if satisfied may make Order for Payment of the Expences.

XLII. Provided always, and be it further enacted, That where the legal Settlement of any Insane Person, confined under any Order of any Two Justices at any County Lunatic Asylum, public Hospital, or any Licensed House, has not been ascertained, it shall and may be lawful for any Two Justices acting in and for the County in which such County Lunatic Asylum, public Hospital, or Licensed House is situate, at any Time to enquire into the last legal Settlement of such Insane Person; and if satisfactory Evidence can be obtained as to such Settlement, it shall and may be lawful for such Justices to make an Order upon the Overseers of the Parish or Township where such last legal Settlement of such Insane Person shall be adjudged to be, for the Repayment of the reasonable Charges of the Removing, Maintenance, Medicine, Clothing, and Care of such Insane Person, incurred within Twelve Calendar Months previous to the Date of such Order, such Charges having been first proved to the Satisfaction of such Justices, and the Amount thereof being set forth in such Order; and it shall and may be lawful for the said or any other Two Justices of the Peace of the said County, to provide for the future Expences necessary for the Maintenance, Medicine, Clothing, and Care of such Insane Person, in the Manner as has been hereinbefore directed for the Two Justices before whom such Person was originally examined.

Justices of the County in which an Asylum is situate may make Orders upon Overseers of any other County jointly maintaining.

XLIII. And be it further enacted, That in all Cases where Two Justices are empowered to make an Order on the Overseer or Overseers of any Parish, for the Payment of reasonable Charges of Conveyance of Pauper Lunatics, or for the Payment of weekly or monthly Sums for the Maintenance, Clothing, and Care of such poor Persons, it shall be lawful for Two Justices of the County in which such County Lunatic Asylum shall be situate to make such Order on the Overseer or Overseers of any other County which shall jointly maintain such Asylum.

If Persons are wandering about and deemed to be insane, although

XLIV. And be it further enacted, That upon its being made known to any Justice of the Peace that any Person wandering about and at large within his Jurisdiction is deemed to be insane, it shall be lawful for such Justice, by an Order under his Hand and

and Seal, if he shall so think fit, to require the Constable or Churchwardens and Overseers of the Poor of the Parish or Place where such Person is found, or some of them, to bring the said Person before any Two Justices of the Peace of the said County, at such Time and Place as shall be appointed by the said Order; and the said Justices are hereby required to call to their Assistance a Physician, Surgeon, or Apothecary, at the Charge of the said Parish or Place; and if upon Examination of such Person deemed to be insane, or from other Proof, the said Justices shall be satisfied that such Person is so far disordered in his Senses that it is dangerous for such Person to be permitted to go abroad, the said Justices shall make Inquiry into the Circumstances and Place of last legal Settlement of such Insane Person, and it shall be lawful for such Justices to proceed in such Case in the same Manner as has hereinbefore been directed in the Case of a Person chargeable to any Parish within the Jurisdiction of the said Justices: Provided always, if it shall appear to the said or any other Two Justices, upon Inquiry, that such Person hath an Estate more than sufficient to maintain his or her Family, they shall, by Order under their Hands and Seals, direct the Overseers or Churchwardens of any Parish or Place where any Goods, Chattels, Lands, or Tenements of such Person shall be, to seize and sell so much of the Goods and Chattels, or receive so much of the Annual Rent of the Lands and Tenements of such Persons, as is necessary to pay the Charges of Removal, Maintenance, Clothing, Medicine, and Care of such Insane Person, accounting for the same at the next Quarter Sessions, such Charges having been first proved to the Satisfaction of such Justices, and the Amount thereof being set forth in such Order: Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any Relation or Friend from taking such Insane Person under their own Care and Protection.

XLV. Provided always, and be it enacted, That if any Justice of the Peace shall refuse to make an Order for the Conveyance of any Insane Person to any County Lunatic Asylum, or Licensed House for the Reception of Insane Persons, on the Application of any Overseer of the Poor for such Purpose, he shall deliver to the said Overseer his Reasons in Writing for such Refusal.

XLVI. Provided also, and be it enacted That if any Person shall feel aggrieved by any Order, or by any Refusal of an Order, of any Justice or Justices as aforesaid, such Person may appeal to the Justices of the Peace at the next Quarter Sessions of the Peace to be holden in and for the County where the Matter of Appeal shall have arisen, the Person so appealing having given to the Justice or Justices against whom such Appeal shall be made Ten Days Notice of his or her Intention to make such Appeal; and the said Justices at such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination as they shall think proper; and every such Determination shall be final and conclusive to all Intents and Purposes whatsoever.

XLVII. Provided always, and be it enacted, That every Justice who shall have issued an Order for the Conveyance of any Insane

not chargeable, Justices may proceed as in case of Persons chargeable, and make Order for Maintenance.

If the Estate of the Insane Person shall be sufficient, Overseers may levy for their Expences.

Justice refusing to make Order shall give his Reasons in Writing.

Persons aggrieved may appeal to the Quarter Sessions.

Justices to make Return to the Quarter Person

Sessions of the Cases brought before them.

Person to such County Lunatic Asylum, public Hospital, or Licensed House, or who shall have refused to issue such Order, on the Application of the Overseer of the Poor of any Parish, shall make a regular Return to the next General Quarter Sessions of the Peace to be holden in and for the County in which such Parish shall be situate, of all such Cases brought before him, stating in all Cases of Refusal the Reasons thereof; and such Returns shall be regularly filed, and kept among the Records of such Court of General Quarter Sessions.

Sums directed to be paid by Overseers to be levied by Distress if Overseers shall neglect to pay.

XLVIII. And be it further enacted, That if the Overseer for the Time being of any Parish, upon whom any Order of Justices for the Payment of Money under the Provisions of this Act shall have been made, shall, for the Space of Twenty Days next after due Notice of such Order, refuse or neglect to pay the Sums so ordered to be paid, the said Sums, together with the Expences of recovering the same, shall be recovered by Distress and Sale of the Goods of the Overseer so refusing or neglecting, or any of them, by Warrant under the Hands and Seals of any Two Justices of any their respective Counties.

Bastards of Lunatics to have the legal Settlement of the Mother.

XLIX. And be it further enacted, That no Bastard Child which shall be born of any Insane Person in any such County Lunatic Asylum shall hereby gain a Settlement in the Parish in which such County Lunatic Asylum shall be situated, but that the Place of the legal Settlement of any such Child so born as aforesaid shall be in the Parish where the Mother of such Child was last legally settled.

Lunatic Asylums not to be liable to the Reception of Lunatics chargeable to any Place which does not contribute to the Expence.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to render any County Lunatic Asylum which may be provided under the Authority of this Act, for the Use of any County or united Counties, liable to the Reception of Insane Persons who may be chargeable to or apprehended in any City, Town, Precinct, Parish, Township, or Place situate within the Limits of such County or united Counties, but claiming Exemption and being exempt from contributing to the County Rate, unless such City, Town, Precinct, Parish, Township, or Place shall have agreed to unite, and shall thereby have contributed to the Expence of the same.

When any Asylum can accommodate more Lunatics, Visitors may order an Addition, whether Paupers or not, under certain Regulations.

LI. Provided always, and be it further enacted, That whenever it shall appear to the Visitors of any County Lunatic Asylum, that the Space within such County Lunatic Asylum is more than sufficient for the Accommodation of Insane Persons, being Paupers, within the Districts for which such County Lunatic Asylum shall have been built, it shall and may be lawful for such Visitors to make Order for the Admission of so many Insane Patients as to them shall seem expedient, not being Pauper or Criminal, or being Paupers, but belonging to any other County, or to any Parish, Township, or Place within the County or Counties by which such County Lunatic Asylum shall have been provided, exempt from contributing to the County Rate of such County or Counties, and which shall not have united with such County or Counties, or contributed to the Expence of such Erection, under the Conditions and Regulations following; (that is to say,) that no such Insane Patient shall be admitted into such County Lunatic Asylum without an Order signed by One Visitor, directed

directed to the Governor or Superintendent of such County Lunatic Asylum, nor without the Certificate, in Writing, of a Physician, Surgeon, or Apothecary, certifying the Insanity of such Patient, nor without an Undertaking, signed by Two substantial Householders, or the Minister and One of the Churchwardens, or the Minister and One of the Overseers of the Poor of the Parish or Place to which such Insane Person shall belong, for the due Payment of the weekly Allowance and other Expences contingent upon the Maintenance and Care of such Insane Person during his or her Continuance in such County Lunatic Asylum, as well as for the Removal of such Insane Person from such County Lunatic Asylum within Three Days after due Notice given, in Writing, by the Governor or Superintendent of such County Lunatic Asylum, under the Penalty of Fifty Pounds, to be recovered and applied as other Penalties are directed to be recovered and applied by virtue of this Act: Provided always, that the weekly Provision for the Maintenance of such Patients, not being Paupers, shall be fixed by the Visitors at such Rate as shall in their Judgment be sufficient to cover every Expence liable to be incurred on account of each Patient.

Provision for Maintenance of Patients not being Paupers.

LII. And be it further enacted, That all Insane Persons committed to such County Lunatic Asylum shall be safely kept, and that no such Person shall be suffered to quit the said County Lunatic Asylum, or to be at large, until the major Part of the Visitors of such County Lunatic Asylum, present at a Meeting duly convened under the Authority of this Act, not being less than Three, shall order the Discharge of such Person, and shall signify the same in Writing under their Hands and Seals, or until any Two Visitors shall, by and with the Advice and Consent of the Physician, Surgeon, or Apothecary usually attending in such County Lunatic Asylum, discharge from such County Lunatic Asylum any Lunatic confined therein, whose perfect Recovery may be certified by the said Physician, Surgeon, or Apothecary, by the like Order under their Hands and Seals; and that if any Officer, Servant, or Assistant in such County Lunatic Asylum shall, notwithstanding, through Neglect or Connivance, permit such Person in any Case to escape and be at large, without such Order as aforesaid, he or she shall for every such Offence forfeit and pay a Sum not exceeding Forty Pounds nor less than Forty Shillings, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace acting for the County in which such County Lunatic Asylum shall be situated, which Warrant such Justices are hereby required to grant upon the Confession of the Party, or upon the Information of any Witness or Witnesses upon Oath, which Oath such Justices are hereby empowered to administer; and the said Penalty, after the Charges of recovering the same shall be deducted, shall be paid, one Moiety to the Informer, and the other Moiety to the Treasurer of the said County Lunatic Asylum, to be applied to the Use of the same.

Penalties on Persons having Lunatics in their Care suffering them to go at large without an Order from the Justices.

LIII. And be it further enacted, That on the regular Discharge of any Pauper from any such County Lunatic Asylum, public Hospital, or Licensed House, the necessary Expences attending

Expence of Removal of Paupers from Asyluma.

the Removal of such Pauper shall be borne by the Parish in which such Pauper shall be legally settled; and such Expences, being proved to the Satisfaction of and allowed by Two Justices of the Peace acting in and for the County in which such Parish, County Lunatic Asylum, public Hospital, or Licensed House shall be situated, shall be paid by the Overseers of the Poor of such Parish out of the Money raised therein for the Relief of the Poor.

Where Persons charged with Offences are insane, Justices to enquire into their Settlement, and make Order for their Maintenance.

LIV. And be it further enacted, That in all Cases where any Person shall be kept in Custody as an Insane Person by Order of any Court, or by His Majesty's Order subsequent thereunto, it shall and may be lawful for any Two Justices of the Peace of the County where such Person shall be so kept in Custody, to enquire into and ascertain, by the best legal Evidence that can be procured under the Circumstances of personal legal Disability of such Insane Person, the Place of the last legal Settlement, and the Circumstances of such Person; and if it shall not appear that he or she is possessed of sufficient Property which can be applied to his or her Maintenance, it shall and may be lawful for such Two Justices to make Order, under their Hands and Seals, upon such Parish where they adjudge him or her to be legally settled, to pay such weekly Sum for his or her Maintenance in such Place of Custody as One of His Majesty's Principal Secretaries of State shall, by Writing under his Hand, from time to time direct; and where such Place of Settlement cannot be ascertained, such Order shall be made upon the Treasurer of the County where such Person shall have been apprehended; but if it shall appear that such Person is possessed of such sufficient Property as aforesaid, then such Justices shall order and direct the same to be applied to pay and satisfy the Expence of the Maintenance of such Person, in the Manner hereinbefore directed: Provided always, that the Churchwardens and Overseers of the Parish in which the Justices, or the major Part of them, shall adjudge any Insane Person to be settled, may appeal against such Order to the General Quarter Sessions of the Peace to be holden for the County where such Order shall be made, in like Manner and under like Restrictions and Regulations as against any Order of Removal, giving reasonable Notice thereof to the Clerk of the Peace of such County, who shall be Respondent in such Appeal; which Appeal the Justices of the Peace assembled at the said General Quarter Sessions are hereby authorized and empowered to hear and determine, in the same Manner as Appeals against Orders of Removal are now heard and determined.

Appeal.

Persons convicted of Offences becoming insane during Imprisonment, may be removed to a County Asylum by Order of the Secretary of State.

LV. And be it further enacted, That if any Person while imprisoned in any Prison or other Place of Confinement in *England*, under any Sentence of Imprisonment or Transportation, shall become insane, and it shall be duly certified by Two Physicians or Surgeons that such Person is insane, it shall be lawful for One of His Majesty's Principal Secretaries of State to direct, by Warrant under his Hand, that such Person shall be removed to such County Lunatic Asylum, or other proper Receptacle for Insane Persons, as His Majesty's said Principal Secretary of State may judge proper and appoint; and every such Person so removed shall remain under Confinement in such County Lunatic Asylum, or other proper Receptacle as aforesaid, or in any other County Lunatic

Lunatic Asylum, or other proper Receptacle, to which such Person may be removed by any like Order, until it shall be duly certified to One of His Majesty's Principal Secretaries of State, by Two Physicians or Surgeons, that such Person has become of sound Mind; whereupon His Majesty's said Secretary of State is hereby authorized, if such Person shall still remain subject to be continued in Custody, to issue his Warrant to the Keeper or other Person having the Care of any such County Lunatic Asylum, or other proper Receptacle as aforesaid, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he shall have been taken; or if the Period of Imprisonment or Custody of such Person shall have expired, that he shall be discharged.

LVI. And be it further enacted, That the Visitors of each County Lunatic Asylum shall, within One Month previous to the First Day of *June* in every Year, prepare a Report of the Patients confined therein, or who shall have been confined therein within the Twelve Months preceding, according to the Form in Schedule No. 7. hereunto annexed; of which Report a Transcript shall be transmitted by the Clerk of the Visitors to His Majesty's Principal Secretary of State for the Home Department; and the Clerk of such Visitors shall transmit a Copy of such Report to the Clerk of the Commissioners appointed under an Act of the present Session of Parliament, intituled *An Act to regulate the Care and Treatment of Insane Persons* in England, who shall enter the same in a Register to be kept by him for that Purpose, and the Names of all such Patients mentioned in such Report shall be by him entered in one general Alphabetical List, together with a Reference to the County Lunatic Asylum from whence such Reports shall have been respectively transmitted.

LVII. And be it further enacted, That it shall be lawful for His Majesty's Principal Secretary of State for the Home Department, if he shall see fit, to employ any Medical or other Person to inspect and enquire into the State of any County Lunatic Asylum, and to report to him the Result of such Inspection and Enquiry; every such Medical or other Person so employed shall be paid such Sum of Money for his Attendance and Trouble as to His Majesty's said Principal Secretary of State for the Home Department shall seem an adequate and reasonable Allowance; and such Expende shall be defrayed in the same Manner and from the same Funds as the other Expences attending the County Lunatic Asylum so visited.

LVIII. Provided always, and be it further enacted, That nothing in this Act shall be construed to extend to the Royal Hospital of *Bethlehem*.

LIX. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Order to be made in pursuance thereof, except in Cases where the Manner of hearing and determining thereof is hereinbefore otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear

Visitors of County Asylums to prepare a Report yearly of the Patients confined therein, a Copy of which to be sent to the Secretary of State and to the Clerk of the Commissioners under 9 G. 4. c. 41.

Secretary of State may employ any Person to inspect any County Asylum.

Not to extend to Bethlehem Hospital.

For Recovery of Penalties.

before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant, under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture, by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before the said Justice or Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had thereupon to levy the said Penalty or Forfeiture, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied, were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Overseers of the Poor of the Parish where the Offence shall be committed; and the Overplus, if any, arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Application of
Penalties.

Appeal to
Quarter
Sessions.

LX. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace

Peace at the General or Quarter Sessions of the Peace to be held in and for the County wherein the Offence shall be committed, the Person or Persons appealing having first given at least Fourteen Days' clear Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeiture or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

LXI. And, in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "Justice" shall be deemed to mean Justice of the Peace; and that the Words "Treasurer of the County" shall be deemed to include any Officer in any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, who has the Custody of any Funds assessed upon or raised in or belonging to any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; that the Word "Visitor" shall be deemed to include any Justice of the Peace, or Subscriber to any Lunatic Asylum supported by voluntary Contributions, duly appointed according to the Provisions of this Act to superintend the providing, building, or Management of any County Lunatic Asylum; that the Words "Insane Person" shall be deemed to include any Lunatic or Idiot; and that the said Words "Justice," "Treasurer of the County," "Visitor," "Insane Person," and the Words "Clerk of the Peace," and the Words "Overseer of the Poor," and the Word "Churchwardens," shall each be deemed to include any Person acting as such, and any Number of Justices, Treasurers, Visitors, Insane Persons, Clerks of the Peace, Overseers of the Poor, and Churchwardens, and the Word "Person" shall be deemed to include any Number of Persons; and the Meaning of the said Words shall not be restricted, although the same may be referred to in the singular Number and masculine † Gender only; and that the Word "Apothecary" shall be deemed to mean a Person authorized to practise as such under an Act passed in the Fifty-fifth Year of King George the Third, intituled *An Act for better regulating the Practice of Apothecaries in England and*

Rule for Interpretation of this Act.

† Sic.

55 G.3. c.194.

Wales, and also an Act passed in the Sixth Year of King *George* the Fourth, to amend and explain the aforesaid Act of the Fifty-fifth Year of His late Majesty; and that the Word "County" shall be deemed to include any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate; and the Words "Parish or Place" shall be deemed to include any Township, Hamlet, Tithing, Vill, extra-parochial Place, or any Place maintaining its own Poor; and that the Words "General Quarter Sessions" shall be deemed to include any General Annual Sessions of the Peace, or any Adjournment thereof; and the Words "County Rate" shall be deemed to include any Funds assessed upon or raised in or belonging to any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; and that the Meaning of the said several Words shall not be restricted, although the same may be subsequently referred to in the singular Number only, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Commencement of Act.

LXII. And be it further enacted, That this Act, and the several Matters [and Things herein contained, shall commence and take effect from and after the First Day of *August* One thousand eight hundred and twenty-eight, and not sooner.

SCHEDULES referred to in this Act.

No. 1.

FORM OF AGREEMENT for uniting Counties, or Lunatic Asylums maintained by voluntary Contributions, [as the Case may be] of _____ and _____ for the Purpose of Providing a Lunatic Asylum, or House for the Reception of Insane Persons, pursuant to the Statute of the _____ Year of King *George* the _____

IT is agreed, this _____ Day of _____ by and between the Committees of Justices of the Peace severally appointed for the County [or Committee of Subscribers, as the Case may be] of _____ to treat for the uniting of the said Counties, or _____ Lunatic Asylum, [as the Case may be] for the Purposes of an Act passed in the Ninth Year of His Majesty King *George* the Fourth, intituled *An Act* [here insert the Title of this Act], that the said Counties, &c. [as the Case may be] shall from henceforth be united for the Purposes of the said Act, and adopt in all respects the Provisions, Rules, Orders, and Regulations, and comply with all the Requisites prescribed by the said Act for Counties [as the Case may be] uniting for those Purposes, and that a County Lunatic Asylum, or House for the Reception of Lunatics and other Insane Persons, with all necessary Buildings, Courts, Yards, and Outlets, shall be immediately provided at or near _____ and properly fitted up and accommodated for the Purposes mentioned in the said Act; and that the necessary Expences attending upon the providing, building, fitting up, Repairs and Maintenance of the said County Lunatic

Lunatic Asylum, shall be defrayed by the said County or Counties and Lunatic Asylum, so united, in the following Proportions; (that is to say,)

The County of	Four Ninths of the said Expences.
The County of	Three Ninths of the same.
The Lunatic Asylum of	Two Ninths of the same

[or as the Case may be].

And we do further agree, that the Committee of Visitors to superintend the Building, Erection, and Management of the said County Lunatic Asylum, shall be formed in the following Proportion: The Justices of the Peace for the said County of

shall appoint , the Justices of the Peace for the County of shall appoint , and the Subscribers to the Lunatic Asylum of shall appoint .

And hereunto we, the undersigned Justices of the Peace, being the major Part of each of the Committees of Justices for the said several Counties, and we, the undersigned, being the major Part of the Committee of Subscribers to the Lunatic Asylum, do, on the Part and Behalf of the said Counties and Lunatic Asylum, set our Hands and Seals, this

Day of
in the Year

No. 2.

FORM of MORTGAGE and CHARGE upon the COUNTY RATES, for securing the Money borrowed.

WE, of His Majesty's Justices of the Peace, and Chairman of the Court of Quarter Sessions of the Peace of the County, &c. of [as the Case shall be], holden at the Day of and Two other of His Majesty's Justices of the Peace acting for the said County, &c. and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act [here insert the Title of this Act]* do hereby in open Court mortgage and charge all the Rates to be raised within the said County, &c. [as the Case may be], under the Description of County Rates, with the Payment of the Sum of which of hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the Expences of purchasing Lands for building, repairing, &c. [as the Case shall be] the County Lunatic Asylum for the said County, &c. or the united Counties of, &c. [as the Case may be], and we do hereby confirm and establish the same unto the said his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of and Interest for the same after the Rate of per Centum per Annum, and do order the Treasurer for such County, &c. or other Person [as the Case shall be], to pay the Interest of the said Sum of Half-yearly, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

No. 3.

FORM OF WARRANT. S. 30.

To the Overseers of the Poor of the Parish of _____
in the County of _____ to wit.

WE, _____ and _____ Two of His Majesty's Justices of the Peace in and for the County of _____ hereby require you, in pursuance of an Act of Parliament passed in the Ninth Year of the Reign of His present Majesty King *George the Fourth*, intituled *An Act [here insert the Title of this Act]*, to make out a True List of all Insane Persons, being Paupers, within the Parish aforesaid, specifying the Name, Sex, and Age of each Insane Person, and whether such Insane Person be dangerous or otherwise, and for what Length of Time such Lunatics shall have been disordered in their Senses, and where confined, or how otherwise disposed of; and you shall on the Receipt of this Warrant prepare such List according to the Form hereunto annexed, and verify the same on Oath before any One Justice of the Peace, and return the same, accompanied with a Certificate from a Physician, Surgeon, or Licensed Apothecary, as to the State and Condition of each Insane Person, to the Clerk of the Peace or his Deputy; and on neglect to prepare such List, or to return the same within Fifteen Days to the Clerk of the Peace or his Deputy, with such Certificate as aforesaid, or to verify such List on Oath, you will for every such Offence be subject to a Fine not exceeding Ten Pounds. And you are hereby required to take notice, that it shall be lawful for you to defray the necessary Expences of Examination of such Insane Persons by a Physician, Surgeon, or Apothecary, out of the Poor Rates of the Parish.

Given under our Hands and Seals, this _____ Day
of _____ in the Year of our Lord
A. B. (L. s.)
C. D. (L. s.)

No. 4.

FORM OF RETURN. Geo. 4. c. .

A true List of all Lunatics and dangerous Idiots within the Parish or Precinct of _____ in the County of _____ specifying the Name, Sex, and Age of each Lunatic and Idiot, and whether such Lunatics be dangerous or otherwise, and for what Length of Time such Lunatics have been disordered in their Senses, and where confined, or how otherwise disposed of.

Name.	Age.	Sex.	Whether Lunatic or Idiot.	Whether dangerous or otherwise.	For what Length of Time disordered in his or her Senses.	Where confined, and since what Time.	At what Expence.

Sworn by _____ Overseers of the Poor of the said Parish of _____ before me, One of His Majesty's Justices of the Peace acting in and for the County of _____ at _____ this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____ } A. B.

No. 5.

FORM OF WARRANT.

WHEREAS it appears to us, _____ of His Majesty's Justices of the Peace for the County of _____ having called to our Assistance _____ a Physician, or Surgeon, or Apothecary, [as the Case may be] that _____ chargeable to the Parish of _____ in the said County, is lunatic, insane, or a dangerous Idiot [as the Case may be], you are hereby directed to cause the said _____ to be conveyed to the County Lunatic Asylum established at _____, or to the House of _____ situate at _____ in the County of _____ the said House being a House duly licensed for the Reception of Insane Persons.
 Given under our Hands and Seals, this _____ Day of _____
 To the Overseers of the Poor of the Parish of _____

No. 6.

FORM OF CERTIFICATE.

I DO hereby certify, That by the Directions of _____ Justices of the Peace for the County of _____ I have personally examined _____ and that the said _____ appears to be of Insane Mind. Dated this _____ Day of _____ of _____

No. 7.

FORM OF ANNUAL REPORT.

No. in order of Admission.	Date of Admission of Patient, and by whose Authority sent.	Date of Certificate of Insanity, and by whom signed.	Christian and Surname, Sex and Age of Patient, and whether Single or Married.	Occupation or Profession.	Parish.	Whether found Lunatic by Inquisition and Date.	Signature of the Medical Attendant, and Date of last Visitation and Observations.	When discharged.	Cured, relieved, or incurable.	Deaths.	Signature of Commissioners or Visitors, and Date of Visitation.	General Observations by Visitors on Condition of Patients and State of the Establishment.
1												
2												
3												
&c.												

C A P. XLI.

An Act to regulate the Care and Treatment of Insane Persons in England. [15th July 1828.]

WHEREAS the Laws now existing for licensing and regulating Houses for the Reception of Insane Persons in England are ineffectual: And Whereas it is expedient that the several

‘ several Statutes and Acts hereinafter mentioned should be repealed, and some other Provision made in lieu thereof, for licensing and regulating such Houses, and for improving the Treatment of Insane Persons;’ 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 several Statutes and Acts following shall be repealed; viz. an Act passed in the Fourteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Mad-houses*; and also an Act passed in the Nineteenth Year of the Reign of His said Majesty King George the Third, intituled *An Act to continue an Act made in the Fourteenth Year of the Reign of His present Majesty, intituled ‘ An Act for Regulating Mad-houses,’ for a further Time therein limited*; and also an Act passed in the Twenty-sixth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for making perpetual an Act made in the Fourteenth Year of the Reign of His present Majesty, intituled ‘ An Act for regulating Madhouses;’* and the same several Statutes and Acts are hereby repealed, and from and after the Commencement of this Act shall cease and determine, save only and except as to such Proceedings under any of the said recited Acts respectively as shall have commenced before the passing of this Act, and which shall and may be continued and proceeded in under the Authority of and according to the Provision of either of the said recited Acts or of this Act, as shall be most expedient.

Secretary of State for the Home Department to appoint Fifteen Commissioners within London, &c., of whom Five to be Physicians.

Proviso as to Physicians attending Patients in such Houses.

Commissioners to grant Licences for Houses.

II. And be it further enacted, That it shall and may be lawful for His Majesty’s Principal Secretary of State for the Home Department for the Time being, annually, on the First Day of August in every Year, or within Ten Days then next following, by an Instrument under his Hand and Seal, to appoint not less than Fifteen Persons to be Commissioners, during the Space of One Year, for licensing and visiting all Houses within the Cities of London and Westminster, and within Seven Miles thereof, and within the County of Middlesex, for the Reception of Two or more Insane Persons, of which Commissioners Five at the least shall be Physicians; and the said Secretary of State shall cause the Names of such Commissioners to be published in the *London Gazette* within Ten Days after their Appointment: Provided always, that no Physician appointed as such Commissioner shall professionally attend upon the Patients in any House so to be licensed for the Reception of Insane Persons, unless he be specially directed to visit any Patient by any Relative or Friend, under whose Order such Patient has been admitted into such House, or by a Committee appointed by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal of Great Britain, being intrusted, by virtue of the King’s Sign Manual, with the Care and Commitment of the Custody of the Persons and Estates of Persons found Lunatic or Idiot, or of unsound Mind; and the aforesaid Commissioners are hereby empowered to grant Licences, if they shall think fit, in the Manner directed by this Act, for Persons to keep Houses for the Reception of Two or more

more Insane Persons, within the Cities of *London* and *Westminster*, and within Seven Miles of the same, and within the County of *Middlesex*; and each and every such Commissioner, being a Physician, shall be allowed and paid the Sum of One Pound for every Hour he shall be employed in executing the Duties of the Office of Commissioner, exclusive of travelling Expences: Provided always, that the Number of Commissioners who shall be entitled to receive such Allowance shall never exceed Five at one and the same Time.

Salary to Commissioners being Physicians.

III. And be it further enacted, That as often as any of the Commissioners to be appointed as aforesaid shall die, or refuse to act, or become unable by Illness or otherwise, it shall and may be lawful for His Majesty's said Principal Secretary of State for the Home Department, by an Instrument under his Hand and Seal, to appoint a Commissioner in the Room of every Commissioner who shall die or refuse or become unable to act; the Name of such Commissioner to be published within Ten Days after his Appointment in the *London Gazette*.

In case of Death or Refusal of Commissioners, others to be appointed.

IV. And be it further enacted, That every Person who shall be appointed a Commissioner as aforesaid shall, before he shall act in the Execution of his Duty as a Commissioner, take an Oath, or if a Quaker, make a solemn Affirmation, to the following Effect: (that is to say),

Commissioners to take the following Oath.

‘ I *A. B.* do swear [or solemnly affirm], That I will faithfully and impartially execute all the Trusts committed unto me by virtue of an Act of Parliament made in the Ninth Year of the Reign of His present Majesty, intituled *An Act to regulate the Care and Treatment of Insane Persons in England.*
‘ So help me GOD.’

Which Oath or solemn Affirmation it shall and may be lawful for His Majesty's Principal Secretary of State for the Home Department, or one of His Under Secretaries, to administer to every such Commissioner so to be appointed as aforesaid.

V. And be it further enacted, That no Person shall be appointed Commissioner as aforesaid, who shall be, or who shall have been within the Two Years then next preceding, directly or indirectly interested in the keeping any House licensed for the Reception of Insane Persons; and if any Person shall after his Appointment become so interested, and continue to act as such Commissioner, he shall forfeit the Sum of Fifty Pounds, and his Appointment as Commissioner shall thenceforth become null and void, and it shall not be lawful for him to act as such Commissioner.

No Commissioner while in Office to keep any House for Patients.

VI. Provided also, and be it further enacted, That at all Meetings of the said Commissioners the Majority present shall choose a Chairman; and in case of an Equality of Votes, he shall have a Second or casting Vote.

Chairman of Meetings of Commissioners.

VII. And be it further enacted, That His Majesty's Principal Secretary of State for the Home Department is hereby empowered, by an Instrument under his Hand and Seal, to appoint during Pleasure a fit Person to be Treasurer for the Purposes of this Act, and Clerk to such Commissioners; and to allow such Person such Salary for his Trouble as His Majesty's Principal Secretary of State

Treasurer and Clerk to be appointed.

State for the Home Department shall think reasonable, exclusive of the Fees to be received by him under this Act.

Clerk to take the following Oath.

VIII. And be it further enacted, That every such Clerk shall at the First Meeting of the said Commissioners next after he shall be appointed take the following Oath, to be administered by the Chairman of such Commissioners :

‘ I A. B. do swear, That I will faithfully execute all such Trusts as shall be committed to my Charge as Clerk to the Commissioners for executing an Act of Parliament made in the Ninth Year of the Reign of His present Majesty, intituled *An Act to regulate the Care and Treatment of Insane Persons in England*; and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office (except when required to divulge the same by legal Authority); and that I am not, nor have been at any Time within the last Two Years, directly or indirectly, concerned or interested in keeping any House for the Reception of Insane Persons.

‘ So help me GOD.’

Meetings of Commissioners to grant Licences.

IX. And be it further enacted, That the said Commissioners or any Five or more of them, Two of whom at the least shall not be Physicians or Surgeons, shall meet at such Place as His Majesty's Principal Secretary of State for the Home Department may direct, on the First *Wednesday* in the Months of *January, April, July, and October* in every Year, in order to receive Applications from Persons requiring Licences to keep Houses for the Reception of Two or more Insane Persons within the Cities of *London or Westminster*, and within Seven Miles of the same, and within the said County of *Middlesex*, and to grant the said Licences if they shall think fit; and in case on any such Occasion Five such Commissioners shall not be present, then the Meeting shall take place on the next succeeding *Wednesday*, and so on weekly, till such Quorum of Five shall be assembled for the above-mentioned Purpose; and the said Commissioners assembled at every such Meeting shall have Power to adjourn such Meeting from time to time, and to such Place, as they shall see fit.

Justices in Quarter Sessions (except in London and Westminster) to grant Licences.

X. And be it further enacted, That in all other Parts of *England* (except the Cities of *London and Westminster*, or within Seven Miles thereof, and the County of *Middlesex*;) the Justices of the Peace assembled in General Quarter Sessions shall have Authority within their respective Counties to grant Licences, if they shall think fit, to Persons for keeping Houses for the Reception of Insane Persons, in the same Manner as the aforesaid Commissioners within their Jurisdiction: Provided always, that no Justice of the Peace shall act in granting such Licence, who shall directly or indirectly be interested in keeping any such House for the Reception of Insane Persons.

Justices not to be interested.

Justices at Sessions to appoint Visitors, &c.

XI. And be it further enacted, That the said Justices shall, at the *Michaelmas* General Quarter Sessions of the Peace in every Year, appoint Three or more Justices of the Peace, and also One or more Physician or Surgeon or Apothecary, to act as Visitors of each House of Reception for Two or more Insane Persons within the County; and the said Justices, Physician, Surgeon,
or

or Apothecary, so appointed as Visitors for each House as aforesaid, or any Two of them, shall and are hereby authorized and empowered to visit such House, in manner directed by this Act; and such Visitor, being a Physician, Surgeon, or Apothecary, shall be allowed and paid, for every Day he shall be employed in executing the Duties imposed upon him by this Act, such Sum out of the County Rates as the Justices in General Quarter Sessions shall be pleased to direct: Provided also, that in case of the Death of any Justice, Physician, Surgeon, or Apothecary so appointed Visitor as aforesaid, or of his Refusal or Inability by reason of Illness or otherwise to act as such, it shall and may be lawful for the said Justices, at any General or Adjourned Sessions of the Peace, to appoint a Visitor in the Room of such Justice, Physician, Surgeon, or Apothecary, who shall die, or refuse or become unable to act as aforesaid; and the Names of all such Visitors so appointed at the *Michaelmas* Quarter Sessions, or at any General or Adjourned Sessions of the Peace, shall, within Seven Days after the Appointment, be published in some Newspaper circulated in the County wherein such House shall be situate: Provided always, that no Physician, Surgeon, or Apothecary, interested in or employed in any such House, shall be appointed any such Visitor.

XII. And be it further enacted, That a Person duly appointed by the Justices of the Peace at the Quarter Sessions, shall act as Clerk to the Visitors so appointed as aforesaid, in the same Manner and for the same Purposes in the Execution of this Act as the Clerk to the said Commissioners is hereby directed to act; and shall at the First Meeting of such Visitors take the Oath required by this Act to be taken by the Clerk of the said Commissioners to be appointed under this Act *mutatis mutandis*, such Oath to be administered by one of such Visitors; and the said Clerk so appointed shall be paid out of the County Rate for his Services, as well in granting Licences as in attending the said Visitors, such Remuneration as the Justices in Quarter Sessions assembled shall think fit.

Clerk to the
Visitors to be
appointed by
Justices at
Quarter
Sessions.

XIII. And be it further enacted, That all Persons who shall apply for a Licence for keeping a House for the Reception of Two or more Insane Persons, shall give Notice to the Clerk for the Time being of the said Commissioners, or to the Clerk of the Peace for the County, Fourteen Days at the least prior to any of the Quarterly Meetings of the said Commissioners, or to any General Quarter Session for the County, which Notice shall contain the true Christian and Surname of the Person so applying for a Licence, and the Place of Abode of every such Person; and in case such Person so applying does not propose to reside himself in the said House, the Name and previous Occupation of the Superintendent who is to reside therein; and such Notice, when given, upon Application for a Licence being first made, shall be accompanied by a Plan of every such House proposed to be licensed, to be drawn upon a Scale of not less than One Eighth of an Inch to a Foot, with a Description of the Situation thereof, and of every Room and Apartment therein, and a Statement of the greatest Number of Patients proposed to be received into such House; such Notice and Plan to be left with the said Clerk
of

Notice of Ap-
plication for
Licence and
Plan of House
to be given to
the Clerk of the
Commissioners
or Justices
14 Days pre-
vious to their
Meeting.

of the Commissioners or Clerk of the Peace, and to be by him laid before the said Commissioners at their Meeting, or before the Justices at their next General Quarter Sessions.

Upon Alteration of House, Notice and amended Plan to be given to Commissioners.

XIV. And be it further enacted, That Notice of any Additions or Alterations that shall have been made to any House licensed under this Act, shall be given to the Clerk of the Commissioners or to the Clerk of the Peace within One Calendar Month next after the Completion thereof, and a Plan of all such Additions and Alterations, to be drawn upon the Scale aforesaid, shall be within the same Time transmitted to the Clerk of the Commissioners, or the Clerk of the Peace of the County wherein such House shall be situate, by the Person to whom the Licence shall have been granted; and if any Person shall wilfully and with Intention to deceive omit giving a full and complete Plan of the whole of the House to be licensed, or of any and all such Additions and Alterations as shall have been made, he shall be guilty of a Misdemeanor.

Licences to be made out by the Clerk, and to be renewed yearly.

XV. And be it further enacted, That every such Licence shall be made out by the Clerk of the Commissioners or the Clerk of the Peace, as the Case may require, and the same shall be renewed every Year; and for the first and every annual Licence to be granted to any Person for keeping a House for the Reception of Two or more Insane Persons, there shall be paid to the Clerk of the Commissioners or Clerk of the Peace, exclusive of the Sum to be paid for the Stamp, the Sum of Two Shillings and Sixpence for every Parish Patient, and the Sum of Ten Shillings for every other Insane Person specified therein as proposed to be received into such House: Provided always, that for no Licence to be so granted shall be paid less than Fifteen Pounds; and that all Monies to be received for such Licences shall be retained by the Clerk of the Commissioners or Clerk of the Peace, and from such Monies all the Expences required to be disbursed in the Execution of this Act shall be paid and defrayed, upon the Order of the said Commissioners or Visitors; and such Clerk of the Commissioners or Clerk of the Peace shall keep a true and correct Account of all such Receipts and Payments, which Account shall be made up, by the Clerk of the Commissioners, to the Thirty-first Day of *May*, and by the Clerk of the Peace, to the Day before the *Michaelmas* Quarter Sessions in every Year, and shall be signed by Five or more Commissioners and Two or more Visitors, as the Case may be; and the said Account, when made out by the Clerk of the said Commissioners, shall be transmitted to the Commissioners of His Majesty's Treasury, who shall thereupon, if they shall deem it necessary, direct the Balance to be paid into the Exchequer, to the Account of the Consolidated Fund; and if there shall be any Balance due to the said Clerk to the Commissioners, it shall be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby empowered, to cause the same to be issued and paid from time to time out of any Money in the Exchequer applicable to the growing Produce of the Consolidated Fund; but the said Account, when made out by the Clerk of the Peace in any County, shall be laid before the Justices at their *Michaelmas* Quarter Sessions; and if it shall appear by the said Account that there is a

Charge for Licences.

Application of Monies.

Clerk to keep an Account of Receipt and Expenditure, which shall be made up yearly.

Such Account to be transmitted to the Lords of the Treasury, who may apply or make up the Balances.

Balance

Balance in the Hands of the Clerk of the Peace, the same shall forthwith be paid, by an Order of the said Visitors, to the Treasurer of the County, in aid of the County Rate; and when there shall be found to be any Balance due to such Clerk of the Peace, such Balance shall be paid to him by the Treasurer of the County out of the County Rate, an Order for such Payment being made and signed by Two or more Justices.

Balances in Hand of or due to Clerk of the Peace.

XVI. Provided always, and it is hereby enacted, That all Licences to be granted by the said Commissioners or Justices shall be duly stamped with a Ten Shilling Stamp, and shall be under the Hands and Seals of Five or more of the said Commissioners, Two of whom shall not be Physicians or Surgeons, or of Three or more of the said Justices, as the Case may require; and every such Licence shall contain, as well the Christian and Surname and the Profession or Occupation of the Person to whom the same shall be granted, as also the Christian and Surname of the Superintendent or Head Keeper of the House so proposed to be licensed, in case the Person so applying does not intend to reside therein; and also the said Licence shall specify the greatest Number of Patients, distinguishing Parish from other Insane Patients, to be received under the Authority thereof, in the House so licensed.

Licences to be stamped, and to contain certain Particulars.

XVII. And be it further enacted, That if at any Time a Majority of any Five of the Commissioners appointed under this Act, (One whereof not being a Physician or Surgeon) or any Three Visitors appointed under this Act, shall recommend to His Majesty's Principal Secretary of State for the Home Department for the Time being, that any Licence or Licences granted by virtue of this Act should be revoked, it shall and may be lawful for such Secretary of State, after making such Enquiries as he shall think necessary, to revoke the same by an Instrument under his Hand and Seal; such Revocation to take Effect at a Period not exceeding Three Calendar Months from the Time Notice thereof shall have been given in the *London Gazette*; and a Copy of such Instrument of Revocation shall be transmitted to the Person to whom such Licence shall have been granted, his or her Executors or Administrators, by the Clerk of the Commissioners or Visitors in their respective Jurisdictions, before any such Publication shall take place: Provided always, that in case of such Revocation being proposed to such Secretary of State, Notice in Writing shall be given to the Parties so complained of, Seven Days previous to the Transmission of such Recommendation to such Secretary of State.

Revoking of Licences.

XVIII. Be it further enacted, That in case the said Commissioners or Justices shall refuse to renew any Licence for keeping a House for Insane Patients, Notice of such Refusal shall be given in manner hereinbefore mentioned in the Case of revoking any such Licence, and His Majesty's Principal Secretary of State for the Home Department for the Time being shall be empowered, upon the Representation of the said Commissioners or Justices respectively, by an Instrument under his Hand and Seal, to be delivered within One Month after receiving such Representation, to sanction and confirm the Refusal of the said Commissioners or Justices to renew such Licence: Provided nevertheless, that the

When Commissioners or Justices shall refuse to renew any Licence, Notice thereof to be given to the Secretary of State.

original Licence of such House shall remain in force until His Majesty's said Secretary of State shall have confirmed as aforesaid the Resolution of the said Commissioners or Justices not to renew such Licence.

No House to be kept without a Licence.

XIX. And be it further enacted, That from and after the Expiration of Three Calendar Months next after the Commencement of this Act, it shall not be lawful for any Person to keep a House for the Reception of any Two or more Insane Persons, without a Licence for that Purpose first had and obtained in the Manner directed by this Act, and every Person so keeping such House as aforesaid, without having such Licence, shall be deemed guilty of a Misdemeanor: Provided always, that no One Licence for the Reception of Insane Persons shall authorize any Person to keep more than One House for such Purpose, nor shall any Licence granted by virtue of this Act continue in force for any longer Time than Thirteen Calendar Months: Provided also, that all Licences which shall have been heretofore granted, or which shall hereafter be granted under this Act, for keeping Houses for the Reception of Two or more Insane Persons, and notwithstanding the Death of any Person to whom any such Licence shall have been granted respectively, shall remain in full Force until the Period for which they shall have been granted shall have expired, any thing in this Act to the contrary thereof notwithstanding, unless terminated by Revocation by His Majesty's Principal Secretary of State for the Home Department for the Time being, as herein mentioned.

Limitation of Licence.

Houses to be inspected by Commissioners or Visitors; but not by their Clerk.

XX. And be it further enacted, That every House licensed for the Reception of Two or more Insane Persons shall be visited by Three at least of the said Commissioners, One of whom shall not be a Medical Practitioner, within their Jurisdiction, or by Two at the least of the said Visitors appointed at Quarter Sessions, at least Four Times in every Year, on such Days and at such Hours of the Day between the Hours of Eight in the Morning and Six in the Evening from the Twenty-first of *September* to the Twenty-first of *March*, and between the Hours of Six in the Morning and Eight in the Evening from the Twenty-first of *March* to the Twenty-first of *September* in each Year, and with or without Notice, and for such Length of Time as they shall think fit; and they are hereby empowered to examine the Persons confined therein in such Manner as they shall see fit: Provided always, that it shall not be lawful for the Clerk of the said Commissioners or of the said Visitors to inspect or visit any of the Patients confined in such House.

Concealing any Insane Person from the Inspection of Commissioners to be deemed a Misdemeanor.

XXI. And be it further enacted, That if the Keeper or Superintendent of any such licensed House, or any Keeper or Servant employed in the same, shall fraudulently conceal or attempt to conceal any Person detained as Insane in such House from the Sight, Knowledge, or Inspection of any such Commissioners or Visitors, or from any Medical or other Person authorized under the Provisions of this Act to visit and inspect any such House, and the Patients confined therein, every Person so offending shall be deemed guilty of a Misdemeanor.

Commissioners, upon Information of Mal-

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or Visitors, upon receiving Inform-

Information upon Oath, which Oath they are or any One of them is hereby empowered to administer, that the Party making such Oath hath Cause to suspect and doth verily believe that some Malpractices have taken place in any House licensed under the Provisions of this Act, which Malpractices cannot be ascertained by Examination and Inspection during the Day, respectively to visit and to inspect any such House at such Hour of the Night as to them shall seem advisable, for the Purpose of examining into the Fact of such alleged Malpractices, but no further or otherwise.

practices taking place in any licensed House, may visit the same at Night.

XXIII. And for the better enabling the Commissioners or Visitors executing this Act to enquire into the several Matters and Things by this Act referred to them, be it enacted, That it shall be lawful to and for the said Commissioners or Visitors from time to time, as they shall see Occasion, to require any Person to appear before them to testify the Truth touching any Matters relating to the Execution of the Powers given by this Act; and every Person who shall not appear before the said Commissioners or Visitors pursuant to such Request, (without assigning some reasonable Excuse for not appearing) or appearing shall refuse to be sworn or examined on Oath or Affirmation, which Oath or Affirmation the said Commissioners or Visitors are hereby empowered to administer, and being thereof convicted before One of His Majesty's Justices of the Peace of the County in which such House is situated, upon Information thereof upon Oath made before any such Justice, shall for every such Neglect or Refusal forfeit and pay such Sum of Money, not exceeding Fifty Pounds nor less than Ten Pounds, as such Justice shall think fit and order.

Commissioners may summon Witnesses, who shall be subject to Penalty for Neglect.

XXIV. And be it further enacted, That there shall be kept in every House of Reception for Two or more Insane Persons a Book or Register, in which the said Commissioners and Visitors within their respective Jurisdictions, shall at every such Visitation make Minutes in Writing of the State and Condition of such Houses which they shall so visit, as to the Care of the Patients therein, and all such other Particulars as they shall think deserving of their Notice, together with their Observations thereupon.

At such Visitation Commissioners to make Minutes.

XXV. And be it further enacted, That the Clerk of the Commissioners, and the Clerk of the Visitors respectively, shall make or cause to be made in Writing a Transcript of such Minute, to be entered in a Register to be kept for that Purpose by the Clerk of the said Commissioners, or Clerk of the Visitors, and the same shall be approved and signed by Three at the least of the said Commissioners, or by the said Visitors, or any Two of them, within their respective Jurisdictions; and the Clerk of such Visitors shall, within Fourteen Days after such Visitation shall have been made, transmit a Copy of such Transcript or Minute to the Clerk of the Commissioners, who shall enter the same into a General Register to be kept for that Purpose by the Clerk of the Commissioners.

Minutes to be transcribed into a Register.

XXVI. And be it further enacted, That the said Clerk of the Commissioners, and the Clerks of the Visitors, within their respective Jurisdictions, shall, within One Month previous to the First Day of June in every Year, prepare a full and complete Report of the several Houses within their respective Jurisdictions

Annual Report of all Houses and Patients therein to be made, and a Transcript sent to the

Secretary of State and to the Clerk of the Commissioners.

tions for the Reception of Insane Persons, and of every Patient confined therein, or who shall have been confined therein with in the Twelve Months preceding, according to the Form in the Schedule (A.) hereunto annexed; of which Report a Transcript shall be transmitted by the Clerk of the Commissioners, or the Clerk of the Visitors, to His Majesty's Principal Secretary of State for the Home Department; and the Clerk of such Visitors shall transmit a Copy of such Report to the Clerk of the Commissioners, who shall enter the same into a Register to be kept for that Purpose by the Clerk of the Commissioners.

Alphabetical List of Persons confined to be made therefrom.

XXVII. And be it further enacted, That the Clerk of the Commissioners shall prepare from such Reports an Alphabetical List of all Persons confined, or who have been confined within the last Twelve Months, in such licensed Houses, together with a Reference to the same respectively.

A Transcript of so much of Report as regards certain Patients to be made to the Lord Chancellor.

XXVIII. Provided always, and be it further enacted, That a Transcript of so much of the said Report as shall have reference to Insane Persons who shall have been found Lunatic, Idiot, or of unsound Mind under a Commission issued by the Lord Chancellor or Lord Keeper or Commissioners of the Great Seal of *Great Britain*, being intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found Lunatic, Idiot, or of unsound Mind, shall be sent to the Lord Chancellor or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid.

Insane Persons or Lunatics not to be received into licensed Houses without a Certificate.

XXIX. And be it further enacted, That no Person, not being a Parish Patient, shall be received into any House kept for the Reception of Two or more Insane Persons in that Part of the United Kingdom called *England*, without a Certificate in the Manner directed by this Act; and if any Person shall knowingly and wilfully receive any Insane Person, or Person represented or alleged to be Insane, to be taken care of or confined in any such House licensed for the Reception of Two or more such Persons, without such Certificate bearing Date not more than Fourteen Days previous to such Reception, and shall not at the Time of receiving such Patient make a Minute in Writing or Entry of the Christian and Surname, Occupation and Place of Residence of the Person or Persons by whom such Patient shall be brought, or by whose Authority such Patient shall be delivered to his Care, every Person so offending shall be deemed guilty of a Misdemeanor.

Certificate of Admission,

XXX. And be it further enacted, That every Certificate upon which any Order shall be given for the Confinement of any Person (not a Parish Patient) in a House kept for the Reception of Two or more Insane Persons, shall be signed by Two Medical Practitioners, each of them being a Physician, Surgeon, or Apothecary, who shall have separately visited and personally examined the Patient to whom it relates; and such Certificate shall state that such Insane Person is a proper Person to be confined, and the Day on which he or she shall have been so examined; and also the Christian and Surname and Place of Abode of the Person by whose Direction or Authority such Patient is examined, and the Degree of Relationship or other Circumstance of Connection between such Person and the Insane Person; and the Name Age, Place

Place of Residence, former Occupation, and the Asylum, if any, in which such Patient shall have been confined; and whether such Person shall have been found Lunatic or of unsound Mind under a Commission issued for that Purpose by the Lord Chancellor or Lord Keeper or Commissioner of the Great Seal intrusted as aforesaid; and every such Certificate for the Confinement of any Person in a House licensed under this Act within the Jurisdiction of the said Visitors shall, if the same be not signed by Two Medical Practitioners, state the special Circumstances, if any, which shall have prevented the Patient being separately visited by Two Medical Practitioners; and any Patient may be admitted into any such licensed House upon the Certificate of One Medical Practitioner only under the special Circumstances aforesaid, provided such Certificate shall be further signed by some other Medical Practitioner within Seven Days next after the Admission of such Patient into any such licensed House as aforesaid; and any Person who shall, knowingly and with Intention to deceive, sign any such Certificate, untruly setting forth any such Particulars required by this Act, shall be deemed guilty of a Misdemeanor; nevertheless, if any special Circumstance shall exist which may prevent the Insertion of any of the Particulars aforesaid, the same shall be specially stated in such Certificate: Provided always, that no Physician, Surgeon, or Apothecary shall sign any Certificate of Admission to any House of Reception for Two or more Insane Persons, of which he is wholly or partly the Proprietor, or the regular professional Attendant; and any Physician, Surgeon, or Apothecary, who shall sign or give any such Certificate, without having visited and personally examined the Individual to whom it relates, shall be deemed to be guilty of a Misdemeanor.

Physicians, &c. not to sign Certificates of Admission if interested.

XXXI. And be it further enacted, That no Parish Pauper shall be received into any House of Reception for Two or more Insane Persons without an Order under the Hands and Seals of Two Justices of the Peace, or an Order signed by One of the Overseers of the Poor and the officiating Clergyman of the Parish to which such Pauper shall belong, and also a Certificate signed by One Physician, Surgeon, or Apothecary, that such Person is a proper Person to be confined.

Pauper Lunatics how admissible.

XXXII. And, in order that the said Commissioners and Visitors may know when any Patient is received into any House of Reception for Two or more Insane Persons, be it further enacted, That the Keeper of any such House shall and is hereby required, within the Space of Seven Days next after the Day on which any Person shall have been received into such House, to transmit a Copy of such Order and Certificate as aforesaid to the Clerk of the Commissioners or to the Clerk of the Visitors; which Order and Certificate the said Clerk of the Commissioners or Clerk of the Visitors is hereby required forthwith to enter in a Register to be provided for that Purpose, with the Christian and Surname of each Insane Person so returned to him, and the Asylum or House in which such Lunatic is confined; and every Keeper of any such House who shall knowingly and wilfully neglect so to do shall be deemed guilty of a Misdemeanor.

Notice to be given to Clerk of the Commissioners, &c. within Seven Days after the Admission of every Patient.

The like Notice to be given on the Removal or Death of Patient.

In case of Enquiry, whether any particular Patient is in Confinement, the Commissioners, &c. may give an Order to the Clerk, who shall furnish the Information.

Houses to be visited by Medical Men.

Persons by whose Authority Patients have been delivered to such Houses, shall visit or appoint some Person to visit them, once in Six Months.

XXXIII. And be it further enacted, That whenever any Patient so confined in a House of Reception for Two or more Insane Persons shall be removed therefrom, or shall die, the Keeper of such House shall, within Three Days next after such Removal or Death, transmit a written Notice thereof to the Clerk of the Commissioners or Clerk of the Visitors, or to a Justice of the Peace, as the Case may be; and every Keeper of any such House, who shall upon any such Removal or Death knowingly and wilfully neglect so to do, shall be deemed guilty of a Misdemeanor.

XXXIV. And be it further enacted, That if any Person shall apply to One of the Commissioners, or any Justice of the Peace of the County in which any House of Reception for Two or more Insane Persons is situate, in order to be informed whether any particular Person is confined in any of the said Houses of Reception for Two or more Insane Persons, and the said Commissioner or Justice shall think it reasonable to permit such Enquiry to be made, and shall sign an Order directed to the Clerk of the Commissioners, or Clerk of the Visitors for that Purpose, the said Clerk of the Commissioners or Clerk of the Visitors is hereby required, upon the Receipt of such Order, to make Search; and if it shall appear upon Search that the Person so enquired after is or has been confined in any of the said Houses, the said Clerk of the Commissioners or Clerk of the Visitors shall immediately deliver to the Person so applying, in Writing, the Name of the Keeper in whose House the Person so enquired after is or has been confined, the Situation of such House, and a Copy of the Order and Certificate upon which such Person was received into such House, upon Payment of the Sum of Seven Shillings, and no more, for his Trouble.

XXXV. And be it further enacted, That in every House of Reception for Two or more Insane Persons there shall, if it contain One hundred Patients, be a resident Physician, Surgeon, or Apothecary; and every such House, containing less than One hundred Patients, in case such House shall not be kept by a Physician, Surgeon, or Apothecary, shall be visited twice in every Week by a Physician, Surgeon, or Apothecary; and such Resident Attendant, or visiting Physician, Surgeon, or Apothecary, is hereby respectively required to report to the Keeper the Condition of the House and State of Health of the Patients; and shall, Once in every Week, enter and sign the same in a Book of Entries to be kept at every such House, according to the Form in the Schedule (B.) hereunto annexed; and such Book of Entries shall by the Keeper of such House be regularly laid before the visiting Commissioners or Visitors for their Inspection, who are hereby required to sign the same in Testimony of its Production.

XXXVI. And be it further enacted, That the Person by whom or by whose Authority such Patient shall have been delivered to the Care of the Keeper of any such House, shall in Person, or by some Person duly appointed by him in Writing under his Hand and Seal, such Appointment to be renewed for each Time, visit the Patient so delivered as aforesaid, Once at least in every Six Months during his Confinement; and shall enter in the Journal kept at such House for registering the Visits of the Commissioners

sioners or Visitors respectively, as hereinbefore directed, his Name, and the Date of his Visit; and any Person so appointed as aforesaid shall deposit such Appointment with the Keeper of the said House.

XXXVII. And be it further enacted, That if it shall appear, after Three separate and distinct Visits to be made by the said Commissioners or Visitors within their respective Jurisdictions, Three of which Commissioners shall be Physicians or Surgeons, or One of which Visitors shall be a Medical Practitioner, Twenty-one Days at the least to intervene between each Visit, that any Person is detained in any such House without sufficient Cause, and Notice thereof shall have been duly given to the Keeper of such House, and to the Person by whose Authority such Person was sent, it shall and may be lawful for the said Commissioners at One of their Quarterly Meetings, or at a Meeting specially summoned at Three Days Notice, or for the Justices in Quarter Sessions, or at a Meeting specially summoned at Seven Days Notice, to set such Person at Liberty, or otherwise to act under the Circumstances as the Case may seem to require: Provided always, that such Power shall not extend to the Case of any Lunatic who shall have been found of Insane Mind under a Commission issued for that Purpose by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, nor to any Lunatic confined under any Order or Authority of His Majesty's Principal Secretary of State for the Home Department.

XXXVIII. ' And Whereas the Hopes and Consolations of Religion may soothe and compose the Minds of Patients, and thereby tend to subdue the Malady under which they are suffering; Be it further enacted, That the Commissioners and Visitors upon their several Visitations hereinbefore mentioned, shall enquire whether and at what Times Divine Service is read and performed for the Benefit and Consolation of any of the Patients, or what Religious Aid they receive under any Circumstances of intellectual Improvement; and such Commissioners and Visitors shall state, in the Book or Register hereinbefore directed to be kept for registering the Visits of the Commissioners or Visitors respectively the Result of such their Enquiry, with such Observations as they shall think useful or necessary; and in those Houses where it shall appear that Divine Service is not performed, or that Religious Communication with any Minister is not permitted, the Keeper or Keepers of such House or Houses shall state in the said Book or Register the Reason or Reasons thereof.

XXXIX. And be it further enacted, That it shall and may be lawful for the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, or the Lord Chief Justice of the Court of King's Bench, or the Lord Chief Justice of the Court of Common Pleas, or His Majesty's Principal Secretary of State for the Home Department, if he shall see fit, to employ any Commissioner appointed under this Act, or Medical or other Person, to inspect and enquire into the State of any Lunatic Asylum, Public Hospital, or other House or Place for the Confinement of Insane Persons, and to report to him the Result of

Commissioners may set at liberty Persons improperly confined.

Commissioners and Visitors to enquire and state in the Register Book whether Divine Service is performed in such Houses.

If not performed, the Keeper to state the Reason.

Medical or other Persons may be employed to inspect Houses.

such Inspection and Enquiry; and every such Medical or other Person so employed by him shall be paid or allowed such Sum of Money for his Attendance and Trouble, as to His Majesty's Principal Secretary of State for the Home Department shall seem an adequate and reasonable Allowance; such Expences to be charged on the Contingency Fund of the Home Office, or on the County Rate, as the Case may be.

Regulations
as to Persons
with whom
Lunatics are
privately con-
fined.

XL. And be it further enacted, That no Person shall receive into his exclusive Care and Maintenance, except he be a Relative or a Committee appointed by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, under Pain of being deemed guilty of Misdemeanor, any one Insane Person, or Person represented or alleged to be Insane, without first having an Order and Certificate signed by Two Medical Practitioners, each of them being a Physician, Surgeon, or Apothecary, as is required on the Admission of any Insane Person into a licensed House; and that every such Person so having received into his Charge any Insane Person as aforesaid, shall within Five Days thereof transmit to the Clerk of the Commissioners in *London* a Copy of such Order and Certificate, and shall also state the Parish and County wherein such House shall be situate, and the Name of the Occupier thereof, and such Order, Certificate, and Return shall be sealed, and indorsed "Private Return;" and also on the First Day of *January*, or within Seven Days thereof, in every Year, every such Person shall also transmit to such Clerk a Certificate signed by Two Physicians, Surgeons, or Apothecaries, describing the then actual State of such Insane Person; and in case of the Death or Removal of such Insane Person, he shall forthwith notify the same to such Clerk; all which said Orders, Certificates, Returns, and Notifications shall be filed and duly preserved, and the said Clerk shall make therefrom a separate Register, containing the true Christian and Surname of each Insane Person so confined, together with the Place of Confinement, which Register, together with the said Orders, Returns, Certificates, and Notifications, shall be open only to the Inspection of His Majesty's Principal Secretary of State for the Home Department, and of the Lord High Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, and of such other Persons as shall be authorized to inspect the same, by an Order under their respective Hands and Seals.

Secretary of
State may
erase Name of
Lunatic from
Register.

XLI. Provided always, and be it further enacted, That it shall and may be lawful for His Majesty's said Principal Secretary of State, in all Cases in which any Patient shall die or have been discharged as cured, to direct, if he shall see fit, that the Name of such Patient shall be wholly erased from the said Register.

Lord Chan-
cellor and
Secretary of
State may
order Visita-
tion of Patients
in Care of Re-
latives, &c.;

XLII. Provided always, and be it further enacted, That it shall and may be lawful for the Lord High Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, or His Majesty's Principal Secretary of State for the Home Department, if they shall see fit, at any Time or Times, by any Order by either of them directed to the said Commissioners or to any other Person whom they shall think fit to appoint, to require the said Commissioners, or other Person so appointed, to visit and examine any Person confined as an Insane Person, who shall be confined in
the

the Care of any Relative or Friend, or in the exclusive Care and Maintenance of any other Person, and to make a Report to the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, or to His Majesty's Principal Secretary of State, of such Matters as in such Order they shall be directed to inquire into: Provided always, that the said Secretary of State shall have no Authority under this Act to order a Visitation or Examination of any Patient under a Committee appointed by the Lord High Chancellor, the Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid.

but not Patients under an appointed Committee.

XLIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet,*

Convictions to be drawn up in the following Form.

' 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 for the County of [specifying the Offence, and
' the Time and Place when and where the same was committed, as
' the Case shall be.] Given under our Hands and Seals the Day
' and Year aforesaid.'

XLIV. And be it further enacted, That it shall and may be lawful for the Clerk of the Commissioners, or Clerk of the Peace of the County where any House for the Reception of Insane Persons is situate, and he is hereby required, to enforce the due Execution of this Act, and to sue for and recover all Penalties or Forfeitures granted by this Act.

Clerk of the Commissioners to enforce Act, and recover Penalties.

' XLV. And Whereas it is not intended by this Act to give the Proprietors or Keepers of any House to be so licensed as aforesaid, or any other Person concerned in confining any of His Majesty's Subjects therein, any new Justification, from their being able to prove that the Persons so confined have been sent there by such Direction and Advice as are required by this Act; Be it therefore declared and enacted, That in all Proceedings which shall be had under His Majesty's Writ of Habeas Corpus, and in all Indictments, Informations, and other Actions that shall be preferred and brought against any Person or Persons for confining or ill-treating any of His Majesty's Subjects in any of the said Houses, the Parties complained of shall be obliged to justify their Proceedings according to the Course of the Common Law, in the same Manner as if this Act had not been made.

Proceedings of Proprietors to be justified in course of Common Law.

XLVI. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Order to be made in pursuance thereof, except in Cases where the Manner of hearing and determining thereof is hereinbefore otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and

Recovery and Application of Penalties.

and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Persons so convicted; and it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice or Justices, for his Appearance before the said Justice or Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had thereupon to levy the said Penalty or Forfeiture, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Overseers of the Poor of the Parish where the Offence shall be committed, and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

XLVII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given, or by the Order or Determination of any Justice or Justices of the Peace in

in pursuance of this Act, may, within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County wherein the Offence shall be committed, the Person or Persons appealing having first given at least Fourteen Days clear Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith, after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Securities conditioned to try such Appeal and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

XLVIII. And be it further enacted, That if any Action or Suit shall be commenced or brought against any Person for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and shall be laid or brought in the County, City, or Place where the Cause of Action shall have arisen, and not elsewhere, and the Defendant in every such Action or Suit shall and may at his Election plead specially, or the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought in any other County, City, or Place, or shall not have been commenced within the Time before limited for bringing the same, that then the Jury shall find a Verdict for the Defendant; and upon a Verdict being so found, or if the Plaintiff shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath or have† in any other Cases by Law.

XLIX. Provided always, and it is hereby further enacted, That it shall not be lawful for any Person whatsoever to commence, prosecute, enter, file, or prefer any Action, Bill, Plaint, Information, or Indictment against any Person under or by virtue of this Act, unless the same be commenced, prosecuted, entered, filed, or preferred by Order of the said Commissioners at their said Quarterly Meeting, or by the Justices at their General Quarter Sessions within their respective Jurisdictions: and if any Action,

Limitation of
Actions.

General Issue.

Treble Costs.

† Sic.

Actions not to
be brought
except by
Order of Com-
missioners.

Action, Bill, Complaint, Information, or Indictment shall be commenced, entered, filed, or preferred by or in the Name of any Person whatsoever, except upon such Order as aforesaid, the same, and all Proceedings thereupon had, shall be null and void, and the Court or Courts, Justice or Justices of the Peace, where or before whom such Action, Bill, Complaint, Information, or Indictment is or shall be, or commenced, prosecuted, entered, filed, or preferred, shall not permit or suffer any Proceeding or Proceedings to be had; and no Commissioner or Justice shall in anywise be liable to any Criminal Proceeding or Civil Action for any Reasons to be given in the Execution of this Act.

Act not to extend to Bethlehem Hospital or to Lunatic Asylums established under 48 G. 3. c. 96. or 9 G. 4. c. 40.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the Royal Hospital of *Bethlehem*, or to any Building erected adjacent thereto for the Confinement of Criminal Lunatics, or to the Royal Military or Naval Hospitals, or to any Lunatic Asylum already erected and established under an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England*, or hereafter to be erected and established under the Provisions of an Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act to amend and consolidate the Laws relating to the Erection, Maintenance, and Regulation of County Lunatic Asylums, and to the Care and Maintenance of Lunatics, being Paupers or Criminals, in England*.

Nothing herein to extend to public Hospitals or Institutions;

LI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to any public Hospital or Parts of public Hospitals, or other charitable Institutions, supported wholly or partly by voluntary Contributions, in which Lunatics are received, or to any Lunatic Asylum built and established by voluntary Contributions, and supported by applying the Excess of Payments of the more affluent in reduction of the Payment by Persons in more limited Circumstances, excepting in as far as relates to Certificates of Admission, and Visitations appointed by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal, or the Lord Chief Justice of the Court of King's Bench, or the Lord Chief Justice of the Court of Common Pleas, or His Majesty's Principal Secretary of State for the Home Department, and the Transmission to the Clerk of the Commissioners Annual Report, as herein before directed.

except as to Certificates of Admission, to Visitations, and to the Transmission of Names of Patients.

Interpretation of Act.

LII. And, in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "County" shall be deemed to include any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate; that the Word "Parish" shall be deemed to include any Township, Hamlet, Vill, Tithing, extra-parochial Place or Place maintaining its own Poor; that the Words "County Rate" shall be deemed to include any Funds assessed upon or raised in or belonging to any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; that the Word "Visitor" shall

SCHEDULE (B.)

WEEKLY REGISTER to be kept in each House for the Inspection of Commissioners or Visitors.

Number of curable Men.	Number of incurable Men.	Number of curable Women.	Number of incurable Women.	Number of Men under Restraint.	Number of Women under Restraint.	General Remarks.

In Cases of Restraint, the Necessity to be certified by the Physician, Surgeon, or Apothecary.

C A P. XLII.

An Act to abolish Church Briefs, and to provide for the better Collection and Application of voluntary Contributions for the Purpose of enlarging and building Churches and Chapels.

[15th July 1828.]

4 Ann. c. 14.

‘ WHEREAS an Act was passed in the Fourth Year of the Reign of Queen *Anne*, intituled *An Act for the better collecting Charity Money on Briefs by Letters Patent, and preventing Abuses in relation to such Charities*; and it is expedient to repeal the said Act, and to provide for the better Collection and Application of voluntary Contributions for enlarging, building, rebuilding, and repairing Churches and Chapels in *England and Wales*: And Whereas in the Year One thousand eight hundred and eighteen a Society was instituted, by the Name of “The Society for promoting the Enlargement and Building of Churches and Chapels,” consisting of Persons who had contributed or should contribute Twenty Guineas in one Donation, or Two Guineas annually; which Society, governed under certain Rules and Regulations, has tended greatly to promote the good and laudable Objects for which it was instituted, and would be enabled to promote the same still more effectually, if the said Society were incorporated, with such Powers and Privileges as are hereinafter 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 the said Act of Queen *Anne* shall be and the same is hereby repealed, except as to such Briefs issued before the passing of this Act as are now in progress, with respect to which the said Act shall remain in force.

Repeal of recited Act, except as to Briefs in progress.

II. And

II. And be it enacted, That from and after the passing of this Act all such Persons as now are or hereafter may become Members of the said Society shall be and are hereby declared to be a Body Corporate, by the Name of " The Incorporated Society " for promoting the Enlargement, Building, and Repairing of " Churches and Chapels."

The Church-building Society to be incorporated.

III. And be it enacted, That the Archbishop of *Canterbury* for the Time being shall be the President of the said Society, and that the Archbishop of *York* for the Time being, and the Bishops of the Two Provinces for the Time being, shall be Vice Presidents thereof, together with such Lay Peers and Commoners, being Twenty-five in Number, as now are Vice Presidents of the said Society; and that all Vacancies which shall from time to time occur in that Number of the Vice Presidents shall be filled up from the Lay Members of the Society by the Committee thereof.

Presidency, &c. of the Society.

IV. And be it enacted, That the said Society shall be governed by a Committee, which shall consist of the President, Vice Presidents, and Treasurer, who shall be Members thereof in virtue of their several Offices, and of Thirty-six Members elected from the Society, One Half at least of whom shall be Laymen; and the Treasurer, together with One Fourth of the Thirty-six elected Members of the Committee in rotation, shall vacate their Offices at the Annual General Court, but shall be capable of immediate Reelection: Provided always, that all such Persons as before the passing of this Act shall have been elected to and are now filling the respective Stations of Treasurer, or of Members of the Committee of the said Society, shall continue to fill the same, without any fresh Election, until vacated as aforesaid.

Constitution of the Committee.

V. And be it enacted, That all Persons who shall contribute Ten Guineas in One Donation, or One Guinea annually, shall be Members of the said Society, and have a Right to vote at General Courts, and be eligible to the Committee, provided such Annual Subscriptions shall not then be in arrear.

Qualification for Members of the Society.

VI. And be it enacted, That a General Court shall be holden annually in *May*, and oftener if the Committee shall think it expedient; and that at the General Court Three Auditors shall be appointed for the Year ensuing, a Treasurer elected, and the Vacancies in the Committee filled up from a Double List prepared by the President and Vice Presidents, and that all such Elections and Appointments shall be by Ballot.

General Court, when to be holden; Business to be there transacted.

VII. And be it enacted, That every Order to be made and Act to be done by the Committee for the Time being of the said Society shall be made and done with the Consent of the Majority of the Members present at any Meeting of the Committee, such Meeting to consist of not less than Five; and the Committee, or the major Part of them at any such Meeting, shall have full Power and Authority to make all such Laws and Regulations, not being repugnant to the Laws of this Kingdom, or to the express Provisions of this Act, as to them shall from time to time seem expedient, for the Management and Government of the said Society, and for carrying its Designs into Effect; and shall have the sole Management, Control, and Disposition of the Estates, Funds, Revenues, and other Property which now or may hereafter belong to the said Society; and shall have the Power of affixing the

Number of the acting Committee; their Powers and Duties.

Common

Common Seal of the said Society, or directing it to be affixed, to such Instruments as the said Committee or such major Part of them shall think fit; and shall have the sole Control over and Appointment of all Officers, Agents, or Servants whom it may be thought expedient to employ in the Service of the said Society, or in any of the Concerns relating thereto: Provided always, that such Laws and Regulations so to be made as aforesaid shall not be of any Force or Effect unless the same shall be confirmed by the Members of the Committee, or the major Part of them, who shall be present at the next Meeting of the said Committee after the same shall have been first made, such next Meeting to consist of not less than Five.

Proviso as to
Bye Laws.

Rules to be
observed by the
Society in
selecting
Parishes for
Grants, &c.

VIII. Provided always, and be it enacted, That the Committee of the said Society, in the Selection of Parishes and Extra-parochial Places to which they shall grant any Part of their Funds towards the enlarging or building of any Churches or Chapels, shall have regard to the Amount of the Population, and also to the Disproportion between the Number of Inhabitants and the present Accommodation for Attendance upon Divine Service according to the Rites of the United Church of *England* and *Ireland*; and in giving Preference among such Parishes and Extra-parochial Places, shall have regard to the Proportion of the Expence which shall be offered to be contributed or raised by such respective Parishes or Places, towards the Enlargement or Building of Churches or Chapels therein, and to the pecuniary Ability of the Inhabitants thereof.

Further Rules
for the like
Purpose.

IX. Provided also, and be it enacted, That in granting Aid towards the Repairs of Churches and Chapels which have fallen into a State of great Dilapidation without Neglect or Fault of the existing Parishioners, and the entire Expence of repairing which the Parishioners shall be proved, to the Satisfaction of the Committee of the said Society, to be unable to defray, Reference shall be had to the Amount of Money raised by the Parishioners by Rates or Subscription, and to the Improvement which it may be proposed to effect in the Accommodation for the Poor.

All Sums col-
lected under
Royal Letters
for aiding the
building, &c.
of Churches,
shall be applied
by the Society.

X. And be it enacted, That as often as His Majesty shall be graciously pleased to issue his Royal Letters, directed respectively to the Archbishops of *Canterbury* and *York*, authorizing the Collection of voluntary Contributions within their several Provinces, for the Purpose of aiding the enlarging, building, rebuilding, or repairing of Churches and Chapels in *England* and *Wales*, or in any Part thereof, in every such Case all the Contributions so collected shall be paid over to the Treasurer of the said Society, or his Order, and shall be employed by the said Society in carrying its Designs into Effect.

Accounts of
the Society to
be laid annually
before Parlia-
ment.

XI. And be it enacted, That Accounts shall annually be presented to His Majesty, of the Progress made by the said Society in the Execution of its Designs, stating the Number of Churches or Chapels enlarged, built, rebuilt, or repaired, or in the Course of being so, the Money expended, and for what Purposes, and all such other Particulars as shall be necessary for explaining the Progress made by the said Society, together with a List of all Officers, Agents, and Servants employed by the said Society, and a Statement of their respective Salaries.

XII. And

XII. And be it enacted, That the said Society may receive and send all Letters and Packets relating to the Execution of the Powers and Trusts of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the said Society by the Post shall be directed to "The Incorporated Society for promoting the Enlargement, Building, and Repairing of Churches and Chapels;" and that all such Letters and Packets as shall be sent by the said Society shall be dated from their Office, and shall be signed on the Outside by such Person as the said Society shall appoint, with the Consent of the Commissioners of His Majesty's Treasury, or any Three or more of them, under such Restrictions and Regulations as the said Commissioners shall think proper and direct.

Society may send and receive Letters free of Postage.

XIII. ' And Whereas there is a certain Sum of Money remaining in the Hands of *John Stevenson Salt* Esquire, the Undertaker of Briefs, arising from Balances of Monies collected upon Briefs which have not been wanted or required for the Purposes for which the same were collected; Be it therefore enacted, That such Sum shall be transferred to the said Society, and that upon such Transfer being made, the said *John Stevenson Salt* shall be released and discharged from all Claims and Demands in respect of such Sum, or of any Part thereof.

Balances in the Hands of the Undertaker of Briefs to be transferred to the Society.

XIV. ' And Whereas *George Humphrys* is seized to himself, his Heirs and Assigns, of the Office of Clerk of the Briefs, for the Lives of himself and of *Josiah Humphrys* his Son, by Virtue of certain Letters Patent, and the Profits of the said Office will be extinguished by the Repeal of the said Act of Queen *Anne*, and Compensation should therefore be granted to the said *George Humphrys* for the Loss of such Profits; Be it therefore enacted, That the said Society shall, out of the Sum so to be transferred to them as aforesaid, grant such Compensation to the said *George Humphrys*, for his Interest under the said Letters Patent, as shall be a full Equivalent for the Loss of the Net Profits of the said Office, such Net Profits to be calculated upon an Average of the last Seven Years.

Compensation to be made to the Clerk of the Briefs.

XV. ' And Whereas there is a large Number of Briefs now in the Possession of the said *John Stevenson Salt*, which have been returned to him after the Collections made thereon; Be it therefore enacted, That it shall be lawful for any One of His Majesty's Principal Secretaries of State to make such Order as he shall think fit, respecting the Manner of disposing of the said Briefs.

Secretary of State to make Order as to the Disposal of Briefs on Hand.

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

Public Act.

C A P. XLIII.

An Act for the better Regulation of Divisions in the several Counties of *England* and *Wales*. [15th July 1828.]

WHEREAS by divers Acts now in force it is enacted, that certain Matters and Things, in the same respectively mentioned, shall be transacted and determined within the Divisions or Limits within which the same shall arise, or the

Parties therein concerned inhabit or exercise their Trade or Calling, and by or before One, Two, or more Justices of the Peace dwelling within or near to, or usually acting within, such Divisions or Limits respectively: And Whereas the Boundaries of such Divisions or Limits are in some Instances uncertain, and in many have become inconvenient to the Inhabitants within the same, from the Change or Increase of Trade or Population, or from other Causes: And Whereas Doubts have arisen as to the Authority by which such Divisions or Limits may from time to time be constituted, defined, or altered; and it is expedient that such Doubts should be removed, and due Provision made for the constituting, defining, and regulating from time to time such Divisions or Limits, as the Convenience of the Inhabitants within the same may require; 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 or Times after the *Michaelmas* Quarter Sessions next following the passing of this Act, it shall be lawful for any Two or more Justices of the Peace for any County, Riding, or Division in *England* or *Wales*, having a separate Commission of the Peace, to transmit to the Clerk of the Peace a Statement in Writing, signed by such Justices, of the Parishes, Tithings, Townships, and Places within the same, which, in the Opinion of such Justices, would form together a convenient and a proper Division within and for which Special Sessions should thenceforward be held; or of any Parishes, Tithings, Townships, or Places, which, in the Opinion of such Justices, ought to be annexed, for the same Purposes, to any other Division in the said County than those or that of which at the Time of making such Statement they form Part; and that every such Statement shall, among other Things, set forth within what existing Divisions or Division, Limits or Limit, the several Parishes, Tithings, Townships, and Places enumerated in the same, are situated or deemed to be; and also whether One or more and what existing Divisions or Limits will be altered by such proposed new Divisions, or by the Change of any Place or Places from one Division to another; and also the Names of such Justices of the Peace as at the Date of such Statement are usually resident or acting as such within the Boundaries of such proposed new Division.

II. And be it further enacted, That at the Quarter Sessions next following the Receipt of every such Statement, setting forth such Particulars as are above enumerated, and not otherwise, the Clerk of the Peace shall and he is hereby required to lay the same before such Justices of the Peace in such Sessions assembled; and the Justices of the Peace for such County, Riding, or Division, having such separate Commission of the Peace, shall and they are hereby required (except in the Cases hereinafter provided for) to proceed, at the Quarter Sessions next following the laying of such Statement before them as aforesaid, to the Consideration thereof, and at their Discretion to adopt the same wholly or in part, or to reject the same altogether, or to adjourn their Determination thereupon to the next or any succeeding Quarter Sessions.

III. And

Justices to forward to the Clerk of the Peace a Statement of the Townships, Places, &c. that would form a proper Division for which Special Sessions should be held.

Statement to be laid before the Justices at the next Quarter Sessions, who are to adopt or reject the same.

III. And be it further enacted, That immediately after the Quarter Sessions at which such Statement shall have been first laid before the Justices of the Peace, the Clerk of the Peace shall cause to be published a Copy of such Statement in Three successive Numbers of One or more weekly Newspapers usually published or circulated within the same County, Riding, or Division, and in which the Advertisements of County Business are usually inserted; and at the Foot of such Copy shall also cause Notice to be given that such Statement has been laid before such Justices in pursuance of the Directions of this Act, and that the same will be taken into Consideration by the Court at the then next ensuing Quarter Sessions.

Clerk of the Peace to advertise Statement and other Particulars in the Newspapers.

IV. And be it further enacted, That when and so often as the Justices of the Peace of any such County, Riding, or Division, having a separate Commission of the Peace, shall adopt wholly or in part any such Statement so laid before them, and shall determine to change any Parish, Tithing, Township, or Place, from one Division to another, or to constitute any new Division, within which Special Sessions shall thenceforward be holden, the said Justices of the Peace shall thereupon make an Order for such Alteration, or for the constituting and defining such new Division, and in such last-mentioned Order shall particularly enumerate the several Parishes, Tithings, Townships, and Places to be comprised within such new Division, and shall also specify the Division or Divisions within which respectively any Parishes, Tithings, Townships, and Places, disannexed by such Order from any former Division, and not forming Part of such new Division, shall thenceforward be taken to be, and also shall affix to such new Division the Name of some principal and convenient Parish, Township, or Place within the same, and also shall, in either of such Orders, as the Case may be, particularly set down the Day from which such Order shall take effect; and the Clerk of the Peace for such County, Riding, or Division, shall forthwith publish a Copy of such Order in Three Successive Numbers of One or more such weekly Newspapers as aforesaid, and shall transmit a Copy of such Order to every High Constable within the Limits of such new or altered Division or Divisions.

If Justices approve, an Order to be made for constituting a new Division, and the Clerk of the Peace to publish the same.

V. Provided always, and be it further enacted, That nothing in this Act shall be taken to authorize, and that it shall not be lawful for any Justices in any Court of Quarter Sessions to make any Order constituting such new Division, unless upon due Proof before them made in open Court upon Oath, that for Two Years next before the making of such Proof there have been, and at the Time of making the same there are, at the least, Five Justices of the Peace residing in or usually acting within the Boundary Line proposed to be the Limits of any such new Division.

No new Division to be constituted unless Five Justices at least shall be proved to be resident therein.

VI. And be it further enacted, That from and after the Day so specified in such Order, for the Term of Twenty-one Years, and until further Order of Sessions after the Expiration of that Time, and subject to no Alteration or Revision during such Term, except as hereinafter provided, all Matters and Things which by Law are now or hereafter may be required to be, or which now are, usually transacted or determined within the Division within which the same shall have arisen, or the Parties therein concerned

New Divisions to be deemed lawful Divisions for holding Special or Petty Sessions, or other Meetings of Justices.

inhabit or exercise their Trade or Calling, and by or before One, Two, or more Justices of the Peace dwelling or usually acting within the same, shall be transacted and determined, so far as the same Matters and Things arise within or concern the Inhabitants of such new or altered Division, or any of them, or the Persons exercising their Trade or Calling therein, within the Boundaries of such new or altered Division; and such new or altered Division shall thenceforward be, and be reputed and taken to be, for all Purposes, and in the Construction of all Statutes now in force or hereafter to be made, and containing no special Provision to the contrary, a lawful Division for the holding of Special Sessions; and all Bailiffs, Constables, Tithingmen, Surveyors, Overseers of the Poor, and other Officers, Publicans, Keepers of Taverns, Coffee Houses, and Victualling Houses, and other Persons, shall and they are hereby thenceforward required to give their Attendance to and upon such Justices of the Peace at any Time assembled in such Special Sessions, within the same Division, as fully and effectually as by Law they had been bound to do within any Division reputed or taken before the passing of this Act to be a lawful and accustomed Division of Justices for the Purposes aforesaid.

Justices at Sessions to cause Enquiry into the Extent of Divisions, and alter the same, and affix Names thereto.

VII. Provided always, and be it further enacted, That at the Quarter Sessions next after the laying of any such Statement before the Justices in such Sessions assembled, it shall and may be lawful for such Justices, if they shall deem it expedient and proper, not to proceed to the single Consideration of such Statement, but instead thereof to cause to be made an Enquiry and Examination into the Boundary Lines, Extent, and other local Circumstances of all the existing and accustomed Divisions for the holding of Special Sessions within the Commission of such Justices; and at such or any succeeding Quarter Sessions, to which the Conclusion of such Enquiry and Examination may from time to time be adjourned, by Order of Sessions, to regulate, alter, new model, and subdivide all or any of such Divisions, in such Manner as shall appear to them proper and convenient, particularly specifying in such Order the Names of all such Divisions, whether newly constituted, altered, or unaltered, the several Parishes, Tithings, Townships, and Places to be comprised in each, and affixing or continuing to each the Name of some principal and convenient Parish, Township, or Place within the same.

Clerk of the Peace to publish a Copy of such Order.

VIII. And be it further enacted, That the Clerk of the Peace for any County, Riding, or Division in which such Order shall have been made as last aforesaid, shall forthwith publish a Copy of the same in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall also forthwith transmit, by the Post, a Copy of the same to the Churchwardens and Overseers of the Poor of each Parish within the said County, Riding, or Division, to be by them affixed on the principal Door of the Church of such Parish; and at the Foot of every such Copy so published or transmitted shall add a Notice specifying at what Time such Order will be enrolled as hereinafter provided, and at what Time and in what Manner any Person or Persons, or Body Corporate, aggrieved by such Order, may petition against the same, or any Part thereof, as hereinafter provided.

IX. And

IX. And be it further enacted, That in every such Order, some Time, not earlier than the Fourth Quarter Sessions next after the making thereof, shall be provisionally specified, on which the same shall be enrolled as hereinafter provided, subject to such Alteration as may thereafter be made either in the Particulars of the said Order, or in the Time of its Enrolment; and that at any Court of Quarter Sessions preceding such Time, it shall and may be lawful for any One or more Person or Persons, or Body Corporate, jointly or severally, to present a Petition in Writing to such Court, against all or any Part of such Order, and to produce Witnesses in support of such Petition; and the Justices at such Court assembled shall and they are hereby required to hear and determine, in a summary Way, the Merits of such Petition, and to amend such Order so far as may, upon such Hearing, appear proper and convenient: Provided always, that no such Petition shall be received or examined into, unless after due Proof that a Notice in Writing, specifying the Grounds thereof, which upon the Hearing shall alone be enquired into, hath been served, Ten clear Days before the Commencement of such Sessions, upon One of the Overseers of the Poor, or the Tithingman or Constable, or Two substantial Housekeepers of the Parish, Tithing, Township, or Place respectively, as the Case may be, wherein such Petitioner or Petitioners shall be resident at the Time of presenting such Petition, and also lodged, Twenty clear Days before such Commencement, at the Office of the Clerk of the Peace, who shall and he is hereby required forthwith to transmit a Copy thereof to each of the Justices usually acting within or for the District or Places or Place named in such Notice.

X. And be it further enacted, That so soon as all such Petitions against such Order shall have been determined, and such Amendments made therein as shall have appeared necessary or proper, the Justices at such Quarter Sessions shall cause to be inserted therein some Day not earlier than One Month after such Sessions from which the same shall take effect, and shall cause the same Order to be enrolled, and the same shall remain an Order of Sessions, controlling any Order or Orders of Sessions heretofore made for the separate Constitution of any new Divisions, or the partial Alteration of any accustomed Divisions, under the former Provisions of this Act, and not subject itself to Revocation or Alteration of any kind for the Space of Ten Years thence next ensuing; and during such Ten Years no such Statement shall be received or Proceedings had thereon as above mentioned, but during all that Time, and until further Order of Sessions after the Expiration of that Time, the several Divisions, as limited, modelled, or constituted in and by such Order, shall be and be taken to be, for all the Purposes in this Act mentioned, the lawful Divisions of such County, Riding, or Division, having such separate Commission of the Peace, for the Meetings of Justices in Special Sessions, under any Statute now in force, or hereafter to be made, and containing no special Provision to the contrary; and all Bailiffs, Constables, Tithingmen, Surveyors, Overseers of the Poor, and other Officers, Publicans, Keepers of Taverns, Coffee Houses, and Victualling Houses, and other Persons, shall and they are hereby required thenceforward, during

Order to specify Time when it shall be enrolled.

Parties allowed to petition against such Order.

Order to be enrolled as soon as Petitions against the same have been determined, and shall not be subject to Alteration for 10 Years.

the Time last above limited, to give their Attendance to and upon the Justices of the Peace at any Time assembled in such Special Sessions, within the same Divisions respectively, as fully and effectually as by Law they have been bound to do within any Division reputed and taken before the passing of this Act to be a lawful and accustomed Division for the Meetings of Justices for any of the Purposes aforesaid.

Clerk of Peace
to publish Copy
of Enrolment.

XI. And be it further enacted, That immediately after the Enrolment of such Order, the Clerk of the Peace shall and he is hereby required to cause to be published a Copy of the same in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall also transmit One Copy thereof to each Justice of the Peace dwelling within or usually acting within and for such County, Riding, or Division, having such separate Commission of the Peace.

Proceedings
not to be
quashed for
Want of Form.

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

Not to extend
to Middlesex,
&c.

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

C A P. XLIV.

An Act to provide for the Execution, throughout the United Kingdom, of the several Laws of Excise relating to Licences and Survey on Tea, Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign and Colonial Spirits and Wine, notwithstanding the Transfer to the Customs of the Import Duties on any of such Commodities.

[15th July 1828.]

‘ WHEREAS the Duties of Excise payable in *Great Britain*
‘ and *Ireland* respectively, at and immediately before the
‘ Commencement of the Year One thousand eight hundred and
‘ twenty-five, upon the Importation into *Great Britain* and *Ire-*
‘ *land* respectively of Coffee, Cocoa, Pepper, Tobacco, Snuff,
‘ Foreign and Colonial Spirits and Wine, have been repealed, and
‘ in lieu thereof Duties of Customs have been granted and made
‘ payable on the Importation of such Commodities respectively
‘ into any Part of the United Kingdom: And Whereas Dealers
‘ in and Sellers of Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign
‘ and Colonial Spirits and Wine, and Manufacturers of Tobacco
‘ and Snuff, were subject, under several Acts relating to the
‘ Revenue of Excise in force previous to the granting of the said
‘ Duties of Customs, and previous to the Year One thousand
‘ eight hundred and twenty-five, to the Payment of Duties of
‘ Excise upon Licences, and to the Survey of Officers of Excise,
‘ and to Regulations relating to such Survey, and to the re-
‘ spective Stocks of such Commodities in the Possession of such
‘ Traders, and to the granting of Permits for the Removal of such
‘ Commodities respectively, under and according to the several
‘ Provisions

' Provisions and Regulations, Penalties and Forfeitures contained
 ' in the said several Acts relating thereto respectively: And
 ' Whereas Doubts have arisen how far such Regulations, or the
 ' Jurisdiction and Management, Powers or Authorities of the
 ' Commissioners and Officers of Excise in the Matters aforesaid,
 ' are or may be applicable or remain in force; Be it therefore
 declared and enacted by the King's most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That all Acts relating to the
 Revenue of Excise in force at and immediately before the Year
 One thousand eight hundred and twenty-five, with respect to
 Dealers in and Sellers of Coffee, Cocoa, Pepper, Tobacco, Snuff,
 Foreign and Colonial Spirits and Wine, and Manufacturers of
 Tobacco and Snuff respectively, and with respect to the taking
 and keeping Account of and Survey of all Stocks of such Com-
 modities respectively in the Possession of such Traders respect-
 ively, and to the Manufacture of Tobacco and Snuff, and with
 respect to the granting of Permits for the Removal of such Com-
 modities as aforesaid respectively, have remained and continued,
 and are and shall be and remain and continue in full force and
 virtue, as Laws relating to the Revenue of Excise (save and except
 so far as any of such Act or Acts, or any Part or Parts thereof,
 may have been repealed or altered by any subsequent Act relating
 to the Excise passed for that Purpose), and the said Acts shall
 and may be executed and carried into Effect in all Particulars
 (save and except as to the landing and shipment of the said Com-
 modities respectively, and the Collection and Payment of the
 Duties of Customs on the said respective Commodities, and the
 lodging of such Commodities in Warehouses without Payment of
 Duty,) by the said Commissioners of Excise and their Officers;
 and that all and singular the Powers and Authorities, Rules,
 Regulations, Provisions, and Directions (except as aforesaid) in
 anywise relating to the Licences to be taken out by the Dealers
 in and Sellers of such Commodities respectively, and to the
 Survey by the Excise Officers of such Dealers and Sellers, and
 of their respective Stocks of such Commodities respectively, and
 to the granting of all Permits (except as hereinafter mentioned)
 for the Removal of such Commodities respectively, contained in
 any Act or Acts relating to the said Commodities respectively,
 and the Jurisdiction and Management thereof by the Commis-
 sioners and Officers of Excise, shall and may be possessed, used,
 executed, exercised, and put in force by the said Commissioners
 of Excise and their Officers, to all Intents and Purposes what-
 soever (save and except as aforesaid); any thing in any Act or
 Acts relating to the Duties or Revenue of Customs to the con-
 trary in anywise notwithstanding.

II. And be it further enacted, That all Penalties and For-
 feitures imposed by any Act or Acts relating to the Revenue of
 Customs or Excise respectively, which by Law the Officers of
 Excise are authorized to prosecute, and which the Commissioners
 of Excise shall order to be prosecuted, shall and may be so pro-
 secuted, sued for, recovered, levied, mitigated, and applied, and
 in and by such Ways, Means, and Methods, and in, under, and

Excise Laws in
 force before
 1825, relating
 to Dealers in
 and Manufac-
 turers of certain
 excisable
 Articles, shall
 continue in
 force notwith-
 standing any
 thing in any
 Acts relating to
 the Customs.

All Penalties
 and Forfeitures
 prosecuted by
 Order of Com-
 missioners of
 Excise shall be
 prosecuted and
 recovered
 according to
 8 G. 4. c. 53.

before such Jurisdiction respectively, as Penalties and Forfeitures incurred or forfeited by reason of Offences committed against any Law or Laws of Excise are or may be sued for, recovered, levied, mitigated, and applied by an Act passed in the last Session of Parliament, for consolidating and amending the Laws relating to the Collection and Management of the Revenue of Excise throughout *Great Britain and Ireland*; any thing in any other Act or Acts to the contrary thereof in anywise notwithstanding.

Tea shall not be sent to Ireland without Payment of Duty.

6 G. 4. c. 112.

7 G. 4. c. 48.

Excise Laws of Great Britain relating to Tea, Coffee, Cocoa, Pepper, &c. extended to the United Kingdom.

Coffee not to be subject to Permits.

Act may be amended in the present Session.

III. And be it enacted, That it shall not be lawful to send, remove, or convey any Tea from *Great Britain to Ireland*, nor to deliver any Tea out of any Warehouse in *Great Britain* for the Purpose of being sent, removed, or conveyed to *Ireland*, until the full Duty of Excise on such Tea shall have been paid and satisfied; any thing in an Act made in the Sixth Year of His present Majesty's Reign, intituled *An Act for the warehousing of Goods*, or in an Act made in the Seventh Year of His present Majesty's Reign, intituled *An Act to alter and amend the several Laws relating to the Customs*, or in any other Act or Acts in force immediately before the passing of this Act, to the contrary in anywise notwithstanding.

IV. And be it further enacted, That all and every Act and Acts now in force, or hereby declared to be in force as aforesaid, in *England*, relating to the Revenue of Excise on Tea, and relating to Coffee, Cocoa, Pepper, Foreign and Colonial Spirits and Wine, shall be established, observed, executed, and put in force in and throughout the United Kingdom of *Great Britain and Ireland*, in the same Manner, to all Intents and Purposes whatsoever, as heretofore in *England*; any thing in any Act or Acts to the contrary thereof in anywise notwithstanding.

V. 'And Whereas by reason of the Reduction of the Duties of Importation formerly payable on Coffee and Cocoa, it has become unnecessary to subject the same any longer to Permits;' Be it therefore enacted, That so much of any Act or Acts as relates to the requiring of Permits for the Removal of Coffee or Cocoa shall be and so much of any such Act or Acts as aforesaid is hereby repealed.

VI. 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.

C A P. XLV.

An Act to amend and to make perpetual, and to extend to the whole of the United Kingdom, certain Provisions contained in several Acts for regulating the Rectification, compounding, dealing in, or retailing of Spirits, and for preventing private Distillation in *Scotland*; and to provide for the Payment of the Duty on Malt used in making of Spirits from Malt only. [15th July 1828.]

3 G. 4. c. 52.

' WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to grant certain Duties in Scotland upon Wash and Spirits made from Corn or Grain, and upon Licences for making and keeping of Stills,*

‘ *Stills, and to regulate the Distillation of such Spirits for Home*
 ‘ *Consumption, and for better preventing private Distillation in*
 ‘ *Scotland, until the Tenth Day of November One thousand eight*
 ‘ *hundred and twenty-four : And Whereas by an Act passed in the*
 ‘ *Fourth Year of the Reign of His present Majesty, intituled An* 4 G. 4. c. 94.
 ‘ *Act to grant certain Duties of Excise upon Spirits distilled from*
 ‘ *Corn or Grain in Scotland and Ireland, and upon Licences of*
 ‘ *Stills for making such Spirits, and to provide for the better col-*
 ‘ *lecting and securing such Duties, and for the warehousing of such*
 ‘ *Spirits without Payment of Duty, so much of the said herein-*
 ‘ *before recited Act of the Third Year of His present Majesty’s*
 ‘ *Reign, and of several other Acts recited in the last-mentioned*
 ‘ *Act, as related, amongst other Things, to the making or dist-*
 ‘ *illing of Spirits in Scotland and Ireland, was repealed ; but the*
 ‘ *several Clauses, Rules, Regulations, or Provisions, Fines, Penal-*
 ‘ *ties, or Forfeitures, in the said Acts contained, relating to the*
 ‘ *rectifying and compounding of Spirits, or to the Rectifiers or*
 ‘ *Compounders thereof, in Scotland or Ireland, or relating to*
 ‘ *Dealers in or Retailers of Spirits, were left unrepealed : And*
 ‘ *Whereas an Act was passed in the Sixth Year of the Reign of*
 ‘ *His present Majesty, intituled An Act to repeal the Duties pay-* 6 G. 4. c. 80.
 ‘ *able in respect of Spirits distilled in England, and of Licences*
 ‘ *for distilling, rectifying, or compounding such Spirits, and for the*
 ‘ *Sale of Spirits, and to impose other Duties in lieu thereof, and to*
 ‘ *provide other Regulations for the Collection of the said Duties,*
 ‘ *and for the Sale of Spirits, and for the warehousing of such Spirits,*
 ‘ *without Payment of Duty, for Exportation : And Whereas by*
 ‘ *another Act passed in the Sixth Year of the Reign of His pre-*
 ‘ *sent Majesty, intituled, An Act to repeal several Duties payable* 6 G. 4. c. 81.
 ‘ *on Excise Licences in Great Britain and Ireland, and to impose*
 ‘ *other Duties in lieu thereof, and to amend the Laws for granting*
 ‘ *Excise Licences, all the several Duties then payable on Excise*
 ‘ *Licences were thereby repealed, and other Duties were thereon*
 ‘ *imposed in lieu thereof : And Whereas so much of the said first-*
 ‘ *recited Act of the Third Year of His said Majesty as was not*
 ‘ *repealed as aforesaid has, by Two Acts passed in the Fifth and*
 ‘ *Seventh Years of His Majesty, been further continued and*
 ‘ *remains in force until the Fifth Day of July One thousand eight*
 ‘ *hundred and twenty-eight : And Whereas it is expedient that*
 ‘ *so much of the first-recited Act of the Sixth Year aforesaid, and*
 ‘ *the several Regulations, Provisions, Penalties, and Forfeitures*
 ‘ *therein contained, as respect or relate to the Rectification and*
 ‘ *compounding of Spirits, and to the Rectifiers and Compounders*
 ‘ *of and Dealers in and Retailers of Spirits, should be extended*
 ‘ *to Scotland and Ireland, and to establish the same in and*
 ‘ *throughout the United Kingdom ; and that the hereinbefore*
 ‘ *recited Act of the Third Year aforesaid, so far as the same re-*
 ‘ *mains in force, should be continued for a limited Time ; and*
 ‘ *that so much of the several Enactments and Provisions of the*
 ‘ *said Act of the said Third Year as relate to the Prevention*
 ‘ *of private Distillation in Scotland should be made perpetual ;*
 ‘ *and that so much of the said several Enactments and Provi-*
 ‘ *sions of the said Act as relate to the Rectification and com-*
 ‘ *pounding of Spirits, and to the Rectifiers and Compounders of*
 ‘ *Spirits,*

After 10th Oct. 1828, so much of recited Act 6 G. 4. c. 80. as relates to Rectifiers and Dealers, &c. in Spirits, extended to Scotland and Ireland.

† *Sic.*

So much of 3 G. 4. c. 52. as is in force continued until 10th Oct. 1828; after that Day the Regulations respecting private Distillation in Scotland made perpetual; and so much as relates to Rectifiers, &c. as is not repugnant to 6 G. 4. c. 80. made perpetual, and extended throughout the United Kingdom.

‘Spirits, as are hereinafter mentioned, should also be made perpetual, and should be extended to the whole of the United Kingdom:’ 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 twenty-eight, so much and such Part of the said hereinbefore recited Act of the Sixth Year aforesaid, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in England, and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits, without Payment of Duty, of † Exportation*, and of the several Enactments, Regulations, Provisions, Penalties, and Forfeitures in the said Act contained, as are in force in respect of or in relation to the Rectification and compounding of Spirits, and to the Rectifiers and Compounders of, and to the Dealers in and Retailers of Spirits, except as to the Amount of Licence Duties payable by such Traders respectively, shall extend and be applied to, and shall be established, observed, executed, and put in force in and throughout *Scotland and Ireland* respectively, and in and throughout the United Kingdom of *Great Britain and Ireland*, in such and the like Manner to all Intents and Purposes as if the said recited Act had in such respects been originally extended to the whole of the United Kingdom; any thing in the said Act, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding.

II. And be it further enacted, That so much of the hereinbefore recited Act of the Third Year of His Majesty as shall be in force at the Time of the passing of this Act shall be and the same is hereby continued and shall be and remain in full Force until the Tenth Day of *October* One thousand eight hundred and twenty-eight; and that from and after the said Tenth Day of *October* One thousand eight hundred and twenty-eight, so much of the said Act of the said Third Year, and the several Regulations, Provisions, Penalties, and Forfeitures therein contained, as relate to the Prevention of private Distillation in *Scotland*, shall be and the same is and are hereby made perpetual; and that so much of the said Act as shall be in force as aforesaid, relating to the rectifying and compounding, and to the Rectifiers and Compounders of Spirits, not inconsistent with or repugnant to any of the Provisions of the said first-recited Act of the Sixth Year aforesaid, shall be and the same is and are hereby made perpetual, and shall be and the same are hereby extended and applied to, and shall be established, observed, executed, and put in force in and throughout *England and Ireland*, and in and throughout the United Kingdom of *Great Britain and Ireland*, in the same Manner to all Intents and Purposes as if the said Act of the said Third Year had in such respects been originally extended to the whole of the United Kingdom; any thing in the said Act, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding.

III. And be it further enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and twenty-eight, so much and such Parts only of any Act or Acts in force in *Scotland* and *Ireland* respectively, as relate to the Rectification or compounding of Spirits, and to the Rectifiers and Compounders of and Dealers in and Retailers of Spirits, and to the several Matters and Things expressly provided for by the said Acts of the Sixth Year and Third Year aforesaid, hereby extended to and established in and throughout the United Kingdom as aforesaid, and as are inconsistent with or repugnant thereto, but not otherwise, shall be and are hereby repealed, save and except so far as the said Acts or any of them repeal or repeals any former Act, or any Part or Parts of any former Act, and except also so far as the said Acts or any of them relate or relates to the charging, recovering, suing for, levying, paying, accounting for, allowing, or mitigating of any Duty, or any Arrear or Part thereof, or of any Penalty or Forfeiture for any Offence against the said Acts repealed, or any of them, which shall have been or shall be committed on or before the said Tenth Day of *October* aforesaid, all which Suits or other Proceedings, Matters, or Things, shall or may be had or proceeded on, and shall remain and be to all Intents and Purposes whatsoever, as if the said Acts had not been repealed in manner aforesaid: Provided always, that nothing herein contained shall extend or be construed to extend in any Manner to alter or affect an Act passed in the last Session of Parliament, for consolidating and amending the Laws relating to the Collection and Management of the Revenue of Excise throughout *Great Britain* and *Ireland*.

IV. ' And Whereas by an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in Ireland, and to the Allowance in respect of the Malt Duty on Spirits made in Scotland and Ireland from Malt only*, it is enacted, that every Maltster or Maker of Malt shall, within the Space of Fourteen Days next after he or she shall have or ought to have made such Entry as in the said recited Act is mentioned, pay and clear off all the Duties which shall have been charged upon and which shall remain unpaid by such Maltster or Maker of Malt, for or in respect of any Malt by him or her made, unless such Maltster or Maker of Malt shall have given Bond as in the said recited Act is mentioned: And Whereas it is expedient to amend the said Act as hereinafter mentioned; Be it enacted, That from and after the passing of this Act all Duty charged upon or in respect of any Malt which shall be made to be used and consumed only by Distillers or Makers of Low Wines or Spirits, in *Scotland* or *Ireland*, in distilling Low Wines or Spirits made from Malt only, shall be paid and cleared off by the Maltster or Maker of such Malt within the Space of Fourteen Days next after such Maltster or Maker of Malt shall have or ought to have made such Entry as in the said recited Act is mentioned, whether any Bond or Security for the Payment of such Duties by such Maltster or Maker of Malt shall or shall not have been given, pursuant to the said recited Act, on pain that every such Maltster

After 10th Oct. 1828, so much of former Acts relating to Rectifiers and Dealers, &c. in *Scotland* and *Ireland* as are expressly provided for by 6 G. 4. c. 80. and 3 G. 4. c. 52. repealed.

Not to alter or affect 7 & 8 G. 4. c. 53.

Duty on Malt to be paid within Fourteen Days after Entry made.

or Maker of Malt shall forfeit double the Amount or Sum of such Duties so neglected or refused to be paid within the said Space of Fourteen Days; any thing in the said recited Act to the contrary in anywise notwithstanding.

Act may be altered this Session.

V. 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.

C A P. XLVI.

An Act to enable certain Hotel Keepers to be licensed to keep Hotels as common Inns, Alehouses, and Victualling Houses, and to sell therein Beer and other Exciseable Liquors, for the Residue of the present Year.

[15th July 1828.]

35 G.S. c. 113.
s. 1.

‘ WHEREAS by an Act passed in the Thirty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more effectual Prevention of selling of Ale and other Liquors by Persons not duly licensed*, it is enacted, that from and after the Twentieth Day of September One thousand seven hundred and ninety-five, if any Person shall sell Ale or Beer, or any other exciseable Liquors, by Retail, or shall permit or suffer any Ale or Beer, or any other exciseable Liquors, to be sold by Retail in his, her, or their House, Out-house, or Yard, Garden, Orchard, or other Place, in that Part of Great Britain called England, the Dominion of Wales, and Town of Berwick-upon-Tweed, without being duly licensed so to do, and shall thereof be duly convicted, every such Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Pounds, and also the Costs and Expences attending the Conviction, to be levied and recovered as therein is directed; and on and after a Second Conviction for the like Offence, shall also be rendered incapable of being thereafter licensed to keep an Alehouse, or to sell Ale or Beer, or other exciseable Liquors, by Retail; and several Provisions are also contained in the said Act for the Recovery and Appropriation of the said Penalty: And Whereas certain Persons, being the Keepers of Hotels for the temporary Residence of Guests, and not being licensed to keep a common Inn, Alehouse, or Victualling House, have, by supplying such Guests with Beer, or other exciseable Liquors, for their daily Consumption, inadvertently incurred the aforesaid Penalty and Disability; 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 every such Person, so being the Keeper of any Hotel for the temporary Residence of Guests, who at any Time before the passing of this Act, by selling to and supplying any Guests in such Hotel with any Beer or other exciseable Liquor, without being licensed to keep a common Inn, Alehouse, or Victualling House, shall have thereby incurred the Penalty and Disability aforesaid, shall, on taking out such Licences as hereinafter mentioned, be altogether freed, acquitted, and discharged of and from every such Penalty and Disability,

Keepers of Hotels, who without Licence have sold Exciseable Liquors to their Guests before the passing of this Act, discharged from the Penalty.

and

and all Proceedings for the Recovery thereof shall be null and void; the said recited Act or any other Act or Acts to the contrary thereof notwithstanding.

II. ' And Whereas the Days and Times appointed by Law for Justices to grant Licences to keep common Inns, Alehouses, or Victualling Houses, for the present Year, are now past, and it is expedient to make special Provision for granting such Licences to the Keepers of such Hotels as aforesaid for the Residue of the present Year; Be it therefore enacted, That it shall be lawful for any Two or more Justices of the Peace or Magistrates, if they shall so think fit, of any County, City, Borough, Town, or Place in *Great Britain*, to grant their Authority or Licence to any Person keeping and using, and who shall have kept and used any such Hotel as aforesaid, at and from the First Day of *January* One thousand eight hundred and twenty-eight, or at any Time between that Day and the passing of this Act, to keep such Hotel as a common Inn, Alehouse, or Victualling House for the Remainder of the present Year for granting such Licences, and until the Time when the General Licences for that Purpose are according to Law in due Course renewable; provided the Hotel in respect of which such Authority or Licence as herein mentioned shall be applied for shall have been kept and used as such Hotel, either by the Person or Persons who at the Time of applying for such Authority or Licence shall so keep and use the same, or by his, her, or their Predecessor or Predecessors therein, on and continually from the First Day of *January* One thousand eight hundred and twenty-eight until the passing of this Act; and it shall be lawful for the Commissioners and Assistant Commissioners, Collectors, and Supervisors of Excise to grant to every such Person, so authorized and licensed by any Two Justices as aforesaid, a Licence or Licences to sell Beer by Retail, or Cider or Perry, or other exciseable Liquors, to be drunk or consumed in the Hotel for which such Licence or Authority shall have been granted, in the same Manner as if such Hotel had been licensed by the Justices for that Purpose under and according to the Acts of Parliament in force at and immediately before the passing of this Act; any thing in the said Acts, or any of them, to the contrary thereof notwithstanding: Provided always, that every Person to whom such Authority or Licence shall be so granted by Two Justices as aforesaid, shall in all other respects whatsoever be subject and liable to the Rules and Regulations, Penalties and Forfeitures, and shall do and perform all Things whatsoever, which the Persons licensed or applying to be licensed by the Justices to keep a common Inn, Alehouse, or Victualling House shall by any such Act or Acts as aforesaid be required to do, or to which such Persons are made subject.

Two Justices may grant a Licence to keep such Hotel as a common Inn, Alehouse, or Victualling House for the Residue of the present Year.

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

Act may be amended this Session.

C A P. XLVII.

An Act for regulating the Retail of exciseable Articles and Commodities to Passengers on board of Passage Vessels from one Part to another of the United Kingdom.

[15th July 1828.]

WHEREAS many Packets, Boats, and other Vessels are employed for the Carriage and Conveyance of Passengers from one Part of the United Kingdom to another Part thereof, and it would greatly tend to the Convenience and Accommodation of such Passengers, if the Master or Commander or other Person of or belonging to such Vessels were by Law authorized to provide for and to retail and sell to such Passengers Foreign Wine, Strong Beer, Cyder, Perry, Spirituous Liquors, and Tobacco, to be consumed by such Passengers in and on board of such Vessels during the Voyage: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of July One thousand eight hundred and twenty-eight it shall be lawful for the Commissioners of Excise in *England*, and for the Commissioner or Commissioners and Assistant Commissioners of Excise in *Scotland* and *Ireland* respectively, at any Time to grant a Licence to any Master or Commander of any Packet, Boat, or other Vessel employed for the Carriage and Conveyance of Passengers from one Part of the United Kingdom to another or other Parts thereof, or to any other Person belonging to any such Packet, Boat, or Vessel, who shall be nominated and approved of by the Owner or Owners, or Director or Directors thereof, residing in *England*, *Scotland*, or *Ireland* respectively, such Nomination and Approval being signified by their writing and subscribing a Certificate or Declaration, to be delivered by them to the Commissioners or Assistant Commissioners of Excise of that Part of the United Kingdom in which the Owner or Owners, Director or Directors, reside, or to such Person as such Commissioners in *England*, or such Commissioner or Commissioners and Assistant Commissioners in *Scotland* and *Ireland* respectively, shall respectively appoint for that Purpose, to provide for and to supply, retail, and sell to the Passengers on board such Vessel, to be consumed by them in and on board thereof during the Voyage on which such Passengers shall be then carried and conveyed, Foreign Wine, Strong Beer, Cyder, Perry, Spirituous Liquors, and Tobacco; and that such Licence shall continue in force until the Fifth Day of July next ensuing the Date thereof; and such Licence shall be transferrable, by an Indorsement thereon of such Transfer, subscribed by the Person to whom and in whose Name the same shall have been granted, his Executors or Administrators, or by any Assignee thereof, his Executors or Administrators, to any other Master or Commander, or any other Person of or belonging to the said Vessel, or in case of the Loss or breaking up of any such Vessel before the Expiration of any such Licence, to the Master, Commander, or any other Person

Commander, &c. of Vessels and Packets carrying Passengers from one Part of the United Kingdom to another, may be licensed by the Commissioners of Excise to retail Wine, Beer, Tobacco, &c. on board such Vessels.

Licences to be transferrable;

of

of or belonging to any other Vessel of the same Owner or Owners, or Company or Companies, substituted in lieu of the said Vessel in respect of which such Licence was granted, and nominated and approved of by the Owner or Owners of such Vessels, or the Director or Directors of such Company or Companies, such Nomination, Approval, and Transfer being signified by the Subscription of such Owner or Owners as aforesaid, or their Executors, Administrators, or Assigns, or of such Director or Directors, to such Indorsement; and that every such Licence shall from Year to Year be renewed before the Expiration of the Licence granted for the preceding Year, and shall fully authorize and empower the Person therein named, or his Assignee, to supply, retail, and sell Foreign Wine, Beer, Cyder, Perry, Spirituous Liquors, and Tobacco, or any of them, to be consumed in and on board of such Vessel by the Passengers thereof, during any Voyage on which such Passengers shall be carried and conveyed while such Licence shall continue in Force; any thing in any Act or Acts in force immediately before the passing of this Act to the contrary notwithstanding.

and to be renewed yearly.

II. And be it further enacted, That at the Time of granting such Licence as aforesaid the Owner or Owners, or Director or Directors of such Packet, Boat, or other Vessel in respect of which such Licence is applied for as aforesaid, shall pay or cause to be paid to the Commissioners of Excise in *England*, or Commissioner or Commissioners and Assistant Commissioners of Excise in *Scotland* or *Ireland*, to whom such Application shall be made, according to the Residence of such Owner or Owners, or Director or Directors as aforesaid, or to the Collector of Excise or other Person appointed as aforesaid to grant the same, a Duty of One Pound.

Duty on Licence.

III. And be it further enacted, That if any Person shall retail or sell, on board any Packet, Boat, or other Vessel employed for the Carriage or Conveyance of Passengers from one Part of the United Kingdom to another Part thereof, any Foreign Wine, Strong Beer, Cyder, Perry, Spirituous Liquors, or Tobacco, without having taken out such Licence as is by this Act required, every such Person shall for every such Offence incur and be liable to a Penalty of Ten Pounds.

Penalty for selling Wines, &c. without a Licence, 10*l*.

IV. And be it further enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Excise.

Duties to be under the Excise.

V. And be it further enacted, That all the Monies arising by the Duties by this Act imposed (the Charges for raising and accounting for the same excepted) shall from time to time be paid and carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in like Manner with other Duties of Excise arising from Licences.

Monies arising by Duties to be carried to the Consolidated Fund.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal any Regulation, Penalty, or Forfeiture contained in or imposed by any Law or Laws in force at the Time of passing this Act, for or in respect of any Person carrying, removing, hiding, concealing, or landing any Spirits, or any other Goods or Commodities, on which the Duties of Excise chargeable and payable thereon have not been fully paid, or for or in respect of any Vessel used or employed

Not to affect any Regulations or Penalties respecting Smuggling.

employed for that Purpose; but that all such Regulations, Penalties, and Forfeitures shall remain in full force and virtue, this Act, or any Licence granted by Authority thereof, in anywise notwithstanding.

This Act may be amended this Session.

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

C A P. XLVIII.

An Act to repeal the Excise Duties and Drawbacks on Plate Glass, Broad Glass, Crown Glass, Bottle Glass, and Glass Bottles, payable in *Great Britain* and *Ireland* respectively, and to impose other Duties and to grant other Drawbacks in lieu thereof, throughout the United Kingdom; and to make perpetual, and to extend to the United Kingdom, several Acts relating to certain Duties on Glass.

[15th July 1828.]

‘ WHEREAS it is expedient that equal Duties of Excise should be imposed and made payable in and throughout the United Kingdom of *Great Britain* and *Ireland*, upon Plate Glass, Broad Glass, Crown Glass, and Bottle Glass, and on the Materials, Metal, or other Preparations whatsoever used in making such Glass respectively; and that the Manufacture of the said Articles respectively, and the levying and collecting of the said Duties, and the making and paying of all Allowances and Drawbacks in respect thereof, should be conducted and carried on, in every Part of the United Kingdom, under and subject to the same Laws, Regulations, and Provisions: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of July One thousand eight hundred and twenty-eight, the several Duties of Excise payable, in *Great Britain*, upon or in respect of Plate Glass, Broad Glass, Crown Glass, and Bottle Glass, and on the Materials, Metal, or other Preparations whatever, used in making such Glass respectively, and the Duty on Glass Bottles made in *Ireland*, and the several Countervailing Duties on any such Glass or Glass Bottles made in *Ireland*, and imported into *Great Britain*, and the several Drawbacks payable in *Great Britain* or *Ireland* respectively on the Exportation of any such Glass or Bottles, under any Act or Acts in force in *Great Britain* and *Ireland* respectively immediately before the passing of this Act, shall cease and determine, and shall be no longer paid and payable, and shall be and the same are hereby repealed; except so far as relates to any Arrears of any Duties chargeable on any such Glass or Bottles, in *Great Britain* or *Ireland*, at any Time on or before the said Fifth Day of July One thousand eight hundred and twenty-eight; and except so far as relates to any Drawbacks which may be or become payable, in respect of the said Duties, on the Exportation of any such Glass or Bottles; and except so far as relates to the Countervailing Duties on any such Glass or Bottles which

From 5th July 1828, existing Excise Duties and Countervailing Duties and Drawbacks in *Great Britain* and *Ireland* respectively, on Plate Glass, Broad Glass, Crown Glass, Bottle Glass, and Glass Bottles, repealed; except as to Arrears.

which shall have been made in *Ireland* at any Time on or before the said Fifth Day of *July* One thousand eight hundred and twenty-eight, and which shall be sent from *Ireland* into *Great Britain* at any Time after the said Day.

II. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty-eight, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, the several Duties, and there shall be allowed and paid the several Drawbacks, specified and set forth in the Schedule or Table to this Act annexed; and the said Schedule shall be taken as Part of this Act.

III. And be it further enacted, That the Duties and Drawbacks by this Act imposed and granted and made payable shall be respectively raised, levied, collected, paid, recovered, adjudged, mitigated, and allowed, throughout the United Kingdom of *Great Britain* and *Ireland*, in such and the like Manner, and in and by any or either of the general or special Means, Ways, or Methods, by which the former Duties and Drawbacks of Excise respectively hereby repealed were or might have been raised, levied, collected, paid, recovered, adjudged, mitigated, or allowed in *Great Britain*; except so far as such general or special Means, Ways, or Methods were amended or altered or repealed by an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*; and the Goods, Wares, Merchandize, or Commodities so by this Act respectively made liable to the Payment of or chargeable with the Duties or entitled to the Drawbacks of Excise granted and made payable by this Act, shall be and the same are hereby made subject to all and every the Conditions, Regulations, Restrictions, and Forfeitures to which Goods, Wares, Merchandize, or Commodities in general are subject, and also to all and every the special Conditions, Regulations, Restrictions, and Forfeitures respectively to which the like Goods, Wares, Merchandize, or Commodities were subject and liable by any Act or Acts of Parliament in force on or immediately before the said Fifth Day of *July* One thousand eight hundred and twenty-eight, relating to the Duties and Drawbacks of Excise in *Great Britain*; and all and every the Penalties and Forfeitures, of any Nature or Kind whatsoever, for any Offence whatever committed against or in breach of any Act or Acts of Parliament in force on or immediately before the said Fifth Day of *July* One thousand eight hundred and twenty-eight, made for securing the Revenue of Excise in *Great Britain* or *Ireland*, or for the Regulation and Improvement thereof, and all and every the several Clauses, Powers, and Directions therein contained, in force immediately before the passing of this Act, shall and are hereby declared to extend to, and shall be respectively applied, practised, and put in execution in and throughout the United Kingdom, for and in respect of the Duties and Drawbacks of Excise by this Act granted and made payable, in as full and ample a Manner, to all Intents and Purposes whatsoever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Penalties, and Forfeitures were particularly repeated and re-enacted in the Body of this Act.

From 5th July 1828, the Duties and Drawbacks specified in the Schedule shall be levied and allowed.

Duties and Drawbacks shall be levied and allowed as former Duties and Drawbacks in *Great Britain*, and the Goods shall be liable to the same Regulations as the like Articles are subject to.

Regulations of former Acts in force in Great Britain for the Collection of the Duties extended to the United Kingdom

IV. And be it further enacted, That all the Powers, Authorities, Directions, Regulations, Penalties, Forfeitures, Provisions, Clauses, Methods, Matters, and Things which in and by any Act or Acts in force in *Great Britain* immediately before the passing of this Act, relating to the Duties on Plate Glass, Broad Glass, Crown Glass, and Bottle Glass respectively, or on the Materials or other Preparations whatever used in making such Glass respectively, or to the paying or allowing of any Drawback on the Exportation of Plate Glass, Broad Glass, Crown Glass, Bottle Glass, and Glass Bottles, or any of them, are contained, provided, settled, or established for managing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing Duties, or for paying or allowing Drawbacks of the Duties, on such Glass, and for preventing, detecting, and punishing Frauds relating thereto, shall be and continue in full Force and Effect, and shall be observed, practised, applied, used, and put in execution in and throughout the whole of the United Kingdom of *Great Britain* and *Ireland*, with respect to the Duties and Drawbacks granted and made payable by this Act, as fully and effectually, to all Intents and Purposes, as if the said Powers, Authorities, Directions, Regulations, Penalties, Forfeitures, Provisions, Clauses, Matters, and Things were expressly inserted and re-enacted in this present Act.

V. ' And Whereas an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled '*An Act for repealing the Duties on the Materials used in making Spread Window Glass and Crown Glass, and for granting other Duties in lieu thereof, and for the better Collection of the said Duties* : And Whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty, for repealing the Duty on the Materials used in making Flint and Phial Glass, and for granting other Duties in lieu thereof, and for continuing and amending the said recited Act of the Forty-ninth Year aforesaid ; and the said several Acts are in force until the Tenth Day of *October* One thousand eight hundred and thirty: And Whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, for repealing the Excise Duties and Drawbacks on Flint Glass in *Great Britain*, and imposing other Duties and another Drawback in lieu thereof, throughout the United Kingdom: Be it enacted, That the said recited Act of the Forty-ninth Year of His said late Majesty, as altered by the said recited Act of the Fifty-first Year, and the said Act of the Fifty-first Year, except so far as it is altered or repealed by the said Act of the Sixth Year of His present Majesty, shall be and the said several Acts are hereby made perpetual, and shall extend to and be applied and put in execution in and throughout the whole of the United Kingdom of *Great Britain* and *Ireland*.

VI. And be it further enacted, That so much of an Act passed in the Parliament of *Ireland* in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, amongst other Things, for securing the Collection of the Duties on Glass Bottles made in *Ireland*, and which said Act was made perpetual by an Act passed in the Parliament of the United Kingdom in the Forty-eighth Year of the Reign of His said late Majesty; and also so much

The Act
49 G. 3. c. 63.
as amended by
51 G. 3. c. 69.,
and that Act as
amended by
6 G. 4. c. 117.
made perpetual,
and extended
to the United
Kingdom.

6 G. 4. c. 117.

The Act
38 G. 3. c. 24.
(I.) and other
Acts relating to
Glass Bottles
in *Ireland*, re-
pealed.

much of an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, for making Provision for the issuing of Licences to Persons dealing in or manufacturing certain exciseable Commodities in *Ireland*, as relates to the Duties on Glass Bottles, or to the Makers of Glass Bottles, in *Ireland*; and also so much and such Part of any other Act or Acts in force in *Ireland*, as relates to the said Duties or to the Makers of Glass Bottles in *Ireland*; from and after the Fifth Day of *July* One thousand eight hundred and twenty-eight, shall be and the same are hereby repealed, save and except as to the Recovery of any Duty, Penalty, or Forfeiture upon or before that Day incurred.

VII. 'And Whereas no Excise Duty upon Plate Glass, Broad Glass, and Crown Glass has been payable in *Ireland*, under any Act in force immediately before the passing of this Act; but a Drawback has been payable in *Great Britain* upon Plate Glass, Broad Glass, and Crown Glass made in *Great Britain* and sent to *Ireland*; for the preventing therefore of any Evasion of Payment of the Duty on any such Glass sent to *Great Britain*, or any undue Claim of Drawback in respect of any such Glass exported from *Ireland* to Foreign Parts, on which Duty shall not have been paid,' Be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty-eight, every Person shipping or intending to ship, or being about to ship, in *Ireland*, any Plate Glass, Broad Glass, or Crown Glass, for Exportation on Drawback, or for the Removal thereof to *Great Britain*, shall give Twenty-four Hours Notice of such Intention, and of the Place of shipping, to the nearest Collector or Officer of Excise; and such Collector and Officer respectively is and are hereby authorized and required thereupon to attend, and to cause all such Plate Glass, Broad Glass, and Crown Glass respectively, to be weighed and measured; and in case such Plate Glass, Broad Glass, or Crown Glass has not been charged with the respective Duties under the Provisions of this Act, and is about to be removed to *Great Britain*, it shall be lawful for such Collector or Officer, and he is hereby authorized and required, to charge all such Glass with Duty at and after the respective Rates of Duty made payable by this Act on such Sort or Kind of Glass respectively; and upon Payment of such Duty it shall be lawful for such Collector or Officer, and he is hereby required, to grant a Certificate of the Payment of such Duty, to accompany such Glass upon such Removal, and to be produced at the Port of Entry in *Great Britain*; and in case any such Glass which shall have been duly charged with the respective Duties payable by this Act shall be entered for Exportation to Foreign Parts, upon Drawback, or to be sent and removed to *Great Britain*, it shall be lawful for such Collector or Officer, upon Proof that such Duties have been paid, or have been charged and duly secured to be paid, and he is hereby authorized and required, to grant a Certificate of the Payment of such Duty, or a Certificate that such Duty has been charged and is duly secured to be paid, to accompany such Glass upon such Exportation to Foreign Parts, or such Removal to *Great Britain*, and to be there produced as aforesaid; and if at any Time after the said Fifth Day of *July* One thousand eight hundred and twenty-eight, any Person or

Plate Glass, Broad Glass, and Crown Glass, exported from *Ireland* to Foreign Parts on Drawback, or brought from *Ireland* into *Great Britain*, shall be accompanied with Certificate of the Payment of the Duty under this Act.

Penalty on exporting without such Persons

Certificate,
500l.

Persons shall export or enter for Exportation from *Ireland*, upon Drawback, or shall remove or send from *Ireland* to be brought into *Great Britain*, or shall bring into *Great Britain*, any Plate Glass, Broad Glass, or Crown Glass, unaccompanied by such Certificate, containing such Particulars as aforesaid; or if any Person or Persons shall refuse to produce such Certificate at the Port of Entry in *Great Britain*, or shall forge or counterfeit any Certificate required by this Act, or shall make use of or deliver any false or untrue Certificate as and for a Certificate required by this Act; all such Glass respectively shall be forfeited, and shall and may be seized by any Officer or Officers of Excise; and the Person or Persons so offending shall forfeit the Sum of Five hundred Pounds: Provided always, that if any Plate Glass, Broad Glass, or Crown Glass, which shall have been previously sent to *Ireland* from *Great Britain*, on Drawback, shall at any Time afterwards be sent or removed to *Great Britain*, the Rate of Duty to be charged thereon as aforesaid shall be equal and according to the Rate of Drawback now payable thereon respectively when exported to Foreign Parts.

Proviso as to
Glass sent to
Ireland from
Great Britain
on Drawback.

No Drawback
allowed on
Export to
Jersey, &c.
unless expressly
mentioned.

VIII. And be it further enacted, That where by the Schedule to this Act annexed any Drawback is allowed or made payable on any Sort of Glass exported, such Drawback shall not be allowed or paid or given on any Glass exported to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or any of them, except in Cases where the Names of the said Islands are expressly respectively mentioned or set forth, nor on any Glass exported to any of the said Islands, the Name of which shall not be expressly mentioned and set forth.

Act may be
altered in the
present Session.

IX. 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 to which this Act refers.

DUTIES.		£ s. d.
For every Hundred Weight of the Materials or Metal or other Preparations whatever, by what Name soever the same are or may be called or known, which shall be made use of in any Part of the United Kingdom in the making of Plate Glass in Plates or Sheets, not being of less Thickness throughout than One Eighth Part of an Inch, or of greater Thickness throughout than Five Eighth Parts of an Inch, and made for the Purpose of being ground and polished as Plate Glass	-	3 0 0
And so in proportion for any greater or less Quantity.		
For every Hundred Weight of the Materials or Metal or other Preparations whatever, by what Name soever the same are or may be called or known, which shall be made use of in any Part of the United Kingdom in the making of Plate Glass, other than in such Plates or Sheets as aforesaid	-	4 18 0
And so in proportion for any greater or less Quantity.		
For every Hundred Weight of Spread Window Glass, commonly called or known by the Name of Broad Glass, which shall be made in any Part of the United Kingdom	-	1 10 0
And so in proportion for any greater or less Quantity.		

<p>For every Hundred Weight of all other Window Glass, not being Spread Glass, whether flashed or otherwise manufactured, and commonly called or known by the Name of Crown Glass or German Sheet Glass, which shall be made in any Part of the United Kingdom - - - - -</p>	<p>£ s. d. 3 13 6</p>
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And so in proportion for any greater or less Quantity.

<p>For every Hundred Weight of Materials or Metal or other Preparations whatever, by what Name soever the same are or may be called or known, which shall be made use of in any Part of the United Kingdom in making common Bottles (the same not being Phials), and in the making of Vessels made use of in Chemical Laboratories, and of Garden Glasses, and of all other Vessels or Utensils made of common Bottle Metal - - - - -</p>	<p>0 7 0</p>
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And so in proportion for any greater or less Quantity.

DRAWBACKS.

<p>For every Square Foot, superficial Measure, of Ground or Polished Plate Glass made in any Part of the United Kingdom from Materials or Metal or other Preparations for or upon which the Duties payable for or in respect of Plate Glass shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, in rectangular Plates of the Size of Six Inches in Length by Four Inches in Breadth at the least, and of the Thickness throughout of One Eighth Part of an Inch at the least, and which shall be free from Stains, and of good and fair Quality, and fit for immediate Use as ground and polished Plate Glass - - - - -</p>	<p>0 2 9</p>
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And so in proportion for any greater or less Quantity.

<p>For every Hundred Weight of unground and unpolished Plate Glass made in any Part of the United Kingdom from Materials or Metal or other Preparations for or upon which the Duties payable for or in respect of Plate Glass shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of <i>Jersey, Guernsey, Alderney, or Sark</i>, in rectangular Plates of the Size of Six Inches in Length by Four Inches in Breadth at the least, and of the Thickness throughout of not less than Two Eighth Parts of an Inch, and of not more than Five Eighth Parts of an Inch, and which shall be of good and fair Quality - - - - -</p>	<p>3 0 0</p>
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And so in proportion for any greater or less Quantity.

<p>For every Hundred Weight of Window Glass, not being Spread Glass, whether flashed or otherwise manufactured, and commonly called or known by the Name of Crown Glass or German Sheet Glass, made in any Part of the United Kingdom, for which the Duties shall have been paid, which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of <i>Jersey, Guernsey, Alderney, or Sark</i>, in Whole Tables, or Half Tables, or Quarter Tables, and so in proportion for any greater or less Quantity than a Hundred Weight of such Whole Tables, Half Tables, or Quarter Tables, calculating the Drawback upon the Weight of the whole Table exported, although the same may be cut into Half or Quarter Tables for the Convenience of Exportation - - - - -</p>	<p>3 13 6</p>
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	£	s.	d.
For every Hundred Weight of Panes of Window Glass, not being Spread Glass, whether flashed or otherwise manufactured, and commonly called or known by the Name of Crown Glass or German Sheet Glass, made in any Part of the United Kingdom, for which the respective Duties shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, such Panes being in regular rectangular Figures, not being of less Dimensions than Six Inches in Length by Four Inches in Breadth, nor containing any Part of the Bullion or thick centre Part of the Table from which any such Panes shall have been cut	4	18	0
And so in proportion for any greater or less Quantity than a Hundred Weight of such Panes.			
For every Hundred Weight of Spread Window Glass, commonly called or known by the Name of Broad Glass, made in any Part of the United Kingdom, for which the Duties shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of <i>Jersey, Guernsey, Alderney, or Sark</i>	1	10	0
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of common Bottles (not being Phials), and of Vessels made use of in Chemical Laboratories, and of Garden Glasses, and of all other Vessels or Utensils of common Bottle Metal, made in any Part of the United Kingdom from Materials or Metal or other Preparations for which the Duties shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of <i>Jersey, Guernsey, Alderney, or Sark</i>	0	7	0
And so in proportion for any greater or less Quantity.			

C A P. XLIX.

An Act to amend the Laws in force relating to the Stamp Duties on Sea Insurances, on Articles of Clerkship, on Certificates of Writers to the Signet, and of Conveyancers and others, on Licences to Dealers in Gold and Silver Plate, and Pawnbrokers, on Drafts on Bankers, and on Licences for Stage Coaches in *Great Britain*; and on Receipts in *Ireland*.
 [15th July 1828.]

WHEREAS it is expedient to amend the Laws in force relating to the Stamp Duties in certain Particulars; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Commissioners of Stamps, or any of their Officers (whenever they shall be thereto required), to stamp with any additional Stamp or Stamps any Vellum, Parchment, or Paper which may have been previously stamped, upon which any Policy of Insurance, commonly called a Mutual Insurance, may have been ingrossed, printed, or written, whereby divers

Policies of Mutual Insurance at Sea may be stamped with additional Stamps, if not underwritten to an Amount

divers Persons insure or agree to insure one another, without any Premium or pecuniary Consideration, from any Loss, Damage, or Misfortune that may happen to any Ship or Vessel, or any Goods, Merchandize, or other Property on board of any Ship or Vessel, or the Freight of any Ship or Vessel, or any other Interest in or relating to any Ship or Vessel which may lawfully be insured, although such Policy may have been previously signed or underwritten by any Person or Number of Persons; any thing in an Act made in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting to His Majesty certain Stamp Duties on Sea Insurances*, to the contrary in anywise notwithstanding: Provided always, that at the Time when any such additional Stamp or Stamps shall be required, such Policy shall not have been signed or underwritten to an Amount exceeding the Sum or Sums which the Stamp or Stamps previously impressed thereon will warrant.

exceeding the Sum warranted by the former Stamps.

35 G. 3. c. 66.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of Stamps, or any of their Officers, at any Time before the last Day of *Hilary* Term One thousand eight hundred and twenty-nine, to stamp any Vellum, Parchment, or Paper upon which shall be ingrossed, written, or printed any Articles of Clerkship, Contract, Indenture, or other Instrument, whereby any Person, at any Time before the Twenty-second Day of *June* One thousand eight hundred and twenty-five, became bound to serve as a Clerk or Apprentice in order to his Admission as an Attorney or Solicitor in any of the Courts of Law or Equity, upon Payment to the said Commissioners, or their Officer, of the proper Duty payable in respect of such Articles, and of the further Sum of Five Pounds by way of Penalty; any thing in any Act or Acts in force immediately before the passing of this Act to the contrary in anywise notwithstanding.

Articles of Clerkship executed prior to 22d June 1825, may be stamped before the last Day of Hilary Term 1829, on Payment of Penalty of 5*l*.

III. And be it further enacted, That if any Person who shall have served or become bound to serve as Clerk to an Attorney or Solicitor in *Great Britain*, under any Articles of Clerkship or Contract bearing Date at any Time before the said Twenty-second Day of *June* One thousand eight hundred and twenty-five, shall or may have neglected or omitted to cause any Affidavit or Affidavits of the Times of the Execution of such Articles to be made and filed, or shall or may have neglected or omitted to cause any such Articles to be inrolled or registered, it shall and may be lawful for such Person, at any Time on or before the last Day of *Hilary* Term One thousand eight hundred and twenty-nine, to cause One or more Affidavit or Affidavits to be made and filed in such Manner as the same ought to have been made and filed in due Time, and also to cause such Articles (being first duly stamped) to be inrolled or registered with the proper Officer in that Behalf; and every such Person as aforesaid shall be and he is hereby indemnified from all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts imposed and incurred, or to be incurred, for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the said last Day of the said *Hilary* Term, shall be as effectual, to all Intents and Purposes, as if the same had been made and filed within the respective

Affidavits relating to such Articles of Clerkship may be filed, and Articles registered, before the same Day.

Times when the same ought by the Laws in force for that Purpose to have been made and filed; any thing in any Act or Acts in force immediately before the passing of this Act to the contrary in anywise notwithstanding.

Articles of Clerkship in the Courts of Great Sessions, &c. may be stamped, on Payment of the Duty of 120*l.* for Admission of the Parties in the Courts at Westminster.

IV. And be it further enacted, That upon Payment of the Sum of One hundred and twenty Pounds, being the Amount of the Duty imposed by Law on Articles of Clerkship entered into by any Person in order to his Admission in any of His Majesty's Courts at *Westminster*, it shall and may be lawful for the Commissioners of Stamps, or any of their Officers, at any Time after the passing of this Act, whenever thereto required, and although more than Six Months shall have elapsed from the Date of such Articles, to stamp any Vellum, Parchment, or Paper upon which shall be ingrossed, written, or printed any Articles of Clerkship, Contract, Indenture, or other Instrument under which any Person may have served or become bound to serve as a Clerk in order to his Admission in any of the Courts of Great Sessions in *Wales*, or of the Counties Palatine of *Chester*, *Lancaster*, or *Durham*, or in any other Court of Record in *England* (not being one of His Majesty's Courts at *Westminster*), holding Pleas, where the Debt or Damage amounts to Forty Shillings, any thing in any Act or Acts to the contrary notwithstanding; and thereupon the Person having so served shall be capable of being admitted an Attorney or Solicitor in any One or more of His Majesty's said Courts at *Westminster*: Provided always, that at the Time when such Articles of Clerkship shall be required to be stamped with the said Stamp denoting the Payment of the said Sum of One hundred and twenty Pounds, such Articles shall have been previously stamped with a Stamp denoting the Payment of the Duty payable in respect of the same at the Date of such Articles of Clerkship.

V. ' And Whereas it is expedient that certain annual Certificates and Licences hereinafter mentioned, granted by the Commissioners of Stamps and their Officers, should expire at fixed Periods; ' Be it therefore enacted, That every Certificate which shall have been granted at any Time before the passing of this Act, or which shall be granted at any Time before the Thirty-first Day of *October* One thousand eight hundred and twenty-eight, to any Person admitted as a Writer to the Signet, or as a Solicitor, Agent, Attorney, or Procurator in any of the Courts in *Scotland*, or to any Person admitted or inrolled as a Notary Public in *Scotland*, or to any Sworn Clerk, Clerk in Court, or other Clerk or Officer in any of the Courts aforesaid, who, in his own Name, or in the Name of any other Person, shall commence, prosecute, carry on, or defend any Action, Suit, or other Proceeding in any of the Courts aforesaid, or shall do any notarial Act whatever, for or in Expectation of any Fee, Gain, or Reward, as an Attorney, Solicitor, Agent, Procurator, or Notary Public, although not admitted or inrolled as such, shall cease and determine from the said Thirty-first Day of *October* One thousand eight hundred and twenty-eight.

VI. ' And for regulating the Mode of issuing and entering the Certificates to be taken out yearly by Writers to the Signet, Solicitors, Agents, Attornies, Procurators, and Notaries Public in *Scotland*; ' Be it enacted, That from and after the Thirty-first Day

Certificates to Writers, &c. in *Scotland*, to expire annually on 31st *October*.

Day of *October* One thousand eight hundred and twenty-eight, every Person admitted in *Scotland* as a Writer to the Signet, or as an Attorney or Sworn Clerk in the Court of Exchequer, or as a Solicitor in the Supreme Courts, or as an Agent in the Court of Session, or as a Procurator or Solicitor in any other Court, or as a Public Notary, shall, between the Thirty-first Day of *October* and the First Day of *December* in each and every Year while he shall continue to act as a Solicitor or Agent, Attorney or Procurator in any Court, or as a Public Notary, and in the Case of Persons not admitted before the Thirty-first Day of *October* One thousand eight hundred and twenty-eight, then before any such Persons shall begin to act in any such Character or Capacity, and afterwards between the Thirty-first Day of *October* and the First Day of *December* in each and every Year, as aforesaid, deliver in to the Head Collector of Stamp Duties at *Edinburgh*, or to the Officer at the Stamp Office there, who may be authorized to issue such Certificates as aforesaid, or to the Distributor or Person duly authorized to act as a Distributor of Stamps for the District, Shire, Stewartry, or Place wherein the Business of the Person requiring such Certificate shall be carried on, a Paper or Note in Writing, containing the full Name and Designation or Description of such Person, together with his usual Place of Residence, or the Place where his Business is carried on, which shall be deemed and taken to be the Place of his Residence, and shall be described as such in the said Paper or Note in Writing, and likewise stating whether his first Admission to act in any such Character or Capacity as aforesaid has been within or beyond Three Years; and thereupon, and upon Payment of the appropriate Duty imposed by Law, every such Person shall be entitled to a Certificate duly stamped, to denote the Payment of the said Duty, according to the Place of Residence described as aforesaid; which Certificate shall be immediately issued under the Hand of the said Head Collector or other proper Officer of Stamps to be for that Purpose duly authorized, and in such Manner and Form as the Commissioners of Stamps shall appoint.

VII. And be it further enacted, That every Certificate so to be obtained by any Person residing or carrying on Business within the City or Shire of *Edinburgh* shall, within the Time hereinbefore specified, or before such Person shall begin to act as aforesaid, be entered in a particular Book, Roll, or Record, to be prepared and kept by an Officer whom the Judges of the Court of Session are hereby authorized and directed to appoint for that Purpose; and that every such Certificate so to be obtained by any Person residing or carrying on Business elsewhere shall, within the Time hereinbefore prescribed, or before the Obtainer thereof shall begin to act as aforesaid, be entered in a particular Book, Roll, or Record, to be prepared and kept by the Clerk or Person duly authorized to act as Clerk of the Sherifffdom or Stewartry within which the Obtainer of such Certificate shall happen to reside or carry on Business; which said Officer appointed by the Court of Session, and the Clerks or Persons duly authorized to act as Clerks of the respective Sherifffdoms or Stewartries, shall respectively from time to time, upon any such Certificate being exhibited or delivered in for the Purpose of being entered, and upon

Mode of
issuing Cer-
tificates to
Writers, &c.
in Scotland.

Certificates
in the City
or Shire of
Edinburgh,
to be entered
with Officer
of Court of
Session;
elsewhere with
the Sheriff or
Stewart Clerk.

Only One Book to be kept for each Shire or Stewartry.

upon Payment of a Fee of One Shilling, enter the Name and Description of the Person mentioned in such Certificate, together with the Place of his Residence as therein described, in the said appropriate Book, Roll, or Record, in which the Names shall be entered in alphabetical Order, and to which all Persons shall and may at all seasonable Times have Access, without Fee or Reward; provided that only One Book, Roll, or Record shall be kept and used at one Time, for the Purpose aforesaid, within any One Shire or Stewartry in *Scotland*; and that it shall be incumbent upon the proper Officer appointed by the Court of Session, and the respective Sheriff and Stewart Clerks or Persons duly authorized to act as such, upon receiving any such Certificate as aforesaid, to mark thereupon the Date of its being exhibited, and to re-deliver the same to the Party at any Time after the Expiration of Three Days, whenever the same shall be applied for, with a signed Note or Memorandum denoting it to have been duly entered in the said appropriate Book, Roll, or Record; and if any Officer appointed by the Court of Session, or Clerk or Person duly authorized to act as Clerk of any Sheriffdom or Stewartry, to whom any such Certificate shall be exhibited and delivered or tendered for the Purpose of being entered as aforesaid, shall refuse or neglect or fail to enter the same, or shall neglect or fail to mark thereon the Date of its being exhibited, or the Entry thereof, or shall wilfully and knowingly mark thereon any false or incorrect Date, or shall refuse to re-deliver the same to the Party when the same shall be applied for, every such Officer or Clerk so offending shall forfeit and pay the Sum of Ten Pounds for every such Offence.

Determination of Certificates in *Scotland*.

VIII. And be it further enacted, That every such Certificate to be hereafter issued in *Scotland*, between the Thirty-first Day of *October* and the First Day of *December* in any Year, shall bear Date on the First Day of *November* in such Year; and that every such Certificate issued at any other Time shall bear Date on the Day on which the same shall be issued; and that every such Certificate, at whatever Time of the Year the same shall be issued, shall have effect and be in force from the Day of the Date thereof, and shall cease and determine on the Thirty-first Day of *October* then next ensuing.

Penalty for acting after 31st *October* 1828 without a Certificate, or without entering it, or for delivering in an erroneous Place of Residence.

IX. And be it further enacted, That from and after the said Thirty-first Day of *October* One thousand eight hundred and twenty-eight, if any Person whatever (not being entitled to any special Exemption from the Duties on such Certificates) shall, for or in Expectation of any Gain, Fee, or Reward, directly or indirectly, by himself or by any other Person acting for him, and whether in his own Name or in the Name of any other Person, sue out any Writ or Process, or commence, carry on, or defend any Action, Suit, or Proceeding, or do any Act whatever, in any Court in *Scotland*, as a Solicitor, Agent, Attorney, or Procurator of such Court, or shall act as a public Notary, or exercise the Office of a Notary in any Manner, or shall do any notarial Act whatever in *Scotland*, without having first duly obtained a proper stamped Certificate in the Manner hereinbefore directed, or without having caused the same to be entered in the appropriate Book, Roll, or Record as aforesaid, or shall deliver to the proper Officer

of

of Stamps any Paper or Note in Writing, misrepresenting the Place of his Residence, or the Time of his first Admission in any such Character or Capacity as aforesaid, with Intent to evade the Payment of any Duty or Rate of Duty payable on such Certificate, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, and shall also be incapable of maintaining or prosecuting any Action, Suit, or Proceeding in any Court of Law or Equity, for the Recovery of any Fee, Reward, or Disbursement, upon account of or with relation to any Business, Matter, or Thing performed, executed, directed, or conducted by him in any Character or Capacity requiring a Certificate.

X. And be it further enacted, That all pecuniary Penalties and Forfeitures imposed by this Act, for and on account of any Offence committed in *Scotland*, shall and may be sued for and recovered in His Majesty's Court of Exchequer at *Edinburgh*, in any Way or Manner in which Penalties incurred under any Act relating to the Stamp Duties may be sued for and recovered.

Penalties in
Scotland how
to be recovered.

XI. And be it further enacted, That every Certificate which shall have been granted at any Time before the passing of this Act, or which shall be granted at any Time before the Thirty-first Day of *October* One thousand eight hundred and twenty-eight, to any Person being a Member of One of the Four Inns of Court in *England*, who in the Character of Conveyancer, Special Pleader, Draftsman in Equity, or otherwise, shall, for or in Expectation of any Fee, Gain, or Reward, draw or prepare any Conveyance of or any Deed or Instrument relating to, any Estate or Property, Real or Personal, or any other Deed or Contract whatever, or any Pleadings or Proceedings in any Court of Law or Equity, shall cease and determine from the said Thirty-first Day of *October* One thousand eight hundred and twenty-eight; and that any Certificate which at any Time after the Thirty-first Day of *October* and before the First Day of *December* One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be granted by the Commissioners of Stamps, or their proper Officer, to any Person who, in any of the said Characters, shall do or perform any Act, Matter, or Thing hereinbefore mentioned, shall bear Date on the First Day of *November* in such Year respectively; and that every such Certificate which shall be granted at any other Time in the Year One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be dated on the Day on which such Certificate shall be actually granted; and every such Certificate, whatever may be the Date thereof, shall have effect and be in force from the Day of the Date thereof, until and upon the Thirty-first Day of *October* then next following, and shall then cease and determine.

Certificates to
Conveyancers,
Special Pleaders,
and Draftsmen, in
England, granted
before the 31st
Oct. 1828, shall
cease on that
Day.

XII. And be it further enacted, That every Licence which shall have been granted at any Time before the passing of this Act, or which shall be granted at any Time before the Thirty-first Day of *July* One thousand eight hundred and twenty-eight, to any Person trading in, vending, or selling any Gold or Silver Plate, or any Gold or Silver Goods or Wares, or to any Pawnbroker trading in, vending, or selling any Gold or Silver Plate, or taking or delivering out Pawns of such Plate, Goods, or Wares, or to any Refiner of Gold or Silver, in *Great Britain*,

Plate and
Pawnbrokers'
Licences to
expire annually
on 31st July.

or to any Person for using or exercising the Trade or Business of a Pawnbroker in *Great Britain*, shall cease and determine from the said Thirty-first Day of *July* One thousand eight hundred and twenty-eight; and that every Licence which at any Time after the Thirty-first Day of *July* and before the First Day of *September* One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be granted by the Commissioners of Stamps, or their proper Officer, to any Person for any of the Purposes aforesaid, shall bear Date on the First Day of *August* in such Year respectively; and that every such Licence which shall be granted at any other Time in the Year One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be dated on the Day on which such Licence shall be actually granted; and every such Licence, whatever may be the Date thereof, shall have effect and be in force from the Day of the Date thereof, until and upon the Thirty-first Day of *July* then next following, and shall then cease and determine.

Proportionate Allowance to be made upon Certificates and Licences unexpired.

XIII. And be it further enacted, That it shall be lawful for the Commissioners of Stamps, and they are hereby authorized and required, to make and pay, in such Manner and under such Regulations as they shall direct, to any and every Person who shall have obtained and be in Possession of any Certificate or Licence which under the Provisions of this Act shall cease and determine before the Expiration of the full Term for which such Certificate or Licence shall have been originally granted, an Allowance of a proportionate Part of the Stamp Duty originally paid on such Certificate or Licence, according to the Term or Period then to come or unexpired thereon.

Allowance not to be made in certain Cases.

XIV. Provided always, and be it enacted, That no such Allowance shall in any Case be made to any Person who shall not take out a new Certificate or Licence under the Provisions of this Act, nor unless the Certificate or Licence in respect of which such Allowance shall be claimed, shall be delivered up to the said Commissioners of Stamps, or their proper Officer, on or before the Fifth Day of *April* One thousand eight hundred and twenty-nine; and the said Commissioners of Stamps, or their Officer, shall cancel all Certificates or Licences so delivered up, and on which such Allowance shall be made.

Drafts on Bankers in *Great Britain*, issued within 15 Miles of such Bankers, exempted from Stamp Duty.

XV. And be it further enacted, That from and after the passing of this Act, all Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, and drawn in any Part of *Great Britain*, upon any Banker or Bankers, or any Person or Persons acting as a Banker, who shall reside or transact the Business of a Banker within Fifteen Miles of the Place where such Drafts or Orders shall be issued, shall be and the same are hereby exempted from any Stamp Duty imposed by any Act or Acts in force immediately before the passing of this Act, any thing in any such Act or Acts to the contrary notwithstanding; provided the Place where such Drafts or Orders shall be issued shall be specified therein; and provided the same shall bear Date on or before the Day on which the same shall be issued; and provided the same do not direct the Payment to be made by Bills or Promissory Notes.

XVI. And

XVI. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, intituled *An Act to repeal Three Acts made in the Twenty-eighth, Thirtieth, and Forty-sixth Years of His present Majesty, for limiting the Number of Persons to be carried on the Outside of Stage Coaches or other Carriages, and to enact other Regulations for carrying the Objects of the said Acts into Effect*, whereby it is enacted, that all and every Person or Persons who shall be duly licensed to keep any Coach or other Carriage for the Purpose of conveying Passengers for Hire to and from different Places in *Great Britain*, is and are respectively directed and required to paint or cause to be painted on the Outside of each Door of each such Coach or other Carriage above described, or on some other conspicuous Part thereof, the Name or Names of the Person or Persons, or the Company of Proprietors, or Firm, to whom such Coach or other Carriage shall belong; and so much of the said recited Act is hereby repealed accordingly to all Intents and Purposes whatsoever: Provided always, that nothing herein contained shall extend or be construed to extend to repeal or alter any Clause or Provision contained in an Act passed in the Twenty-fifth Year of the Reign of his late Majesty King George the Third, intituled *An Act for repealing the Duties on Licences taken out by Persons letting Horses for the Purpose of travelling Post, and on Horses let to Hire for travelling Post and by Time, and on Stage Coaches, and for granting other Duties in lieu thereof, and also additional Duties on Horses let to Hire for travelling Post and by Time*, whereby it is enacted, that all and every Person or Persons so licensed to use every such Coach or other Carriage as aforesaid shall mark or paint, or cause to be marked or painted, on the outside Panel of each Door thereof, in such Manner as in the said Act is mentioned, his, her, or their Christian and Surname, together with the Name of the Place from whence they set out and to which they are going.

XVII. And be it further enacted, That from and after the passing of this Act so much of an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act to make further Regulations relating to the licensing of Stage Coaches*, shall be repealed, whereby it is enacted, that it shall be lawful for any Person or Persons whatsoever to lay, make, and prosecute any Information 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 by virtue of the said Act, or of any other Act or Acts relating to Carriages or Vehicles kept, used, or employed to convey Passengers for Hire; and so much of the said recited Act is hereby repealed accordingly, to all Intents and Purposes whatsoever, as well with relation to any Offences committed at any Time before the passing of this Act, for which Informations or Proceedings may be depending or in Process at the Time of the passing of this Act, as with relation to any Offences which may be committed at any Time after the passing of this Act.

XVIII. And be it further enacted, That from and after the passing of this Act, in all Cases where any Information shall have been

So much of 50 G. 3. c. 48. as directs the Names of Proprietors of Stage Coaches to be painted on the Doors thereof, repealed.

Nothing herein to repeal or alter any Part of 25 G. 3. c. 51. as to Names of licensed Persons being painted on the Doors of Coaches, &c.

So much of 7 G. 4. c. 38. as permits Informations to be laid by any Persons as to Stage Coaches, repealed.

Justices may quash Informations laid by

any other Person than an Officer of Stamps, on Payment of Costs.

been laid or shall be laid before any Justice or Justices of the Peace in *Great Britain*, by any Person other than the Solicitor of Stamps in *England* or *Scotland*, or some Officer of the Stamp Duties, for the Recovery of any Fine, Penalty, or Forfeiture made or incurred by virtue of any Act or Acts relating to any Duties under the Management of the Commissioners of Stamps, it shall be lawful for the Person or Persons against whom such Information shall have been or shall be laid to apply to the Justice or Justices of the Peace before whom the Information shall have been laid, or to the Justices of the Peace at the General Quarter Sessions to which any Appeal shall have been or shall be duly made from any Conviction obtained or made on any such Information laid by any Person other than as aforesaid, to quash such Information or Conviction upon Payment by the Defendant of such Costs and Charges as to such Justice or Justices shall seem reasonable; and it shall be lawful for such Justice or Justices, if they shall think fit so to do, and such Justice or Justices are hereby authorized and empowered, upon such Application, to quash such Information or Conviction accordingly.

Penalties of 20*l.* and 50*l.* under 55 G. S. c. 100. as to Receipts in Ireland, reduced to 10*l.*

XIX. ' And Whereas by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intitled *An Act to provide for the Collection and Management of Stamp Duties on Bills of Exchange, Promissory Notes, Receipts and Game Certificates in Ireland*, Three several Penalties of Twenty Pounds each, and One Penalty of Fifty Pounds, are imposed upon Persons committing the several Offences specified in the said last-recited Act, in relation to the Stamp Duties on Receipts in *Ireland*;' Be it enacted, That from and after the Expiration of Ten Days next after the passing of this Act, any Person who shall have committed or shall commit any of the Offences in the said Act specified, in relation to the Stamp Duties on Receipts in *Ireland*, shall, upon Conviction for any such Offence, forfeit and pay the Sum of Ten Pounds and no more; any thing in the said recited Act to the contrary notwithstanding.

So much of 55 G. S. c. 100. as declared certain Offences by Clerks as to Receipts to be Misdemeanors, repealed.

XX. And be it further enacted, That from and after the Expiration of Ten Days next after the passing of this Act, so much of the said last-recited Act as declares that any Clerk or Person in the Employment of another, who shall commit certain Offences in the said Act mentioned relating to Receipts, shall, upon being convicted thereof, be deemed guilty of a Misdemeanor, and be punished by Fine and Imprisonment and other corporal Punishment, shall be and the same is hereby repealed; and from and after the Expiration of Ten Days next after the passing of this Act, any Clerk or other Person in the Employment of another, who shall have committed or shall commit any such Offence, shall, upon Conviction for any such Offence, forfeit the Sum of Ten Pounds, and no more, in addition to the Penalty to which the Employer or Employers of such Person is or are by the said last-mentioned Act or by this Act subject and liable in respect of such Offence.

Penalty on Persons committing such Offence, 10*l.*

Recovery of Penalties.

XXI. And be it further enacted, That the said several Penalties of Ten Pounds by this Act imposed on Offences committed in *Ireland* shall be recovered in the same Manner as any Penalty imposed

imposed by the Acts in force in *Ireland* with respect to Stamp Duties may be recovered.

XXII. Provided always, and be it enacted, That in every Case in which any Suit, Proceeding, or Prosecution shall have commenced with relation to any such Offences under the said last-recited Act, and in which Judgment or a Conviction shall not have been obtained before the passing of this Act, such Suit, Proceeding, or Prosecution shall not be abated or affected in consequence of the Provisions of this Act, and it shall not be necessary to recommence such Suit, Proceeding, or Prosecution; but in case a Judgment or Conviction shall be obtained therein, the same shall be given only for the Amount of the Penalty or Penalties by this Act imposed, in lieu of the Penalty or Punishment under the said recited Act.

On Proceedings pending for Penalties under 55 G. 3. c.100. Judgment or Conviction shall be only for Penalties imposed by this Act.

C A P. L.

An Act for regulating the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers or Seamen in the Service of the *East India Company*. [15th July 1828.]

WHEREAS by an Act made and passed in the First and Second Years of the Reign of His present Majesty, intitled *An Act to regulate the Appropriation of unclaimed Shares of Prize Money belonging to Soldiers or Seamen in the Service of the East India Company*, Provisions are made for regulating the Appropriation of all such unclaimed Prize Money, belonging to Soldiers or Seamen in the Service of the United Company of Merchants of *England* trading to the *East Indies*, as had accrued at the Time of the passing of the said Act, and as was then remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever: And Whereas it is expedient that Provision should be made for regulating the Appropriation of all Sums of Money belonging to Officers and Soldiers employed in the Service of the said United Company, and of all Sums of Money belonging to Commanders, Officers, and Crews of Ships hired by or belonging to the said United Company, which, since the passing of the said Act, have come into the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, or which, since the passing of the said Act, have severally arisen from or have become distributable, or shall hereafter arise from or become distributable, in respect of any Capture made, or other warlike Service already performed, and which shall hereafter come to the Hands of Prize Agents and other Persons; and that all unclaimed Shares of Prize Money should be appropriated as hereinafter is 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 all and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any Capture made, or other warlike Service whatsoever already performed, belonging or to belong to Officers or Soldiers

1 & 2 G. 4. c. 61.

Prize Money belonging to Soldiers remaining in the Hands of Agents and others, to be paid over to the

or

East India
Company.

Application of
the Money so
paid over.

Prize Money
belonging to
Seamen, in the
Hands of
Agents and
others, to be
paid over to
the East India
Company.

Application of
such Money.

Nothing herein
to give to the
Company any
Right to Prize
Money of any

or to any Officer or Soldier in or having been in the Service of the said Company, in whatever Service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the Hands or shall hereafter come into the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, shall be paid over to the said United Company in *London*, or at any of their Settlements Abroad, according to the Residence of the Party or Parties paying the same, or as the Court of Directors of the said United Company shall direct; and all Sums of Money, when so paid over, shall be applied to the Fund established by the Right Honourable *Robert* late *Lord Clive*, for the Relief of Persons and the Widows of Persons in the Military Service of the said United Company, commonly called "*Lord Clive's Fund*," for the Purpose and Objects of the said Fund, according to the Rules and Regulations for the Time being thereof; subject nevertheless to be refunded, without Interest, to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto to the Satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

II. And be it further enacted, That all and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any Capture made, or other warlike Service whatsoever already performed, belonging or to belong to Commanders, Officers, Sailors, or other Persons, or to any Commander, Officer, Sailor, or other Person, serving or who may have served on board of any Ship or Vessel in the Service of the said Company, whether hired or belonging to the said Company, in whatsoever Service the same may have accrued, which since the passing of the said recited Act, has come into and is now remaining in the Hands or shall hereafter come into the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, shall be paid over to the said United Company in *London*, or at any of their Settlements Abroad, according to the Residence of the Party or Parties paying the same, or as the Court of Directors of the said United Company shall direct; and all Sums of Money, when so paid over, shall be applied to the Hospital Fund established for the Relief of Persons and Widows of Persons belonging to Ships and Vessels in the Service of the said United Company, commonly called "*Poplar Hospital*," for the Purposes and Objects of the said last-mentioned Fund, according to the Rules and Regulations for the Time being thereof; subject nevertheless to be refunded, without Interest, to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto to the Satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said United Company, or any Person or Persons on the Behalf of the said Company, any Right, Title, or Interest in
or

or to any Booty, Prize Money, Head Money, Bounty Money, Salvage Money, or to any forfeited or unclaimed Share or Shares thereof, which now is or are or hereafter shall be due or payable to any Officer, Soldier, Sailor, or other Person, on account of Services in His Majesty's Army, Royal Artillery, Black, Provincial, or other Troops in the Pay of His Majesty, or on board of any of His Majesty's Ships or Vessels, or in any other Service, to the forfeited and unclaimed Shares of which the Royal Hospital for Seamen at *Greenwich*, or the Royal Hospital for Soldiers at *Chelsea*, the respective Treasurers thereof, are entitled or shall become entitled by the Laws now in force, nor to give any Powers or Authorities to the said United Company over such last-mentioned Booty, Prize Money, Head Money, Bounty Money, or Salvage Money, or in respect thereof.

Soldier or Sailor on Account of Services in any of His Majesty's Forces or Ships.

IV. Provided also, and be it further enacted, That all Money now remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in *London*, shall be paid within Six Calendar Months next after the passing of this Act; and all such Money which shall be to be paid over at any of the Settlements Abroad of the said United Company, shall be paid within Six Calendar Months next after the Governments of the said Settlements respectively shall have caused the Provisions of this Act in that respect to be notified in the Way in which General Orders for the Army are usually published at the said Settlements respectively; and that all Money which shall hereafter come into the Hands of any Prize Agent or Prize Agents, or any other Person or Persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in *London*, shall be paid within Six Calendar Months next after the Receipt thereof by such Prize Agent or Agents, or other Person or Persons; and that all such Money which shall be to be paid over at any of the Settlements Abroad of the said United Company, and which shall be in the Hands of such Prize Agent or Agents, or other Person or Persons, at the Time when the Governments at the said Settlements respectively shall have caused the Provisions of this Act in that respect to be notified in the Way in which General Orders for the Army are usually published at the said Settlements respectively, shall be paid over within Six Calendar Months next after such Notification; and that all such Money which shall, after such Notification, come to the Hands of any Prize Agent or Agents, or other Person or Persons whomsoever, shall be paid within Six Calendar Months next after the Receipt thereof by such Prize Agent or Agents, or other Person or Persons.

Times within which Payments to the Company are to be made.

V. And be it further enacted, That all and every Person and Persons whomsoever, who are required by this Act to pay over any Money to the said United Company, shall and they are hereby required, without further Requisition or Notice, to deliver or cause to be delivered to the Secretary of the said United Company in *London*, or to the several Secretaries of the respective Governments at the Settlements Abroad, where such Money shall be to be paid over to the said United Company respectively, a

Agents and other Persons to deliver upon Oath Accounts of unclaimed Shares.

true and correct Account of all the Monies remaining in his or their Hands, and so to be paid over, with a List or Lists of the Names, Rank, Regiment, or other sufficient Description of the Persons entitled thereto, which Accounts and Lists shall be verified by the Affidavit on Oath of the Party or One of the Parties required to deliver the same, such Oath to be taken before any Magistrate or other Person authorized by any Court of Law or Equity to administer Oaths, and which Oath such Magistrate or other Person is hereby required to administer accordingly.

The Court of Directors and Governments Abroad empowered to call for general Prize Accounts on Oath.

VI. And be it further enacted, That upon the reasonable Request and Notice of the Court of Directors of the said United Company, and the Governments of the Settlements of the said Company Abroad respectively, all and every Person and Persons whomsoever, who are required by this Act to pay over any Money to the said United Company, shall make out and deliver, or cause to be made out and delivered, to the Secretaries of the said Court of Directors and of the said Governments respectively requiring the same, full, true, and particular Accounts in Writing of all the Receipts, Payments, Dealings, and Transactions of such Person and Persons; and if they shall be Executors, Administrators, Agents, or Representatives, then full, true, and particular Accounts in Writing of their several Testators, Intestates, and Principals, † any way relating to any Booty, Prize Money, or other Matter in respect of which such Money so to be paid over shall have arisen, with the Dates of all and every such Receipts, Payments, Dealings, and Transactions, and true and correct Lists and Descriptions of all Grants, Deeds, Writings, Books of Account, Letters, and Papers whatsoever in the Custody or Power, or which ever shall have been in the Custody or Power of the Persons respectively required to make out and deliver the same, or of their respective Testators, Intestates, or Principals, any way relating to any such Booty, Prize Money, or other Matter; which Accounts and Lists shall be verified by Affidavit on Oath to the best of the Knowledge, Information, and Belief of the Person or Persons required to make out and deliver the same, such Oath to be taken before any Magistrate or other Person authorized by any Court of Law or Equity to administer Oaths, and which Oath such Magistrate or other Person is hereby required to administer accordingly; and all the Grants, Deeds, Writings, Books of Account, Letters, and Papers, relating to the Matters aforesaid, and in the Custody or Power of the Person or Persons required to pay over any such Money as aforesaid, shall be produced and shown at all reasonable Times, at the Place or Places where such Grants, Deeds, Writings, Books of Account, Letters, and Papers shall be usually kept and deposited, or in some other reasonable and convenient Manner, to such Person and Persons as the said Court of Directors, or the said Governments respectively, shall direct or authorize to inspect the same; and such Person and Persons shall have full Liberty to inspect and take, and cause to be taken, such Copies, Extracts, and Abstracts thereof as he or they, or the said Court of Directors, or the said Governments respectively, shall see fit: Provided always, that this Act, or any thing herein contained, or the Production, Inspection, or Examination of the Accounts, Books, and Papers

† Sic.

Not to require Accounts which have been legally closed.

Papers

Papers before mentioned, shall not in any way be deemed or construed to extend to open any Account which shall have been conclusively closed and settled by the Order, Judgment, Sentence, or Decree of any Court of competent Jurisdiction, or in any other Manner by which the Parties interested therein would have been concluded if this Act had not passed, nor to prevent any Court of competent Jurisdiction to order any such Account to be opened, or to give Liberty for Surcharge or Falsification thereof, upon just Cause and Ground shown for that Purpose.

VII. And be it further enacted, That if any Person or Persons whosever shall be convicted of making a false Oath touching any of the Matters directed or required by this Act to be testified on Oath, such Person or Persons so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons guilty of Perjury are liable by any Law in force in that Part of the United Kingdom called *England*; and if any Person shall corruptly procure or suborn any other Person or Persons to swear falsely in any such Oath, such Person, being duly convicted of such procuring and suborning, shall for every such Offence incur and suffer such Penalties, Forfeitures, Pains, and Disabilities as Persons convicted of Perjury are respectively liable unto by any Law in force in the said Part of the said United Kingdom called *England*.

VIII. And be it further enacted, That the said United Company shall have and be entitled to the same Rights, Powers, Remedies, and Methods of Suit at Law or in Equity, or by any Admiralty Process, to be commenced and prosecuted in the Name of the said United Company, in the several Courts of Justice in the United Kingdom, and in the *East Indies*, and elsewhere soever, for Discovery and Recovery of the Monies hereby directed to be paid over to the said Company, as the original Owners thereof now have, or are entitled to use or exercise; and all Courts of Law and Equity, and of Admiralty Jurisdiction, in the United Kingdom, and in the *East Indies*, shall have and exercise the same Jurisdiction, Powers, and Authorities for compelling all and every Person and Persons to account for and pay over the Monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty Jurisdiction, may now lawfully exercise, with respect to any unclaimed Balances payable to the Treasurers of *Greenwich Hospital* and *Chelsea Hospital* respectively, by virtue of any Act or Acts of Parliament, or any Law, Usage, or Custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several Governments of the Settlements Abroad of the said United Company, to exercise the same or the like Powers and Authorities, for the Recovery of the Monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or Acts of Parliament now in force relating to Prize Money by the Treasurers of *Greenwich Hospital* and *Chelsea Hospital* respectively, so far as such Powers and Authorities extend to the Recovery by them, and the Discovery of unclaimed Shares of Prize Money due and belonging to any Officers, Soldiers, or Seamen in the Service of His Majesty, and shall be applicable to the Objects of

Persons taking false Oaths guilty of Perjury, and Persons suborning liable to the Penalties of Perjury according to the Law of *England*.

Power of Recovery of the Monies directed to be paid over.

Courts of Justice invested with the same Powers as they now have with respect to *Greenwich* and *Chelsea Hospitals*.

Court of Directors, &c. to exercise similar Authority to what may be exercised by the Treasurer of *Greenwich* and *Chelsea Hospitals*.

this Act, and all and every Agent or Agents shall be subject to the like Penalties for Neglect or Default in not accounting for or paying over the Share or Shares, which by the said recited Act or by this Act is or are made payable to the said United Company, as Agents are made liable to by any Act or Acts now in force, for not accounting for or for not paying over Shares and Balances to the Treasurers of *Greenwich* and *Chelsea* Hospitals respectively.

Not to affect the Interests of Chelsea or Greenwich Hospitals.

IX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect the Royal Hospital for Soldiers at *Chelsea*, nor the Royal Hospital for Seamen at *Greenwich*; nor to take away, repeal, diminish, or interfere with any Claim, Right, or Interest which by virtue of any Law or Laws now in force may have been given, or are now existing, or may hereafter by virtue of the said Acts become vested in the said Royal Hospitals, or in the Treasurers thereof, on any unclaimed and forfeited Shares of Prize Money, or for the Recovery thereof, for the Benefit of the said Institutions, or for the Benefit of the Person or Persons entitled to any unclaimed and forfeited Shares of Prize Money; but the same shall continue and remain in the said Commissioners, and in the said Treasurers, as if this Act had not been made.

Acquitting Persons paying over Prize Money.

X. And be it further enacted, That all and every Person and Persons who shall pay over to the said Company, or to any other Person or Persons by their Order or for their Use, any Sum or Sums of Money required to be paid under the Provisions of this Act, shall, from and after such Payment, be absolutely acquitted and discharged from all Claims and Demands whatsoever of all and every other Person and Persons to the same Monies which shall be so paid over.

Expences of carrying this Act into Execution to be defrayed out of the Monies recovered.

XI. And be it further enacted, That all Expences incurred or to be incurred in executing this Act, and the Sums paid in remunerating the Officers or Persons employed on behalf of the said United Company, for their Care, Pains, and Trouble in performing the Regulations and Directions thereof, shall, so far as the same relate to those Officers or Persons, be subject to the Discretion of the Court of Directors for managing the Affairs of the said Company, and shall be paid out of the Principal Monies to be recovered and discovered as aforesaid on account of such Shares respectively: Provided nevertheless, that no Person employed by the said United Company in executing the Regulations of this Act, shall act as an Agent for Prizes, or be concerned directly or indirectly in the Business thereof, under the Penalty of Five hundred Pounds.

Persons employed by the Company not to Act as Agents.

Not to prevent Persons trying Rights to Prize Money.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from resorting to any Remedy at Law or in Equity against the said Company, for the Recovery of Principal, without Interest, of any Money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the Credit of either of the Funds hereinbefore mentioned, under the Directions of this Act; provided such Person or Persons shall have preferred his or their Claim thereto to the said

said Court of Directors, if such Money shall have been paid over to the said Company in *England*, or shall have been carried over from their Funds at Home, or to the Governor in Council of the Presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their Funds in *India*, within Six Years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

XIII. 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. LI.

An Act to alter and amend an Act for enabling His Majesty to grant to a Company, to be incorporated by Charter, to be called "*The Canada Company*," certain Lands in the Province of *Upper Canada*. [15th July 1828.]

WHEREAS by an Act of Parliament passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called "The Canada Company," certain Lands in the Province of Upper Canada, and to invest the said Company with certain Powers and Privileges, and for other Purposes relating thereto*, it was enacted, that in case His Majesty shall, within Three Years after the passing of this Act, be pleased, by Charter of Incorporation under the Great Seal of *Great Britain and Ireland*, to declare and grant that such and so many Persons as shall be named therein, and all and every such other Person or Persons as from time to time shall be duly admitted Members into their Corporation, shall be a Body Politic and Corporate, by the Name of "*The Canada Company*," and to declare that the said Corporation so to be made and created shall be established for the Purpose hereinbefore mentioned, and for such other lawful Purposes as to His Majesty may seem meet, then and in that Case it shall and may be lawful for the said Corporation to hold, to them and their Successors, such Lands, Tenements, and Hereditaments within the said Provinces as shall or may be granted by His Majesty to them and their Successors within the said Provinces, or as, subject to the Restrictions hereinafter mentioned, shall be contracted for and purchased or acquired by them therein, and to hold, alienate, sell, and dispose of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such Conditions, Provisions, Limitations, and Restrictions as His Majesty by such His Charter may impose, direct, or prescribe; and it was thereby enacted, that all Conveyances which were made by the said *Canada Company* to any Individual or Individuals, of any Part of the Lands to be granted to or to be purchased or held by the said Company, should be made according to a certain Form for that Purpose provided: And Whereas by Letters Patent under the Great Seal, bearing Date at *Westminster* the Nineteenth Day of *August* in the Seventh Year of His Majesty's Reign, His Ma-

6 G. 4. c. 75.

‘ jesty, in pursuance of the said Act, was graciously pleased to
 ‘ give, grant, make, ordain, constitute, declare, and appoint, that
 ‘ *Charles Bosanquet Esquire, William Williams Esquire, Robert*
 ‘ *Biddulph Esquire, Richard Blanchard Esquire, Robert Downie*
 ‘ *Esquire, John Easthope Esquire, Edward Ellice Esquire, James*
 ‘ *William Freshfield Esquire, John Fullarton Esquire, John Galt*
 ‘ *Esquire, Charles David Gordon Esquire, William Hibbert the*
 ‘ *younger, Esquire, John Hodgson Esquire, John Hullett Esquire,*
 ‘ *Hart Logan Esquire, Simon M^cGillivray Esquire, James M^cKillop*
 ‘ *Esquire, John Masterman Esquire, Martin Tucker Smith Esquire,*
 ‘ *and Henry Osborne Esquire,* together with such and so many
 ‘ other Person or Persons, Bodies Politic or Corporate, as had
 ‘ become or should at any Time thereafter become Subscribers
 ‘ or Shareholders of or for the Capital Stock thereafter men-
 ‘ tioned, in manner thereafter provided, and their respective
 ‘ Successors, Executors, Administrators, and Assigns, and such
 ‘ other Person or Persons, Bodies Politic or Corporate, as should
 ‘ from time to time be possessed of or entitled to such Shares
 ‘ as are thereafter provided, should be one Body Politic and
 ‘ Corporate in Deed and in Name, by the Name of “ *The Canada*
 ‘ *Company,*” and by that Name should and might sue and be sued,
 ‘ implead and be impleaded, in all Courts, whether of Law or
 ‘ Equity, and should have perpetual Succession, with a Common
 ‘ Seal, which might by them be changed or varied at their Plea-
 ‘ sure; and by the said Letters Patent Provision was made for
 ‘ the Government of the said Company: And Whereas the said
 ‘ Letters Patent are in all respects in pursuance of and in con-
 ‘ formity with the Provisions of the said Act of Parliament; but
 ‘ adequate Provision was not made for rendering valid and ef-
 ‘ fectual, within the said Province of *Upper Canada,* the Convey-
 ‘ ances to be made as aforesaid by the said Company of the
 ‘ Lands to be granted or to be purchased by the said Company,
 ‘ whereby the Operations of the said Company in settling such
 ‘ their Lands may be impeded:’ Be it therefore enacted, and it
 ‘ is hereby 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 said Company, by Warrant of Attorney or written
 ‘ Instrument under their Corporate Seal, to constitute and appoint
 ‘ Two or more Persons, being in *Upper Canada,* to make and exe-
 ‘ cute Conveyances in the Name and on the Behalf of the said
 ‘ Company, to any Individual or Individuals, of any Part of the
 ‘ Lands to be granted to or purchased or held by the said Com-
 ‘ pany, in the Manner and subject to the Restrictions in the said
 ‘ Act of Parliament contained, and which Conveyances shall be
 ‘ made under the Signatures of the said Attornies, and under such
 ‘ Seal as hereinafter mentioned, and according to the Form fol-
 ‘ lowing, or as near thereto as the Circumstances of the Case will
 ‘ admit; that is to say,

Canada Com-
 pany, by
 Warrant of
 Attorney,
 may appoint
 Persons, being
 in Upper Ca-
 nada, to execute
 Conveyances in
 the Name of
 the Company.

Form of Con-
 veyance.

‘ **WE,** *A. B. and C. D.,* the Attornies of the *Canada Company,*
 ‘ incorporated under and by virtue of an Act made and
 ‘ passed in the Sixth Year of the Reign of His Majesty King
 ‘ *George*

‘ George the Fourth, intituled *An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called “The Canada Company,” certain Lands in the Province of Upper Canada, and to invest the said Company with certain Powers and Privileges, and for other Purposes relating thereto, being constituted and appointed such Attornies by virtue and in pursuance of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled [here insert the Title of this Act], do hereby, in consideration of the Sum of* _____ *to us as such Attornies as aforesaid paid, grant and release to* _____ *all* _____ *and all the Right, Title, and Interest of the said Canada Company to and in the same and every Part thereof, to have and to hold unto the said and his Heirs for ever.*

(Signed) ‘ A. B.
‘ C. D.’

II. And be it further enacted, That it shall and may be lawful for the said Company from time to time, as Occasion may require, and as to them may seem meet, to revoke any such Warrant of Attorney or Instrument as aforesaid, and again to make and grant any other Warrant or Warrants of Attorney, Instrument or Instruments for the like Purpose, provided that such Warrants of Attorney or Instruments as aforesaid be not addressed to fewer than Two Persons, and be made to take effect only when and so long as the Persons thereby appointed shall actually be within the said Province; and it shall also be lawful for the said Company to appoint and commit to the Custody of such their Attornies for the Time being a Seal, for the Purpose of executing such Conveyance as aforesaid, and such Seal from time to time to break, alter, or renew, as to them may seem meet; and every Conveyance to be made and executed in manner aforesaid, by such Attornies for the Time being as aforesaid of the said Company, shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Company may revoke such Warrants of Attorney, and grant others.

III. And be it further enacted, That Conveyances to be made by the said Company within the United Kingdom, in pursuance of the said Act, of Lands situate in *Upper Canada*, shall not be subject to any Duty of Stamps; and that the Seal of the said Company affixed to any Conveyance, Deed, or Instrument in Writing, or to any Memorial or Memorials thereof, for the Purpose of the Registration of the said Conveyance, Deed, or Instrument in Writing, in the proper Office for registering the same in *Upper Canada*, shall of itself be sufficient Evidence of the due Execution of such Conveyance, Deed, or Instrument in Writing, or the Memorial thereof, by the said Company, for all Purposes respecting the said Registration, and no further Evidence or Verification of such Execution, nor any Evidence or Verification of the Signatures of the Directors who shall attest the sealing of such Conveyance, Deed, or Instrument in Writing, or the Memorial thereof, shall be required for the Purpose of such Registry; any Law or Custom now in force in the said Province of *Upper Canada* notwithstanding.

Conveyances not to be subject to Stamp Duty. Seal of the Company affixed to any Deed to be sufficient Evidence of its Execution.

IV. And be it further enacted, That it shall and may be lawful for any Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant

Artificers, &c. may bind themselves

to serve the
Company
for a certain
Period.

Servant in Husbandry, or other Labourer, not being under the Age of Seventeen Years, by Indenture duly executed, and without a Stamp, to contract with the said *Canada* Company faithfully to serve or to proceed to and faithfully to serve the said Company in the Province of *Upper Canada*, for any Period not exceeding the full Term of Seven Years, to be computed from the Day of the Date of such Indenture; and it shall be lawful for the said Company, within any Part of His Majesty's Dominions, to maintain an Action against any Person or Persons who shall employ, retain, harbour, or conceal any such Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with Intent to deprive the said Company, or any Agent of the said Company, of his, her, or their Services, or otherwise with Intent to defraud or injure the said Company or their Agents; and in case the said Company shall in any such Action recover a Verdict, they shall, in addition to the Damages found by such Verdict, or assessed under the same, recover and have Treble Costs.

Justices may
impose Fine on
Ill-behaviour of
Artificers, &c.

V. And be it further enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace in His Majesty's Dominions to punish by Fine not exceeding Fifty Pounds, or by Imprisonment not exceeding Three Calendar Months, or both, any wilful Violation of such Indentures as aforesaid, by any Ill-behaviour of such Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, in such his or her Service or Employment as aforesaid; and also to hear and determine all Complaints, Differences, and Disputes, which shall happen and arise between any such Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, and the said Company, or their Agents, and to make such Order or Award in every such Case as to such Justices shall seem just, and every such Order or Award to enforce by Execution against the Goods, Effects, or other Property of the Party or Parties against whom such Order or Award shall be made, or by Arrest of the Person, and Imprisonment not exceeding Three Calendar Months.

Act not to
prevent His
Majesty from
altering the
Letters Patent
to the Company.

VI. And be it further enacted and declared, That nothing in this Act or in the said former Act of Parliament contained shall extend or be construed to extend to prevent His Majesty, His Heirs and Successors, from altering, amending, or adding to the Provisions of the said Letters Patent, by Letters Patent to be hereafter issued under the Great Seal, as to His Majesty, His Heirs and Successors, shall seem meet.

C A P. LII.

An Act for erecting a Chapel of Ease at *Killiney* in the Parish of *Monkstown* in the County and Diocese of *Dublin*, and for providing for the due Celebration of Divine Service therein.
[15th July 1828.]

‘ WHEREAS the Parish of *Monkstown* in the County and
‘ Diocese of *Dublin* has of late Years become very po-
‘ pulous, and a considerable Number of Inhabitants reside at
‘ *Killiney*

‘ *Killiney* in the said Parish, at a Distance of Two Miles and
 ‘ upwards from the Parish Church, which is not sufficiently large
 ‘ to accommodate the increasing Population of said Parish; and
 ‘ the Parishioners dwelling in the Neighbourhood of *Killiney*
 ‘ aforesaid are very much in need of a particular Place of Wor-
 ‘ ship nearer their Homes, to which they may resort for the
 ‘ Service of God, at Morning and Evening Prayers, and for the
 ‘ Administration of the Sacrament of the Lord’s Supper: And
 ‘ Whereas it will much tend to the Advancement of Religion
 ‘ in the said Neighbourhood if the Want of a proper Place of
 ‘ Worship should be supplied, and a Chapel of Ease be erected
 ‘ for that Purpose upon a convenient Scite: And Whereas the
 ‘ Cure of Souls in the Parish of *Monkstown* is in the Perpetual
 ‘ Curate thereof; and the said Curacy is appropriated to the
 ‘ Deanery of the Cathedral of the Holy and Undivided Trinity,
 ‘ commonly called *Christchurch*, in the City of *Dublin*, and the
 ‘ Patronage and Nomination thereof belong to the Dean of the
 ‘ said Cathedral: And Whereas the Reverend *Charles Lindsay*
 ‘ is the present Ecclesiastical Incumbent or Perpetual Curate of
 ‘ the said Parish: And Whereas many Inhabitants of the said
 ‘ Parish have expressed an earnest Desire that said Chapel of
 ‘ Ease should be forthwith erected, and that it is in Contem-
 ‘ plation to promote said Design by creating proper and suffi-
 ‘ cient Funds for the Purpose: And Whereas the Most Reverend
 ‘ Father in God *William Lord Archbishop of Dublin* and Ordinary
 ‘ of the said Diocese, the Dean of *Christchurch* aforesaid, to whose
 ‘ Patronage and Nomination the said Benefice of *Monkstown*
 ‘ belongs, the said *Charles Lindsay* the present Curate or Eccle-
 ‘ siastical Incumbent thereof, and the Parishioners of the same,
 ‘ have respectively testified their Consent to the erecting of the
 ‘ said Chapel of Ease, and to the Endowment of a Chaplain in
 ‘ manner hereinafter provided: And Whereas the said Parish
 ‘ of *Monkstown* does not come within the Provisions and Oper-
 ‘ ation of the several Statutes in force in that Part of the United
 ‘ Kingdom of *Great Britain* and *Ireland* called *Ireland*, for the
 ‘ promoting and regulating the building of Chapels of Ease in
 ‘ the Cases therein provided, and it is necessary to have special
 ‘ Provision for the same; and it is also necessary, for the Pur-
 ‘ poses aforesaid, that a Piece of Land should be set apart and
 ‘ appropriated in the Vicinity of *Killiney*, as a Scite for the said
 ‘ intended Chapel, and that there should be an Endowed Chaplain
 ‘ of the said Chapel; Be it therefore enacted, by the King’s most
 ‘ Excellent Majesty, by and with the Advice and Consent of the
 ‘ Lords Spiritual and Temporal, and Commons, in this present
 ‘ Parliament assembled, and by the Authority of the same, That
 ‘ it shall and may be lawful for any Proprietor of any Ground
 ‘ within the said Parish of *Monkstown*, or any Part thereof within
 ‘ the ancient Parish of *Killiney*, now forming a Part of the said
 ‘ Parish of *Monkstown*, notwithstanding any such Proprietor may
 ‘ be seised only for an Estate for Life or in Tail therein, to grant
 ‘ and convey to the Perpetual Curate or Minister of the said Parish
 ‘ of *Monkstown*, and his Successors, a sufficient Quantity of Ground,
 ‘ not exceeding One Acre *English* Statute Measure, for the Pur-
 ‘ pose of building, erecting, and making a Chapel of Ease, with
 ‘ all

Authorizing the
 Conveyance of
 Land for
 erecting a
 Chapel of Ease
 in *Killiney*.

all Buildings necessary thereto, in like Manner and as fully and effectually as Persons are authorized to grant or set out Ground for such or the like Purposes by any Law now in being, such Grant and Conveyance to be in Trust for the Inhabitants of the said Parish for ever; and that the said Perpetual Curate or Minister of the said Parish be and is hereby enabled to take such Grant and Conveyance, the Statute of Mortmain or any other Law to the contrary notwithstanding; Provided always, that if at any Time after the making of the said Grant and Conveyance of the said Ground, and before the building of the said Chapel, it shall be found necessary or convenient to change such Scite of the said intended Chapel, it shall be lawful for the said Perpetual Curate or Minister of the said Parish, with the Consent of the Ordinary of the Diocese, the Dean of *Christchurch*, and the Proprietor who shall or may have granted any Ground for the Scite for the said Chapel, to exchange such Ground so granted as a Scite for the same for any Ground of equal or greater Quantity in the Vicinity of *Killiney* aforesaid; which said Ground so given in exchange shall be conveyed to the said Incumbent for the Purposes aforesaid, and shall be and is hereby vested in the said Incumbent and his Successors, in like Manner as the Ground originally granted would have been had it remained for the Purposes aforesaid.

When Site has been chosen and granted, a Chapel of Ease to be erected under the Direction of the Lord Archbishop of Dublin.

II. And be it further enacted, That when and so soon as a proper Scite shall have been chosen and granted, in manner aforesaid, for the Place of the said intended Chapel, that then and as soon thereafter as conveniently may be, it shall and may be lawful for his Grace *William* Lord Archbishop of *Dublin*, or his Successors, Archbishops of *Dublin*, to erect or cause to be erected upon the Ground so given and conveyed for the Purposes aforesaid a Chapel of Ease, with all necessary Accommodations; which Chapel, when built, shall be consecrated, and shall be dependent upon the Mother Church of the said Parish of *Monkstown*, as a Parochial Chapel of Ease annexed to said Church; and it shall and may be lawful to celebrate the Morning and Evening Service of the United Church of *England* and *Ireland*, and to administer the Sacraments of Baptism and the Lord's Supper, and to preach the Word of God therein: Provided always, that nothing in this Act shall be construed to extend so as to endow the said Chapel with any Right, Privilege, or Liberty of a Parochial Church or independent District Chapel, or to authorize the Performance therein of the Service of Confirmation, Matrimony, and Burial of the Dead, or any or either of them, but that all such Services shall continue as before to be solemnized in the Parish Church only.

A Chaplain to be appointed.

III. And be it further enacted, That there shall be a Chaplain of the said Chapel, with constant and perpetual successive Chaplains, to be appointed, constituted, and endowed in manner hereinafter provided, for the due Celebration of Divine Service and preaching the Word of God in the said Chapel; which said Chaplain and his Successors shall be subject to the Visitation and Power of the Ordinary of the Diocese, and the Laws and Canons Ecclesiastical, in like Manner as Chaplains with Perpetual Succession usually are and of Right ought to be subject.

IV. ' And

IV. And Whereas it is necessary to make a Provision for the Endowment of the said Chaplaincy, and for the Maintenance of the Chaplain and his Successors; and that the Dean of *Christchurch* aforesaid, to whose Deanery the said Parish of *Monkstown* is appropriate, has proposed and is willing, as far as in him lies, and with the Consent of the Chapter of the said Cathedral, to give certain Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, situate within the Parish aforesaid at *Dalkey*, consisting of Twelve Acres One Rood and Eight Perches *English* Statute Measure, described in a certain Lease bearing Date the Fifteenth Day of *January* in the Year of our Lord One thousand eight hundred and twenty-eight, and made between the Dean of *Christchurch* aforesaid of the one Part, and *Henry Lindsay* Esquire of the other Part, as Part Endowment of the said Chaplaincy, and to settle and convey the same to the Use of the first and other Chaplains thereof in Perpetuity; and *Henry Lindsay*, the Tenant in Possession of the said Land and Tenements, holding of the said Dean under the said Lease, has proposed and is willing to surrender his Lease and Interest in the same to the said Dean; Be it therefore enacted, That it shall and may be lawful for the said Dean of *Christchurch*, and his Successors, Deans of *Christchurch*, at any Time after the passing of this Act, to grant and convey to the said Reverend *Charles Lindsay*, the Incumbent or Perpetual Curate aforesaid, and his Successors, the aforesaid Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, situate within the Parish aforesaid, of *Dalkey*, consisting of Twelve Acres One Rood and Eight Perches *English* Statute Measure as aforesaid, and for any other Proprietor of Land within the said Parish of *Monkstown*, notwithstanding such Proprietor may be seized only for an Estate for Life or in Tail therein, at any Time after the passing of this Act, to grant and convey to the said Reverend *Charles Lindsay*, the Incumbent or Perpetual Curate aforesaid, and his Successors, any Quantity of Land within the said Parish of *Monkstown*, or any of the ancient Parishes now forming the Parish of *Monkstown*, not exceeding Eight Acres *English* Statute Measure, in Trust and to and for the sole Use and Benefit of the first and other Chaplains to be constituted and appointed in manner hereinafter provided; and that so soon as any Chaplain shall have been duly appointed under the Provisions of this Act, then and from thenceforth the said Lands and Tenements, with their Appurtenances, so granted or to be granted by the said Dean, and any other Proprietor of Ground in said Parish, to the Use of the said Chaplain, and all the Right, Title, and Interest therein of them the said Dean and such Proprietor as aforesaid, shall become vested in Possession in the said Chaplain and his Successors, Chaplains of the said Chaplaincy, for ever, and he and they shall thenceforth stand seized thereof in like Manner as if the said Grant and Conveyance or Grants and Conveyances had been made directly to themselves, any Statute of Mortmain or any other Law to the contrary notwithstanding: Provided, however, that nothing in this Act contained shall be construed to diminish, or in anywise affect, save as aforesaid, the Interest of any Tenant or Tenants of any

Endowment of
the Chapel.

of the Lands proposed to be conveyed, and now holding the same by virtue of any subsisting Demise under the said Dean or such Proprietor as aforesaid.

Lands to be conveyed to the Chaplain.

V. Provided always, and be it enacted, That in case a Chaplain shall have been duly constituted and appointed, pursuant to the Provisions of this Act, before the said Grants and Conveyances, or either of them, shall have been duly made and carried into Effect, then and in such Case it shall and may be lawful for the said Dean and such other Proprietor, or either of them, to convey the said Lands and Tenements, with their Appurtenances, and other Land, not exceeding Eight Acres *English* Statute Measure, in respect to such Proprietor, to such Chaplain and his Successors, to his and their own sole Use and Benefit; any Statute of Mortmain or other Law to the contrary notwithstanding.

Enabling Chaplain to grant Leases for a Term of Years.

VI. 'And Whereas the Value of the said Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, proposed to be granted and conveyed by the said Dean to the Use and Benefit of the first and other Chaplains aforesaid in Perpetuity, would be much augmented and increased, if the said Chaplain and his Successors, Chaplains of the said Chaplaincy, were empowered by Law to grant Leases of the same, so as to bind their Successors for a Term of Years;' Be it therefore enacted, That it shall be lawful for the said Chaplain and his Successors, when duly constituted and appointed in manner hereinafter provided, with the Consent in Writing of the Archbishop of *Dublin* and the Dean of *Christchurch* aforesaid respectively for the Time being, to grant a Lease of said Lands and Tenements, with their Appurtenances, or of any Part thereof, for any Term of Years not exceeding Sixty Years from the Time of the Execution of such Lease, at the full improved yearly Value of said Lands and Tenements with their Appurtenances, without taking any Fine, or any other pecuniary Consideration whatsoever: Provided always, that if any Fine or other pecuniary Consideration should be taken by said Chaplain or his Successors, or if he should grant a Lease of said Lands and Tenements, with their Appurtenances, or any Part thereof, without the Consent in Writing of the said Archbishop of *Dublin* and the said Dean of *Christchurch* respectively for the Time being first had and obtained, in such Case, or in either of such Cases, the said Lease so granted shall be *ipso facto* void, without any Process or Judgment of Law.

Patronage of the Chaplaincy to be in the Perpetual Curate of Monkstown, who shall nominate the Chaplain.

VII. And be it further enacted, That the Patronage of the said Chaplaincy shall be in the Perpetual Curate of *Monkstown*, and his Successors; and that it shall and may be lawful for the said *Charles Lindsay*, the now Perpetual Curate of the said Parish of *Monkstown*, or his Successors, Perpetual Curates of the same, at any Time after the passing of this Act, to nominate to his Grace *William* Lord Archbishop of *Dublin*, and his Successors, Archbishops of *Dublin*, a fit and proper Person, being a Priest in Holy Orders of the Established Church, and not being possessed of any other Cure or Benefice, or Ecclesiastical Preference with Cure of Souls, to be licensed and appointed to the Chaplaincy of the said Chapel of *Killiney*; and that the said Chaplain, when so nominated, licensed, and appointed, shall be Perpetual Chaplain of said

said Chaplaincy, and shall officiate as such; and that then and thereafter, and so often as the said Chaplaincy shall become void by the Death, Resignation, or other Removal of any first or other Chaplain filling the same, it shall be lawful for the Perpetual Curate of said Parish of *Monkstown*, and his Successors, to nominate to the Archbishop of *Dublin* for the Time being a fit and proper Person, being a Priest in Holy Orders, and not being possessed of any other Cure or Benefice, or Ecclesiastical Preferment with Cure of Souls, to be licensed and appointed as aforesaid, who shall thereafter and by virtue of such Nomination and Licence forthwith be entitled to officiate as Chaplain, and to take and receive to his own Use all the Fruits, Profits, Rents, and Emoluments whatsoever unto the said Chaplaincy belonging; and that the said Chapel, when built as provided, and the Chaplains thereof for the Time being, shall be for ever subject to the Visitation of the said Archbishop of *Dublin*, and his Successors.

VIII. Provided always, and be it enacted, That in case the said Perpetual Curate of *Monkstown* shall omit or neglect, for the Space of Three Calendar Months, to nominate a fit Person to the said Archbishop and his Successors, to be licensed and appointed as aforesaid, that then and in such Case it shall and may be lawful for the said Archbishop of *Dublin*, and his Successors, Archbishops of *Dublin*, to appoint a Chaplain as in a Case of Lapse, and such Chaplain shall be the lawful Successor in the said Chaplaincy: Provided, however, that if any Chaplain shall die, resign, or be removed during any Vacancy of the said Perpetual Cure or Benefice of *Monkstown*, no Time running during such Vacancy shall be counted as a Lapse of the Right of Nomination to such Chaplaincy, or as any Part of the Period of Three Months constituting a Lapse, or as in any Manner defeating or running against the said Right of Patronage of the Incumbent of *Monkstown*, but that such Period of Time shall be counted only during the Plenary of said Benefice or appropriate Curacy of *Monkstown*, and begin to run only from the Time when the said Curacy or Benefice of *Monkstown* shall be full of a Curate or Incumbent.

IX. And be it enacted, That the said Chaplain, and his Successors, Chaplains as aforesaid, shall be and they and each of them are and is hereby incorporated and made One Body Politic and Corporate, by the Name of Chaplains of the Chapel of *Killiney* in the Parish of *Monkstown*, and that they and every of them shall be capable to sue and be sued in all Courts and Places in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, and by such Name to take and receive any Lands, Tenements, or Property whatsoever, Real or Personal, not exceeding in the whole the yearly Value of Two hundred Pounds, by Gift, Grant, Devise, or otherwise, in Augmentation of the said Endowment, and to the Use and Behoof of them and their Successors for ever; and that the Trustees and Commissioners of the First Fruits of the several Benefices of *Ireland* may grant to the said Chaplain and Chaplains, and any of them in Succession, any Sum of Money out of the Funds vested in them for Public Purposes, either by way of Gift or Loan, for the enabling said Chaplain, or any succeeding Chaplain, to build a House of Residence, and also for the enabling him to purchase any Lands, Tenements,

In case the Perpetual Curate shall omit to nominate a Chaplain within a certain Time, the Archbishop of Dublin may.

Chaplaincy to be incorporated.

or Hereditaments, as an additional Endowment of the said Chaplaincy; and that the said Trustees and Commissioners may exercise all such Powers and Authority in favour of the said Chaplain, and his Successors, Chaplains of the said Chapel of *Killiney*, as they are empowered to do in favour of any Perpetual Curate by any Law now in being; and that all Laws and Statutes now in force in that Part of the United Kingdom called *Ireland*, for and in relation to the Purchase, procuring, building, and improving on Glebes and Glebe Lands to be held, provided, and enjoyed by Perpetual Curates, shall be and are hereby enacted to extend to the said Chaplaincy of the Chapel of *Killiney*, and the Lands, Houses, and Improvements to belong and to be made, erected, and procured by the Chaplains of the said Chaplaincy for the Time being.

Chaplain to reside within the Parish of *Monkstown*,

X. And be it further enacted, That the said Chaplain, and his Successors, Chaplains of the said Chapel of *Killiney*, shall reside within the Parish of *Monkstown*, and as near as conveniently may be to said Chapel when erected, and shall be bound to the Duty of Residence as any Perpetual Curates are by Law bound; and that if any such Chaplain shall at any Time be nominated and licensed or presented to any other Curacy, or presented, instituted, or collated to any Benefice or Ecclesiastical Preferment with Cure of Souls, then and in such Case the said Chaplaincy of the Chapel of *Killiney* aforesaid shall be *ipso facto* void, and the Acceptance of such Curacy, Preferment, or Benefice, shall be held to be and amount to a Resignation of the said Chaplaincy of *Killiney*, to which it shall be thereupon lawful for the Incumbent of *Monkstown* to nominate another fit Person as aforesaid to be licensed by the Archbishop; and in Failure of such Nomination within those Months from such Acceptance, to be counted and computed as aforesaid, it shall be lawful for the Archbishop to appoint the Chaplain as in a Case of Lapse as aforesaid; and such Chaplain, so appointed by the Archbishop, shall be the lawful Successor in the said Chaplaincy.

Commissioners of First Fruits may advance Money for building the Chapel.

XI. And be it further enacted, That it shall and may be lawful for the Trustees and Commissioners of the First Fruits of the Benefice in *Ireland*, to give any Sum of Money which may appear to them proper and sufficient for the building and completing of the said intended Chapel of Ease at *Killiney* aforesaid, and to exercise for that Purpose all such Powers and Authority as are now vested in them, in respect of the building new Churches and Chapels in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*.

Chapel, when completed, to be maintained and repaired at the Expence of the Parish of *Monkstown*.

XII. And be it further enacted, That the said Chapel of Ease, when built and completed, shall thenceforward be maintained and repaired, and found in all needful Things, at the Expence of the said Parish of *Monkstown*, in like Manner as other Parochial Chapels of Ease are maintained, repaired, and provided by the Laws and Statutes now in being; and that the Ordinary of the Diocese of *Dublin*, in which said Parish of *Monkstown* is situate, and the Minister and Churchwardens of the said Parish, and the Inhabitants of the same in Vestry assembled, shall have and exercise all such Powers, and be subject to all such Duties in respect of said Chapel, as in like Cases Ordinaries, Ministers, Church-

Churchwardens, and Vestries exercise or are subject to by any Law now in being, or by any Statute hereafter to be enacted, and particularly under and by virtue of a certain Statute made in the Seventh Year of His present Majesty, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks in Ireland.*

7 G. 4. c. 72.

XIII. 'And Whereas by an Act made in the Parliament of *Ireland*, in the Second Year of the Reign of King *George the First*, intituled *An Act for the real Union and Division of Parishes*, it is (amongst other Things) enacted, that all Acts of Parliament for the uniting or disuniting of particular Parishes or Parts of Parishes, or erecting particular Churches, shall be deemed as Public General Acts in all Courts and by all Persons, and that no Fees shall be taken by any Person or Persons for passing any such Act of Parliament: And Whereas it is expedient that the like Provision should be made in this Case;' Be it therefore enacted, That this present Act is and shall be deemed a Public and General Act, and shall be judicially taken notice of as such in all Courts, and by all Judges, Justices, and others, without being specially pleaded; and that no Fees shall be paid or taken by any Person or Persons for passing the same.

Act 2 G. 1. (I.) for Union and Divisions of Parishes.

Act to be a Public Act, and not to be subject to the Payment of Fees.

C A P. LIII.

An Act to repeal several Acts and Parts of Acts in force in *Ireland*, relating to Bail in Cases of Felony, and to certain Proceedings in Criminal Cases, and to the Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property.

[15th July 1828.]

WHEREAS it is expedient that Provisions should be made for the improving the Administration of Justice in *Ireland*, by amending the Laws in force there, relating to the Punishment of Felony, and to Bail in Cases of Felony, and to Examinations, Informations, and other Proceedings previous to Trial for Criminal Offences, and to Larceny, and other Offences of stealing, and to Burglary, Robbery, and Threats for the Purpose of Robbery or of Extortion, and to the Embezzlement of Property, and to the obtaining Property by false Pretences, and to the Receipt of stolen Property, and to malicious Injuries to Property; and it is therefore requisite that all existing Statutes and Acts, and Parts of Statutes and Acts, in force in *Ireland*, relating to the several Matters and Things aforesaid, and relating to the Benefit of Clergy, should be repealed; 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 Statutes and Acts, and Parts of Statutes and Acts, hereinafter mentioned, shall continue in force in *Ireland* until and throughout the Thirty-first Day of August One thousand eight hundred and twenty-eight, and no longer; and that from and after the said Thirty-first Day of

From and after the 31st August 1828, recited Acts and Parts of Acts made in the Parliaments of Eng-

August

land, Ireland,
and the United
Kingdom,
repealed; viz.

English Acts,
9 H. 3. st. 2.
c. 10.

3 Edw. 1. c. 2.
15. & 20.

21 Edw. 1. st. 2.

33 Edw. 1.

1 Edw. 3. st. 1.
c. 8.

25 Edw. 3. st. 6.
(vulgo st. 5.)
c. 4, 5.

34 Edw. 3.
c. 22.

37 Edw. 3.
c. 19.

7 H. 5.

9 H. 5. st. 5.
c. 1.

8 H. 6. c. 12.
a. 3.

23 H. 6. c. 9.

33 H. 6. c. 1.

1 R. 3. c. 3.

1 H. 7. c. 7.

3 H. 7. c. 3.

4 H. 7. c. 13.

Irish Acts,
3 Edw. 2. c. 1.

*August One thousand eight hundred and twenty-eight, the several Statutes and Acts, and Parts of Statutes and Acts, hereinafter mentioned, specified, and set forth, shall cease and determine, and shall be repealed (except only so far as is hereinafter excepted and provided for); that is to say, the several Statutes and Acts, and Parts of Statutes and Acts, passed in the Parliament of England, hereinafter specified and set forth, and which by an Act passed in the Parliament of Ireland in the Tenth Year of the Reign of King Henry the Seventh, intituled *An Act confirming all the Statutes made in England*, are in force in Ireland, namely, so much of a Charter or Statute made in the Ninth Year of the Reign of King Henry the Third, commonly called *Charta de Foresta*, as relates to the Punishment for taking the King's Venison; so much of a Statute made at *Westminster* in the Third Year of the Reign of King Edward the First, as relates to Clerks taken for guilty of Felony, and to Trespassers in Parks and Ponds; so much of the same Statute as provides what Prisoners shall not be replevisable, and what shall be so; a Statute made in the Twenty-first Year of the same Reign, intituled *Statutum de Malefactoribus in Parcis*; an Ordinance made in the Thirty-third Year of the Reign of King Edward the First, commonly called *An Ordinance for Inquests*; so much of a Statute made in the First Year of the Reign of King Edward the Third, as relates to Trespasses in the King's Forest of Vert and Venison; so much of a Statute made in the Twenty-fifth Year of the same Reign, intituled *Ordinatio pro Clero*, as relates to Clerks convicted of Treasons or Felonies, and to the Arraignment of Clerks; so much of a Statute made in the Thirty-fourth Year, and of another Statute made in the Thirty-seventh Year of the same Reign, as relates to Hawks; so much of a Statute made in the seventh Year of King Henry the Fifth, as relates to those that forge or make untrue Charters or Muniments; so much of a Statute made in the Ninth Year of the same Reign, as relates to Indictments and Appeals in a non-existing Place; so much of a Statute made in the Eighth Year of the Reign of King Henry the Sixth, as relates to the Offences of Stealing, taking away, withdrawing, or avoiding of any Record or other like Thing therein mentioned; so much of a Statute made in the Twenty-third Year of the same Reign, as relates to Sheriffs, and other Officers and Ministers therein mentioned, letting out of Prison upon Sureties any Person in Custody upon Indictment; so much of a Statute made in the Thirty-third Year of the same Reign, as relates to Servants taking and spoiling the Goods of their Masters after their Death; an Act passed in the First Year of the Reign of King Richard the Third, intituled *An Act for bailing of Persons suspected of Felony*; an Act passed in the First Year of the Reign of King Henry the Seventh, intituled *An Act against unlawful hunting in Forests and Parks*; so much of an Act passed in the Third Year of the same Reign, intituled *An Act that Justices of the Peace may take Bail*, as relates to Bail or Mainprize; an Act passed in the Fourth Year of the same Reign, intituled *An Act to take away the Benefits of Clergy from certain Persons*; and also the following Statutes and Acts, and Parts of Statutes and Acts, passed in the Parliament of Ireland; that is to say, an Act passed in the Third Year of the Reign*

Reign of King Edward the Second, intituled *An Act to restrain great Lords from taking of Prises, Lodging, and Sojourning, against the Will of the Owner*; an Act passed in the Eighteenth Year of the Reign of King Henry the Sixth, intituled *An Act that no Lord or other shall charge the King's Subjects with Horses, Horsemen, or Footmen, without their good Wills; the Offender a Traitor*; an Act passed in the Thirty-fifth Year of the same Reign, intituled *An Act that every Man shall answer for the Offence of his Sons, as the Offender ought to do, saving Punishment of Death*; an Act passed in the same Thirty-fifth Year of the same Reign, intituled *An Act that Persons not amenable to the Law shall not enter, distrain, rob, threaten, or kill any Tenants for any Lands or Tenements, contrary to the Common Law, but shall first show their Title to the Governor and Council, and thereupon have Licence to distrain or enter in peaceable Manner*; an Act passed in the Fifteenth Year of the Reign of King Edward the Fourth, intituled *An Act prohibiting Distresses to be taken contrary to the Common Law*; an Act passed in the Tenth Year of the Reign of King Henry the Seventh, intituled *An Act that no Peace nor War be made with any Man without a Licence of the Governor*; an Act passed in the Thirteenth Year of the Reign of King Henry the Eighth, intituled *An Act for burning of Corn as well in Ricks in the Fields as in Villages and Towns*; an Act passed in the Twenty-eighth Year of the same Reign, intituled *An Act how Persons robbed shall be restored to their Goods*; an Act passed in the First Session of the Thirty-third Year of the same Reign, intituled *An Act that maketh it Felony to any Man to run away with his Master's Casket*; an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King Phillip and Queen Mary, intituled *An Act that the Owners of Goods stolen may be restored thereunto*; an Act passed in the Session of Parliament holden in the Eleventh, Twelfth, and Thirteenth Years of the Reign of King James the First, intituled *An Act for the taking away of Clergy in certain Cases of Felonies, and for Delivrie of Clerikes Convict without Purgation, save and except so far as the said Act relates to any felonious Rape or Ravishment*; an Act passed in the Second Session of the Tenth Year of the Reign of King Charles the First, intituled *An Act appointing an Order to Justices of Peace, touching the Bailment, committing, and taking Examination of Prisoners, &c.*; an Act passed in the same Session, intituled *An Act for the Tryall of Murders and Felonies committed in several Counties, &c.*; an Act passed in the same Session, intituled *An Act to avoyde and prevent diverse Misdemeanors in idle and lewd Persons in barking of Trees, &c.*; an Act passed in the Third Session of the same Year of the same Reign, intituled *An Act concerning Women convicted of small Felonies*; an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the same Reign, intituled *An Act for the limiting of peremptory Challenges in Cases of Treason and Felonies, &c.*; an Act passed in the same Years of the same Reign, intituled *An Act against ploughing by the Tayle, and pulling the Wooll off living Sheep*; an Act passed in the same Years of the same Reign, intituled *An Act to prevent the unprofitable Custom of burning of Corn in the Straw*; an Act passed in the

18 H. 6. c. 3.

35 H. 6. c. 2.

35 H. 6. c. 3.

15 Edw. 4. c. 1.

10 H. 7. c. 17.

13 H. 8. c. 1.

28 H. 8. c. 10.

33 H. 8. st. 1.
c. 5.3 & 4 P. & M.
c. 6.11, 12, 13 J. 1.
c. 3.10 C. 1. st. 2.
c. 18.10 C. 1. st. 2.
c. 19.10 C. 1. st. 2.
c. 23.10 C. 1. st. 3.
c. 16.10 & 11 C. 1.
c. 9.10 & 11 C. 1.
c. 15.10 & 11 C. 1.
c. 17.

- 15 C. 1. c. 7. Fifteenth Year of the same Reign, intituled *An Act concerning Clergy*; an Act passed in the Ninth Year of the Reign of King William the Third, intituled *An Act for taking away the Benefit of Clergy in some Cases*; so much of an Act passed in the Fourth Year of the Reign of Queen Anne, intituled *An Act against Horse Stealing, and to prevent the buying and selling of stolen Horses, and for punishing all Accessories to Felonies*, as relates to Buyers or Receivers of Stolen Goods, or Accessories to Felonies; so much of an Act passed in the Eighth Year of the same Reign, intituled *An Act for the encouraging the Discovery and apprehending of Housebreakers*, as relates to Buyers or Receivers of stolen Goods, or to Harbourers of Burglars or Thieves; an Act passed in the Ninth Year of the same Reign, intituled *An Act for taking away the Benefit of Clergy in certain Cases, and for taking away the Book in all Cases, and for repealing Part of the Statute for transporting Felons*, save and except such Part thereof as relates to the Offence of having carnal Knowledge of any Female Child, or as relates to Witnesses; so much of an Act passed in the Ninth Year of the same Reign, intituled *An Act to prevent the maiming of Cattle*, as makes any Offence therein mentioned a Felony; so much of an Act passed in the Second Year of the Reign of King George the First, intituled *An Act to empower Justices of the Peace to determine Disputes about Servants, Artificers, Day Labourers Wages, and other small Demands, and to oblige Masters to pay the same, and to punish idle and disorderly Servants*, as relates to the hereinbefore recited Act of the Thirty-third Year of the Reign of King Henry the Eighth; an Act passed in the Second Year of the Reign of King George the First, intituled *An Act for making more effectual an Act, intituled, 'An Act to prevent the maiming of Cattle;*' so much of an Act passed in the Fourth Year of the same Reign, intituled *An Act for the preserving of all such Ships and Goods thereof which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom*, as makes any Offence therein mentioned a Felony; so much of an Act passed in the Sixth Year of the same Reign, intituled *An Act for the better and more effectual apprehending and transporting Felons and others, and for continuing and amending several Laws made in this Kingdom for suppressing Tories, Robbers, and Raparees*, as authorises the Punishment of Transportation instead of burning in the Hand or Whipping, and as relates to the Offence of taking Money or Reward for helping Persons to stolen Property; an Act passed in the First Year of the Reign of King George the Second, intituled *An Act for preventing the embezzling of Goods under the Value of Forty Shillings by Servants, and the malicious Destruction of Engines and other Things belonging to Mines*; so much of an Act passed in the Third Year of the same Reign, intituled *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, and for the more effectual transporting Felons, Vagabonds, and others*, as relates to the stealing or taking by Robbery of any Securities for Money therein enumerated; so much of an Act passed in the same Third Year of the same Reign, intituled *An Act to prevent unlawful Combinations*

ations of Workmen, Artificers, and Labourers, employed in the several Trades and Manufactures of this Kingdom, and for the better Payment of their Wages, as also to prevent Abuses in making of Bricks, and to ascertain their Dimensions, as relates to the Offence of injuring or destroying any Goods, Wares, or Work; an Act passed in the Fifth Year of the same Reign, intituled An Act for the more effectual punishing Stealers of Lead or Iron Bars fixed to Houses, or any Fences belonging thereunto; an Act passed in the Seventh Year of the same Reign, intituled An Act for the more effectual Discovery of Deer Stealers; so much of an Act passed in the Seventeenth Year of the same Reign, intituled An Act to amend and make more effectual the Laws to prevent the maiming, killing, and destroying of Cattle, and to prevent Frauds committed by Butchers dressing Meat for Sale, as makes any Offence therein mentioned a Felony; so much of an Act passed in the same Year, intituled An Act to take away the Benefit of Clergy from any Person that shall, by Night or by Day-time, feloniously and privately steal any Goods out of any Shop, Warehouse, Tan Yard, Drying House, Cellar, or Outhouse, though not adjoining to any Dwelling House, or off of Quays, and to encourage Persons to apprehend such Felons and other Robbers, as makes any Offence therein mentioned a Felony; an Act passed in the Twenty-first Year of the same Reign, intituled An Act for the more effectual Punishment of Assaults with Intent to commit Robbery; so much of an Act passed in the Twenty-ninth Year of the same Reign, intituled An Act to prevent unlawful Combinations of Tenants, Colliers, Miners, and others, and the sending of threatening Letters without Names, or with fictitious Names subscribed thereto, and the malicious Destruction of Carriages; and for the more effectual Punishment of wicked Persons who shall maliciously set fire to Houses or Outhouses, or to Stacks of Hay, Corn, Straw, or Turf, or to Ships or Boats, as makes any Offence therein mentioned a Felony; so much of an Act passed in the same Year of the same Reign, intituled An Act for promoting Public Credit, as makes any Offence therein mentioned a Felony; an Act passed in the Thirty-first Year of the same Reign, intituled An Act for the more effectual preventing Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Fustian, Cotton, Iron, Furr, Wollen, Mohair, and Silk Manufactures of this Kingdom; and for continuing and amending an Act made in the Seventh Year of His present Majesty's Reign, intituled 'An Act to prevent Frauds and Abuses in Bay Yarns exported to Great Britain,' save and except so far as the said Act relates to Yarn; an Act passed in the Seventh Year of the Reign of King George the Third, intituled An Act for the further Preservation of Woods and Timber Trees; an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the same Reign, intituled An Act for the more effectual proceeding against Persons standing mute on their Arraignment for Murder, Felony, or Piracy; an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the same Reign, intituled An Act for the encouraging the Cultivation, and for the better Preservation of Trees, Shrubs, Plants, and Roots, save and except such Part thereof as declares what shall be deemed Timber Trees, and

5 G. 2. c. 10.
 7 G. 2. c. 8.
 17 G. 2. c. 5.
 s. 1, 2, 3.
 17 G. 2. c. 6.
 21 G. 2. c. 12.
 29 G. 2. c. 12.
 s. 3, 4.
 29 G. 2. c. 16.
 s. 3.
 31 G. 2. c. 10.
 except 11.
 & 12.
 7 G. 3. c. 23.
 13 & 14 G. 3.
 c. 16.
 15 & 16 G. 3.
 c. 26. except
 s. 1, 3, & 5.

- 15 & 16 G. 3.
c. 33. except so far as relates to any Certificates therein mentioned ; an Act passed in the same Session of Parliament, intituled *An Act for the more effectual preventing the plundering of Ships or Vessels which may be wrecked or stranded on the Coasts of this Kingdom* ; so much of an Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the same Reign, intituled *An Act to prevent Combinations, and for the further Encouragement of Trade*, as relates to breaking or entering by force into any House or Shop with any Intent in the said Act mentioned, and as relates to any wilful or malicious Injury to any Manufacture, or any Tools employed in the making thereof, or any Mill, Engine, or Device for the making or perfecting thereof, or to be employed therein ; so much of an Act passed in the same Session of Parliament, intituled *An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards, and Corn, and for other Purposes*, as relates to Searches and Search Warrants for stolen Lambs ; so much of an Act passed in the Session of Parliament holden in the Twenty-third and Twenty-fourth Years of the same Reign, intituled *An Act to amend the Laws for the Encouragement of planting Timber Trees*, as relates to any Conviction for a Second or Third Offence of cutting down, pulling up, barking, or otherwise destroying any Tree or Trees, or as relates to any Felony ; an Act passed in the same Session of Parliament, intituled *An Act for the more easy Discovery and effectual Punishment of Buyers and Receivers of Stolen Goods* ; an Act passed in the same Session of Parliament, intituled *An Act for the Amendment of the Law in relation to the Salvage of Ships and Goods stranded or in danger of perishing at Sea*, save and except so far as relates to Salvage ; an Act passed in the Twenty-sixth Year of the same Reign, intituled *An Act for the more effectual Punishment of Persons who shall attain or attempt to attain Possession of Money or Goods by false Pretences or by Threats* ; and so much of an Act passed in the Twenty-seventh Year of the same Reign, intituled *An Act for directing the Application of the Funds granted by Parliament for promoting and carrying on Inland Navigation in this Kingdom, and for the Purposes therein mentioned*, as relates to any wilful and malicious Injury to any Works or Parts of any Canal or Inland Navigation ; an Act passed in the same Year, intituled *An Act to prevent the stealing of Dogs* ; an Act passed in the same Year, intituled *An Act to punish more effectually Persons who shall steal any old Lead, Iron Bars, or Rails, or Iron or Brass Knockers* ; so much of an Act passed in the same Year intituled *An Act for preventing the wilful Destruction of Turnpike Gates, and for the better securing the Payment of Tolls at such Gates*, as relates to any Injury to any Turnpike Gate, or to any other Thing therein mentioned ; an Act passed in the Twenty-eighth Year of the same Reign, intituled *An Act for the better Preservation of Sheep, and the more speedy Detection of Sheep-Stealers* ; so much of an Act passed in the Thirty-first Year of the same Reign, intituled *An Act to amend an Act, intituled ' An Act to prevent the Practice of seducing Artificers and Manufacturers of this Kingdom, and of exporting the several Tools and Utensils made use of in preparing and working up the Manufactures thereof into Parts beyond the Seas,*' as relates to any Apprentice or other Person
- 19 & 20 G. 3.
c. 19. s. 5.
- 19 & 20 G. 3.
c. 37. s. 5.
- 23 & 24 G. 3.
c. 39. s. 17, 18.
- 23 & 24 G. 3.
c. 45.
- 23 & 24 G. 3.
c. 48. s. 1. to 4.
- 26 G. 3. c. 37.
- 27 G. 3. c. 30.
s. 22.
- 27 G. 3. c. 34.
- 27 G. 3. c. 52.
- 27 G. 3. c. 53.
s. 1.
- 28 G. 3. c. 37.
- 31 G. 3. c. 23.
s. 3.

Person wilfully cutting, defacing, spoiling, or by Mismanagement or Neglect injuring any Work, or any Loom, Tool, or Materials; an Act passed in the Thirty-sixth Year of the same Reign, intituled *An Act to render Persons convicted of Petty Larceny competent Witnesses*; an Act passed in the same Year, intituled *An Act for the better Regulation of the Woollen and Cotton Manufactures*; and also the following Statutes and Acts, and Parts of Statutes and Acts, made in the Parliament of the United Kingdom; that is to say, so much of an Act passed in the Forty-third Year of the Reign of King George the Third, intituled *An Act for the further Prevention of malicious shooting and attempting to discharge loaded Fire Arms, stabbing, cutting, wounding, poisoning, and the malicious using of Means to procure the Miscarriage of Women*; and also the malicious setting fire to Buildings; and also for repealing a certain Act made in England in the Twenty-first Year of the late King James, intituled 'An Act to prevent the destroying and Murdering of Bastard Children'; and also an Act made in Ireland in the Sixth Year of the Reign of the late Queen Anne, also intituled, 'An Act to prevent the destroying and murdering of Bastard Children'; and for making other Provisions in lieu thereof; as relates to the setting fire to any of the Buildings therein enumerated; an Act passed in the same Year, intituled *An Act for making more effectual Provisions, within Ireland, for the Punishment of Offences in wilfully casting away, sinking, burning, or destroying Ships and Vessels, and for the more convenient Trial of Accessories in Felonies*; so much of an Act passed in the same Year, intituled *An Act to prevent unlawful Combinations of Workmen, Artificers, Journeymen, and Labourers, in Ireland, and for other Purposes relating thereto*, as relates to wilfully damnifying, spoiling, destroying, selling, or otherwise disposing of any Goods, Wares, Work, or Materials; so much of an Act passed in the Forty-fourth Year of the same Reign, intituled *An Act to render more easy the apprehending and bringing to Trial Offenders escaping from One Part of the United Kingdom to the other, and also from One County to another*, as relates to the Prosecution and Punishment of Persons for Theft or Larceny, and for receiving or having any stolen Property as therein mentioned; an Act passed in the Fifty-first Year of the same Reign, intituled *An Act to protect Masters against Embezzlements by their Clerks and Servants in Ireland*; an Act passed in the same Year, intituled *An Act to repeal so much of An Act passed in the Parliament of Ireland in the Third Year of the Reign of His present Majesty, intituled 'An Act for the better Regulation of the Linen and Hemp Manufactures' as takes away the Benefit of Clergy from Felons convicted of stealing Cloth from Bleaching Grounds, and for more effectually preventing such Felonies*; so much of an Act passed in the Fifty-second Year of the same Reign, intituled *An Act for the extending the Laws for preventing the Embezzlement of His Majesty's Naval, Ordnance, and Victualling Stores, to Ireland*, as relates to an Act of the Twenty-second Year of King Charles the Second, for taking away the Benefit of Clergy from such as steal Cloth from the Rack, and from such as steal or embezzle His Majesty's Ammunition and Stores; an Act passed in the same Year of the same Reign, intituled *An Act for more effectually preventing the Embezzlement of*

36 G.3. c.29.

36 G.3. c.45.

Acts of the
United Parliam-
ent,

43 G.3. c.58.

Part of a.1.

43 G.3. c.79.

43 G.3. c.96.
a.8.44 G.3. c.92.
a.7 & 8.

51 G.3. c.38.

51 G.3. c.89.

52 G.3. c.12.
extending

22 Car.2. c.5.

52 G.3. c.63.

- Securities for Money and other Effects left or deposited for safe Custody or other special Purpose in the Hands of Bankers, Merchants, Brokers, Attornies, or other Agents; an Act passed in the same Year, intituled An Act for the extending the Provisions of an Act of the Thirtieth Year of King George the Second, against Persons obtaining Money by false Pretences, to Persons so obtaining Bonds and other Securities; an Act passed in the same Year,*
- 52 G. 3. c. 64.
- 52 G. 3. c. 190.* intituled *An Act for the more effectual Punishment of Persons destroying the Properties of His Majesty's Subjects, and enabling the Owners of such Properties to recover Damages for the Injury sustained; an Act passed in the Fifty-sixth Year of the same Reign,*
- 56 G. 3. c. 73.
- 58 G. 3. c. 68.* intituled *An Act for removing Difficulties in the Conviction of Offenders stealing Property from Mines; an Act passed in the Fifty-eighth Year of the same Reign, intituled An Act to repeal so much of an Act passed in Ireland in the Ninth Year of the Reign of Queen Anne, intituled 'An Act for taking away the Benefit of ' Clergy in certain Cases, and for taking away the Book in all ' Cases, and for repealing Part of the Statute for transporting ' Felons,' as takes away the Benefit of Clergy from Persons stealing privily from the Person of another; and more effectually to prevent the Crime of Larceny from the Person; an Act passed in the*
- 59 G. 3. c. 27.
- 59 G. 3. c. 96.* Fifty-ninth Year of the same Reign, intituled *An Act to facilitate the Trial of Felonies committed on board Vessels employed on Canals, navigable Rivers, and Inland Navigations; an Act passed in the same Year, intituled An Act to facilitate the Trial of Felonies committed on Stage Coaches and Stage Waggons and other such Carriages, and of Felonies committed on the Boundaries of Counties; an Act passed in the First Year of the Reign of His present Majesty, intituled An Act for the summary Punishment in certain Cases of Persons wilfully or maliciously damaging or committing Trespasses on public or private Property; an Act passed in the same Year, for making general the Provisions of the hereinbefore recited Act of the Fifty-sixth Year of the Reign of King George the Third; an Act passed in the Session of Parliament holden in the First and Second Years of His present Majesty's Reign, intituled An Act to repeal so much of Two Acts made in the Parliament of Ireland in the Ninth Year of Queen Anne, and in the*
- 1 G. 4. c. 56.
- 1 G. 4. c. 102.* Seventeenth Year of King George the Second, as inflicts Capital Punishment on Persons guilty of stealing to the Amount of Five Shillings out of or from Shops, Warehouses, and other Outbuildings and Places, and to provide more suitable and effectual Punishment for such Offences; an Act passed in the Third Year of His present Majesty's Reign, intituled *An Act for extending the Laws against Receivers of Stolen Goods to Receivers of stolen Bonds, Bank Notes, or other Securities for Money; an Act passed in the*
- 1 & 2 G. 4. c. 34.
- 3 G. 4. c. 24.* same Year, intituled *An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the Fact of Grand Larceny, and certain other Felonies, except as far as the said Act relates to Manslaughter; so much of an Act passed in the same Year, intituled An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with hard Labour, as relates to the Punishment of receiving stolen Goods, and for obtaining any Property as therein mentioned by false*
- 3 G. 4. c. 38. except s. 1.
- 3 G. 4. c. 114.* Pretences;

Pretences; an Act passed in the Fifth Year of His present Majesty's Reign, intituled *An Act to prevent the stealing of Records, Deeds, and Papers, in Ireland*; an Act passed in the Sixth Year of His present Majesty's Reign, intituled *An Act for the Amendment of the Law as to the Offence of sending threatening Letters*; an Act passed in the same Year, intituled *An Act to amend Two Acts for removing Difficulties in the Conviction of Offenders stealing Property in Mines, and from Corporate Bodies*; so much of an Act passed in the Sixth Year of His present Majesty's Reign, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in Ireland*, as makes any Offence therein mentioned a Felony; so much of an Act passed in the same Year, intituled *An Act to alter and amend an Act for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements, in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents*, as relates to any Misdemeanor therein mentioned; so much of an Act passed in the Seventh Year of His present Majesty's Reign, intituled *An Act to provide for the more effectual Punishment of certain Offences in Ireland, by Imprisonment with hard Labour*, as relates to Grand or Petty Larceny, or to receiving stolen Goods, or to false Pretences; an Act passed in the same Year, intituled *An Act to prevent the wilful and malicious Destruction of Dwelling Houses in Ireland*; an Act passed in the same Year, intituled *An Act to amend the Law in respect to the Offence of stealing from Gardens and Hothouses*; an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of His present Majesty's Reign, to explain and amend the hereinbefore recited Act of the Seventh Year of the Reign of His present Majesty, for preventing the wilful and malicious Destruction of Dwelling Houses in Ireland; and the said several hereinbefore recited Statutes and Acts, and Parts of Statutes and Acts, are hereby repealed accordingly, so far as relates to Ireland, or to Offences committed within the Jurisdiction of the Admiralty of Ireland; save and except so far as the said Statutes and Acts, or Parts of Statutes and Acts respectively, or any of them, may repeal the Whole or any Part of any other Act or Acts; and save and except as to Offences committed, and Punishments awarded, and other Matters done before or upon the said Thirty-first Day of August One thousand eight hundred and twenty-eight, which shall be dealt with, considered, and punished as if this Act had not been passed.

II. And be it further enacted, That all Acts and Parts of Acts continuing or perpetuating any of the Acts or Parts of Acts hereinbefore repealed, so far only as relates to such Continuation or Perpetuation, from and after the said Thirty-first Day of August One thousand eight hundred and twenty-eight, shall be and the same are hereby repealed.

III. Provided always, and be it enacted, That nothing in this Act contained shall in anywise affect or alter such Part of any Act as relates to the Post-Office, or to any Branch of the Public Revenue, or to the Naval, Military, Victualling, or other Public Stores of His Majesty, or any Act relating to the Bank of Ireland; except so far as this Act repeals Part of an Act of the Fifty-

Proviso as to continuing Acts, &c.

Exceptions out of this Act.

second Year of King *George* the Third, relating to Naval, Ordnance, and Military Stores.

C A P. LIV.

An Act for improving the Administration of Justice in Criminal Cases in *Ireland*. [15th July 1828.]

‘ **W**HEREAS it is expedient, with a View to improve the Administration of Justice in Criminal Cases in *Ireland*, to define under what Circumstances Persons may be admitted to Bail in Cases of Felony; and to make better Provisions for taking Examinations, Informations, Bailments, and Recognizances, and returning the same to the proper Tribunals; and to relax in some Instances the technical Strictness of Criminal Proceedings, so as to ensure the Punishment of the Guilty without depriving the Accused of any just Means of Defence; and to abolish the Benefit of Clergy and some Matters of Form which impede the due Administration of Justice; and to make better Provisions for the Punishment of Offenders in certain Cases:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person shall be taken on a Charge of Felony, or Suspicion of Felony, before One or more Justice or Justices of the Peace, and the Charge shall be supported by positive and credible Evidence of the Fact, or by such Evidence as if not explained or contradicted shall, in the Opinion of the Justice or Justices, raise a strong Presumption of the Guilt of the Person charged, such Person shall be committed to Prison by such Justice or Justices in the Manner hereinafter mentioned; but if there shall be only One Justice present, and the whole Evidence given before him shall be such as neither to raise a strong Presumption of Guilt, nor to warrant the Dismissal of the Charge, such Justice shall order the Person charged to be detained in Custody, and such Person shall be taken before Two Justices at the least; and where any Person so taken, or any Person in the first Instance taken before Two Justices of the Peace, shall be charged with Felony, or on Suspicion of Felony, and the Evidence given in support of the Charge shall, in the Opinion of such Justices, not be such as to raise a strong Presumption of the Guilt of the Person charged, and to require the Committal of such Person, or such Evidence shall be adduced on behalf of the Person charged as shall, in the Opinion of such Justices, weaken the Presumption of Guilt, but there shall, notwithstanding, appear to such Justices, in either of such Cases, to be sufficient Ground for judicial Enquiry into the Guilt of the Person charged, such Person shall be admitted to Bail by such Two Justices in the Manner hereinafter mentioned: Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear Evidence on behalf of any Person so charged as aforesaid, unless it shall appear to such Justice or Justices to be meet and conducive to the Ends of Justice to hear the same.

Who may be admitted to Bail on a Charge of Felony, and who may not.

Justice not obliged to hear Evidence on behalf of Persons charged.

II. And

II. And be it enacted, That Two Justices of the Peace, before they shall admit to Bail, and One or more Justice or Justices, before he or they shall commit to Prison, any Person arrested for Felony or on Suspicion of Felony, shall take the Examination of such Person, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, and the Two Justices admitting to Bail shall certify the Bailment in Writing; and every such Justice shall have Authority to summon any Person within his Jurisdiction, whom he shall have reason to consider capable of giving material Evidence concerning any such Felony or Suspicion of Felony, and to examine such Person on Oath touching the same, and to bind by Recognizance all such Persons as know or declare any thing material touching any such Felony, or Suspicion of Felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or other Court at which the Trial of such Offence is intended to be had, then and there to prosecute and give Evidence against the Party accused; and such Justices and Justice respectively shall subscribe all such Examinations, Informations, Bailments, and Recognizances, and deliver or cause to be delivered the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court; and in case any Person so summoned shall refuse to submit to such Examination or to enter into such Recognizance, it shall be lawful for the Justice or Justices to commit such Person to the public Gaol of the County, City, or Town, until such Person shall submit to such Examination, or shall enter into such Recognizance, or be discharged by due Course of Law; provided that no such Examination shall subject the Party examined to any Prosecution or Penalty, or be given in Evidence against such Party, save on any Indictment for having committed wilful and corrupt Perjury in such Examination.

III. And be it further enacted, That every Justice of the Peace before whom any Person shall be taken on a Charge of Misdemeanor, or Suspicion thereof, shall take the Examination of the Person charged, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, before he shall commit to Prison or require Bail from the Person so charged; and in every Case of Bailment shall certify the Bailment in Writing; and shall have Authority to bind all Persons by Recognizance to appear to prosecute or give Evidence against the Party accused, in like Manner as in Cases of Felony; and shall subscribe all Examinations, Informations, Bailments, and Recognizances, and deliver or cause to be delivered the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court, in like Manner as in Cases of Felony.

IV. And be it further enacted, That every Coroner, upon any Inquisition taken before him, whereby any Person shall be indicted for Manslaughter or Murder, or as an Accessory to Murder before the Fact, shall put in Writing the Evidence given to the Jury before him, or as much thereof as shall be material; and shall have Authority to bind by Recognizance all such Persons

Before any Person charged with Felony, &c. shall be bailed or committed, the Justices shall take down the Examination, &c. and bind Witnesses to appear.
Power to summon Witnesses.

Examinations, &c. to be delivered to the Court.

Punishment of Party refusing to be examined.

Examination not to be Evidence against the Party, except as to Perjury.

Duty and Power of Justice on Charges of Misdemeanor.

Duty and Power of Coroner on Inquests whereon Parties are indictable for Murder.

as know or declare any thing material touching the said Manslaughter or Murder, or the said Offence of being accessory to Murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or other Court at which the Trial is to be, then and there to prosecute or give Evidence against the Party charged; and every such Coroner shall certify and subscribe the same Evidence, and all such Recognizances, and also the Inquisition before him taken, and shall deliver the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Courts may fine Justices and Coroners for Neglect, &c.

V. And be it further enacted, That if any Justice or Coroner shall neglect or offend in any thing contrary to the true Intent and Meaning of any of the Provisions of this Act, it shall be lawful for the Court to whose Officer any such Examination, Information, Evidence, Bailment, Recognizance, or Inquisition ought to have been delivered, and such Court is hereby authorized and required, upon Examination and Proof of the Offence, in a summary Manner to set such Fine upon every such Justice or Coroner as the Court shall think meet.

Provisions to apply to all Justices and Coroners.

VI. And be it further enacted, That the Provisions of this Act relating to Justices and Coroners shall apply to the Justices and Coroners not only of Counties at large, but also of all other Jurisdictions.

Plea of Not guilty, without more, shall put the Prisoner on his Trial by Jury.

VII. And be it enacted, That whenever any Person, not having Privilege of Peerage, being arraigned upon any Indictment for Treason, Felony, or Piracy, shall plead thereto a Plea of Not guilty, such Person shall, by such Plea, without any further Form, be deemed to have put himself or herself upon the Country for Trial, and the Court shall, in the usual Manner, order a Jury for the Trial of such Person accordingly.

If Prisoner refuse to plead, Court may order Plea of Not guilty to be entered.

VIII. And be it enacted, That if any Person, being arraigned upon or charged with any Indictment or Information for Treason, Felony, Piracy, or Misdemeanor, shall stand mute of Malice, or will not answer directly to the Indictment or Information, in every such Case it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a Plea of Not guilty on behalf of such Person; and the Plea so entered shall have the same Force and Effect as if such Person had actually pleaded the same.

The King shall only challenge for Cause certain.

IX. And be it further enacted, That in all Inquests to be taken before any of the Courts in *Ireland*, wherein the King is a Party, howsoever it be, notwithstanding it be alleged by them that sue for the King that the Jurors of those Inquests, or some of them, be not indifferent for the King, yet such Inquests shall not remain untaken for that Cause; but if they that sue for the King will challenge any of those Jurors, they shall assign of their Challenge a Cause certain, and the Truth of the same Challenge shall be enquired of according to the Custom of the Court; and it shall be proceeded † to the taking of the same Inquisitions, as it shall be found, if the Challenges be true or not, after the Discretion of the Court: Provided always, that nothing herein contained shall affect or be construed to affect the Power of any Court in *Ireland* to order any Juror to stand by until the Pannel shall be gone through, at the Prayer of them that prosecute for the King, as has been heretofore accustomed; and that no Person arraigned for

† &c.

Courts may bid a Juror stand by.

for Treason or Murder, or for other Felony, shall be admitted to any peremptory Challenge above the Number of Twenty; and if any Person so arraigned for Treason or Murder, or for other Felony, shall peremptorily challenge more than Twenty, such excessive Challenge shall be rejected, and the Jurors so challenged beyond the Number of Twenty shall be sworn on the Inquest, and the Trial shall proceed as if such excessive Challenge had not been made or taken.

Prisoner allowed 20 peremptory Challenges only in Felony.

X. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in Bar of any Indictment, unless the Attainder be for the same Offence as that charged in the Indictment.

Attainder not pleadable in Bar.

XI. And be it enacted, That where any Person shall be indicted for Treason or Felony, the Jury impannelled to try such Person shall not be charged to enquire concerning his Lands, Tenements, or Goods, nor whether he fled for such Treason or Felony.

Jury shall not enquire of Prisoner's Lands, &c.

XII. And be it enacted, That Benefit of Clergy with respect to Persons convicted of Felony shall be abolished; but that nothing herein contained shall prevent the Joinder in any Indictment of any Counts which might have been joined before the passing of this Act.

Benefit of Clergy abolished.

XIII. And be it enacted, That no Person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the Benefit of Clergy before or on the First Day of the present Session of Parliament, or which hath been or shall be made punishable with Death by some Act passed after that Day.

What Felonies only shall be Capital.

XIV. And be it enacted, That every Person convicted of a Felony which was not excluded from the Benefit of Clergy before or on the First Day of the present Session of Parliament, and which hath not been and shall not be made punishable with Death by any Statute passed after that Day, shall, after having suffered the Punishment awarded by the Court upon such Conviction, be a competent Witness.

Persons convicted of certain Felonies, after Punishment, declared competent Witnesses.

XV. And be it enacted, That every Person convicted of any Felony not punishable with Death shall be punished in the Manner prescribed by the Statute or Statutes specially relating to such Felony; and that every Person convicted of any Felony for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Felonies, not capital, punishable under the Acts relating thereto, or according to this Act, by Transportation, &c.

XVI. And be it enacted, That if any Person heretofore sentenced or ordered, or hereafter to be sentenced or ordered, to be transported, or who shall have agreed or shall agree to transport or banish himself or herself on certain Conditions, either for Life or for any Number of Years, shall be afterwards at large within any Part of the United Kingdom, without some lawful Cause, before the Expiration of his or her Term of Transportation or Banishment, every such Offender shall be guilty of Felony, and shall suffer Death as a Felon; and every such Offender may be tried, either in the County or Place where such Offender shall

Persons returning from Transportation punishable with Death as Felons, may be tried where found, &c.

shall be found at large, or in the County or Place at which such Sentence or Order of Transportation or Banishment was passed or made.

Allegation of Sentence, &c. of Transportation sufficient, without reference to Indictment.

XVII. And be it enacted, That in any Indictment or Information against any Offender for being found at large contrary to the Provisions of this Act, or of any other Act now in force or hereafter to be in force, whether such Offender shall have been tried before any Court or Judge within or without the United Kingdom, or before any Naval or Military Court Martial, it shall be sufficient to allege the Sentence or Order of Transportation or Banishment of such Offender, without alleging any Indictment, Information, Trial, Conviction, Judgment, or other Proceeding, or any Pardon or Intention of Mercy, or Signification thereof, of or against or in any Manner relating to such Offender.

Certificate of the Sentence of Transportation by the Clerk of the Court sufficient Evidence, &c.

XVIII. And be it enacted, That the Clerk of the Court, or other Officer having the Custody of the Records of the Court where any such Sentence or Order of Transportation or Banishment shall have been passed or made, or his Deputy, shall, at the Request of any Person on behalf of His Majesty, make out and give a Certificate in Writing, signed by him, containing the Effect and Substance only (omitting the formal Part) of any Indictment, Information, and Conviction of such Offender, and of the Sentence or Order for his or her Transportation or Banishment (not taking for the same more than the Sum of Six Shillings and Eight-pence), which Certificate shall be sufficient Evidence of the Conviction and Sentence or Order for the Transportation or Banishment of such Offender; and every such Certificate, if made by the Clerk or Officer of any Court in *Ireland*, or by his Deputy, shall be received in Evidence upon Proof of the Signature of the Person signing the same; and every such Certificate, if made by the Clerk or Officer of any Court out of *Ireland*, shall be received in Evidence, if verified by the Seal of the Court, or by the Signature of the Judge or of One of the Judges of such Court, without further Proof.

The Court may order hard Labour or solitary Confinement as Part of the Sentence of Imprisonment.

XIX. And be it enacted, That where any Person shall be convicted of any Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction; and also to direct that the Offender shall be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment, or with such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

On Conviction of Felony of a Person under Sentence for a former Crime, the Court may pass a second Sentence, to commence after the Expiration of the first.

XX. And be it enacted, That whenever Sentence shall be passed for Felony on a Person already imprisoned under Sentence for another Crime, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence, either of Imprisonment or of Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although

though the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

XXI. ' And Whereas it is expedient to provide for the more exemplary Punishment of Offenders who commit Felony after a previous Conviction for Felony, whether such Conviction shall have taken place before or after the Commencement of this Act; Be it therefore enacted, That if any Person shall be convicted of any Felony not punishable with Death, committed after a previous Conviction for Felony, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male, to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and in any Indictment for any such Felony committed after a previous Conviction for Felony, it shall be sufficient to state, that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony; and a Certificate, containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer (for which Certificate a Fee of Six Shillings and Eight-pence, and no more, shall be demanded or taken) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if any Clerk, Officer, or Deputy shall utter any false Certificate of any Indictment and Conviction for a previous Felony, or of any Sentence or Order of Transportation or Banishment, or if any Person, other than such Clerk, Officer, or Deputy, shall sign any such Certificate as such Clerk, Officer or Deputy, or shall utter any such Certificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony, and being lawfully convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

XXII. And be it enacted, That all Offences prosecuted in the High Court of Admiralty of *Ireland* shall upon every first and subsequent Conviction be subject to the same Punishment, whether of Death or otherwise, as if such Offences had been committed upon the Land.

XXIII. And, for the more effectual Prosecution of Accessories before the Fact to Felony, be it enacted, That if any Person shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made or to be made, the Person so counselling, procuring, or commanding, shall be deemed guilty of Felony, and may be indicted and convicted as an Accessory before

Punishment for Felony (not capital) committed subsequent to a previous Conviction for Felony, Transportation, &c.

Form of Indictment for the subsequent Felony.

Proof of the first Conviction by Certificate of Clerk of the Court.

Uttering a false Certificate of Conviction, Felony, punishable by Transportation.

Admiralty Offences.

Accessory before the Fact may be tried as such, or as a substantive Felon, by any Court which has Jurisdiction to try the prin-

principal Felon, although Offence be committed on the Seas or Abroad.

If the Offences be committed in different Counties, Accessory may be tried in either.

Accessory after the Fact may be tried by any Court which has Jurisdiction to try the principal Felon.

If the Offences be committed in different Counties, Accessory may be tried in either.

Accessory may be prosecuted after Conviction of the Principal, though the Principal be not attainted, &c.

before the Fact to the principal Felony, either together with the principal Felon, or after the Conviction of the principal Felon ; or may be indicted for and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same Manner as an Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished ; and the Offence of the Person so counselling, procuring, or commanding, howsoever indicted, may be enquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if such Offence had been committed at the same Place as the principal Felony, although such Offence may have been committed, either on the High Seas, or at any Place on Land, whether within His Majesty's Dominions or without ; and in case the principal Felony shall have been committed within the Body of any County, and the Offence of counselling, procuring, or commanding shall have been committed within the Body of any other County, the last-mentioned Offence may be enquired of, tried, determined, and punished in either of such Counties : Provided always, that no Person who shall be Once duly tried for any such Offence, whether as an Accessory before the Fact, or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

XXIV. And for the more effectual Prosecution of Accessories after the Fact to Felony, be it enacted, That if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made or to be made, the Offence of such Person may be enquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if the Act by reason whereof such Person shall have become an Accessory had been committed at the same Place as the principal Felony, although such Act may have been committed, either on the High Seas, or at any Place on Land, whether within His Majesty's Dominions or without ; and that in case the principal Felony shall have been committed within the Body of any County, and the Act by reason whereof any Person shall have become Accessory shall have been committed within the Body of any other County, the Offence of such Accessory may be enquired of, tried, determined, and punished in either of such Counties : Provided always, that no Person who shall be Once duly tried of any Offence of being an Accessory shall be liable to be again indicted or tried for the same Offence.

XXV. And in order that all Accessories may be convicted and punished in Cases where the principal Felon is not attainted, be it enacted, That if any principal Offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die, or be pardoned, or otherwise delivered before Attainder ; and every such Accessory shall suffer the same Punishment, if such Accessory be in anywise convicted, as such Accessory should have suffered if the Principal had been attainted.

XXVI. And

XXVI. And for the more effectual Prosecution of Offences committed near the Boundaries of Counties, or partly in one County and partly in another, be it enacted, That where any Felony or Misdemeanor shall be committed on the Boundary or Boundaries of Two or more Counties, or within the Distance of Five hundred Yards of any such Boundary or Boundaries, or shall be begun in one County and completed in another, every such Felony or Misdemeanor may be dealt with, enquired of, tried, determined, and punished in any of the said Counties, in the same Manner as if it had been actually and wholly committed therein.

Offences committed on the Boundaries of Counties may be tried in either County.

XXVII. And for the more effectual Prosecution of Offences committed during Journeys from Place to Place, be it enacted, That where any Felony or Misdemeanor shall be committed on any Person, or on or in respect of any Property, in or upon any Coach, Waggon, Cart, or other Carriage whatever, employed in any Journey, or shall be committed on any Person, or on or in respect of any Property, on board any Vessel whatever employed in any Voyage or Journey upon any navigable River, Canal, or inland Navigation, such Felony or Misdemeanor may be dealt with, enquired of, tried, determined, and punished in any County through any Part whereof such Coach, Waggon, Cart, Carriage, or Vessel shall have passed in the Course of the Journey or Voyage during which such Felony or Misdemeanor shall have been committed, in the same Manner as if it had been actually committed in such County; and in all Cases where the Side, Centre, or other Part of any Highway, or the Side Bank, Centre, or other Part of any such River, Canal, or Navigation, shall constitute the Boundary of any Two Counties, such Felony or Misdemeanor may be dealt with, enquired of, tried, determined, and punished in either of such Counties through or adjoining to or by the Boundary of any Part whereof such Coach, Cart, Waggon, Carriage, or Vessel shall have passed in the Course of the Journey or Voyage during which such Felony or Misdemeanor shall have been committed, in the same Manner as if it had been actually committed in such County.

Offences committed during a Journey or Voyage, may be tried in any County through which the Coach, &c. passed.

When Sides, &c. of Highway constitute Boundary, Offender may be tried in either County.

XXVIII. And in order to remove the Difficulty of stating the Names of all the Owners of Property, in the Case of Partners and other Joint Owners, be it enacted, That in any Indictment or Information for any Felony or Misdemeanor wherein it shall be requisite to state the Ownership of any Property whatsoever, whether Real or Personal, which shall belong to or be in the Possession of more than One Person, whether such Persons be Partners in Trade, Joint Tenants, Parceners or Tenants in Common, it shall be sufficient to name One of such Persons, and to state such Property to belong to the Person so named and another or others, as the Case may be; and whenever in any Indictment or Information for any Felony or Misdemeanor it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners or Tenants in Common, it shall be sufficient to describe them in the Manner aforesaid; and this Provision shall be construed to extend to all Joint Stock Companies and Trustees.

In Indictments for Offences committed on the Property of Partners, it may be laid in any one Partner by Name, and others.

XXIX. And

In Indictments for Felonies, &c. relating to Churches, Bridges, or Public Buildings, Property need not be stated as being in any Person.

XXIX. And be it enacted, That in any Indictment or Information for any Felony or Misdemeanor committed in, upon, or with respect to any Church, Chapel, or Place of Religious Worship, or to any Bridge, Court, Court House, Sessions House, Gaol, House of Correction, Infirmary, Asylum, or other public Building, erected or maintained in whole or in part at the Expence of any County, County of a City, or County of a Town, or on or with respect to any Goods or Chattels whatsoever, provided for or at the Expence of any County, County of a City, or County of a Town, to be used for making, altering, or repairing any Bridge or Highway, or any Court or other such Building as aforesaid, or to be used in or with any such Court or other Building, it shall not be necessary to state such Church, Chapel, or Place of Religious Worship, or such Bridge, Court, Court House, Sessions House, Gaol, House of Correction, Infirmary, Asylum, or other Building, or any such Goods or Chattels, to be the Property of any Person.

Indictments shall not be abated by dilatory Plea of Misnomer, or of Want of Addition, &c.

XXX. And for preventing Abuses from dilatory Pleas, be it enacted, That no Indictment shall be abated by reason of any dilatory Plea of Misnomer, or of Want of Addition or of wrong Addition, of any Party offering such Plea, if the Court shall be satisfied, by Affidavit or otherwise, of the Truth of such Plea; but in such Case the Court shall forthwith cause the Indictment or Information to be amended according to the Truth, and shall call upon such Party to plead thereto, and shall proceed as if no such dilatory Plea had been pleaded.

What Defects shall not vitiate an Indictment after Verdict, or otherwise.

XXXI. And in order that the Punishment of Offenders may be less frequently intercepted in consequence of technical Niceties, be it enacted, That no Judgment upon any Indictment or Information for any Felony or Misdemeanor, whether after Verdict or Outlawry, or by Confession, Default, or otherwise, shall be stayed or reversed for want of the Averment of any Matter unnecessary to be proved, nor for the Omission of the Words "as appears by the Record," or of the Words "with Force and Arms," or of the Words "against the Peace," nor for the Insertion of the Words "against the Form of the Statute," instead of the Words "against the Form of the Statutes," or *vice versa*, nor for that any Person or Persons mentioned in the Indictment or Information is or are designated by a Name of Office or other descriptive Appellation instead of his, her, or their proper Name or Names, nor for omitting to state the Time at which the Offence was committed, in any Case where Time is not of the Essence of the Offence, nor for stating the Time imperfectly, nor for stating the Offence to have been committed on a Day subsequent to the finding of the Indictment or exhibiting the Information, or on an impossible Day, or on a Day that never happened, nor for want of a proper or perfect Venue where the Court shall appear by the Indictment or Information to have had Jurisdiction over the Offence.

Certain formal Defects shall not stay or reverse Judgment after Verdict.

XXXII. And be it further enacted, That no Judgment after Verdict upon any Indictment or Information for any Felony or Misdemeanor shall be stayed or reversed for want of a Similitur, nor by reason that the Jury Process has been awarded to a wrong Officer upon an insufficient Suggestion, nor for any Misnomer or Misdemeanor

Misdescription of the Officer returning such Process, or of any of the Jurors, nor because any Person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer; and that where the Offence charged shall be an Offence theretofore created by any Statute, or subjected to a greater degree of Punishment, or excluded from the Benefit of Clergy, by any Statute, the Indictment or Information shall after Verdict be held sufficient, if it describe the Offence in the Words of the Statute creating the Offence or prescribing the Punishment or excluding the Offender from the Benefit of Clergy.

XXXIII. And be it declared and enacted, That where the Royal Mercy shall be extended to any Offender convicted of any Felony punishable with Death or otherwise, and either a free Pardon or a conditional Pardon shall by Warrant in due Form be granted to such Offender, the Discharge of such Offender out of Custody in the Case of a free Pardon, and the Performance of the Condition in the case of a conditional Pardon, shall have the Effect of a Pardon under the Great Seal for such Offender as to the Felony for which such Pardon shall be so granted: Provided always, that no free Pardon, nor any such Discharge in consequence thereof, nor any conditional Pardon, nor the Performance of the Condition thereof, in any of the Cases aforesaid, shall prevent or mitigate the Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any Felony committed after the granting of any such Pardon.

Effect of a free or conditional Pardon to a Convict.

Proviso.

XXXIV. ' And Whereas the Practice of indiscriminately estreating Recognizances for the Appearance of Persons to prosecute or give Evidence, or to answer for a common Assault, or in the other Cases hereinafter specified, has been found in many Instances productive of Hardship to Persons who have entered into such Recognizances; ' Be it therefore enacted, That in every Case where any Person bound by Recognizance for his or her Appearance (or for whose Appearance any other Person shall be so bound) to prosecute or give Evidence in any Case of Felony or Misdemeanor, or to answer for any common Assault, or to Articles of the Peace, shall therein make Default, the Officer of the Court by whom the Estreats are made out shall, and such Officer is hereby required to prepare a List in Writing, specifying the Name of every Person so making Default, and the Nature of the Offence in respect of which every such Person, or his or her Surety, was so bound, together with the Residence, Trade, Profession, or Calling of every such Person and Surety, and shall in such List distinguish the Principals from the Sureties, and shall state the Cause, if known, why each such Person has not appeared, and whether, by reason of the Non-appearance of such Person, the Ends of Justice have been defeated or delayed; and every such Officer shall, and such Officer is hereby required, before any such Recognizances shall be estreated, to lay such List, if at a Court of Oyer and Terminer or Gaol Delivery in any County, before One of the Justices of those Courts respectively, and if at a Court wherein a Recorder or other Corporate Officer is the Judge or One of the Judges, before such Recorder or other Corporate Officer, and if at a Session of the Peace, before the Assistant Barrister or Two other Justices of the Peace who shall have

Recognizance in certain Cases not to be estreated without a Judge's Order.

attended such Court, who are respectively authorized and required to examine such List, and to make such Order touching the estreating or putting in Process any such Recognizance as shall appear to them respectively to be just; and it shall not be lawful for the Officer of any Court to estreat or put in Process any such Recognizance without the written Order of the Justice, Recorder, Corporate Officer, Assistant Barrister, or Justices of the Peace before whom respectively such List shall have been laid.

Rule for the Interpretation of this and all Criminal Statutes.

XXXV. And be it enacted, That wherever in this Act, or in any other Act relating to any Offence, whether punishable upon Indictment or summary Conviction, in describing or referring to the Offence, or the Subject Matter on or with respect to which it shall be committed, or the Offender or the Party affected or intended to be affected by the Offence, any Word or Words have been or shall be used or employed, importing the Singular Number or the Masculine Gender only, every such Act shall be understood to include several Matters of the same Kind as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is or shall be made payable to a Party aggrieved, it shall be payable to a Body Corporate in every Case where such Body shall be the Party aggrieved.

Commencement of this Act.

XXXVI. And be it enacted, That this Act shall commence and take effect on the First Day of *September* One thousand eight hundred and twenty-eight, and that it shall extend only to that Part of the United Kingdom called *Ireland*.

C A P. LV.

An Act for consolidating and amending the Laws in *Ireland* relative to Larceny, and other Offences connected therewith. [15th July 1828.]

‘ **W**HEREAS in the last Session of Parliament an Act was passed for consolidating and amending the Laws in *England* relative to Larceny, and other Offences connected therewith; and it is expedient that Provision should be made in *Ireland* for the like Purposes:’ 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 this present Act, and the several Matters herein contained, shall extend to *Ireland*, and not to *England, Wales, or Scotland*, except in the Two Cases hereinafter specially provided for; and that this Act shall commence and take effect in *Ireland* on the First Day of *September* One thousand eight hundred and twenty-eight.

Act to extend to *Ireland* only, and shall commence on 1st Sept. 1828.

Distinction between Grand and Petty Larceny abolished; all Larceny shall be considered as Grand Larceny.

II. And be it enacted, That the Distinction between Grand Larceny and Petty Larceny shall be abolished, and every Larceny (whatever be the Value of the Property stolen) shall be deemed to be of the same Nature, and shall be subject to the same Incidents in all respects, as Grand Larceny was before the Commencement of this Act; and every Court whose Power as to
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the Trial of Larceny was before the Commencement of this Act limited to Petty Larceny, shall have Power to try every Case of Larceny, the Punishment of which cannot exceed the Punishment hereinafter mentioned for Simple Larceny, and also to try all Accessories to such Larceny.

III. And be it enacted, That every Person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall (except in the Cases hereinafter otherwise provided for) be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

IV. And be it enacted, That in all Cases whenever any Person shall be convicted of any Felony, Crime, Misdemeanor, or indictable Offence punishable under this Act, for which Imprisonment may be awarded with or without any other Punishment, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction; and it shall also be lawful for such Court to direct that the 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, as to the Court in its Discretion shall seem meet.

V. And be it enacted, That if any Person shall steal any Tally, Order, Exchequer Acquittance, or other Security whatsoever, entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether of the United Kingdom, or of *Great Britain*, or of *England*, or of *Scotland*, or of *Ireland*, or of any Foreign State, or in any Fund of any Body Corporate lawfully acting as a Company or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever, for Money or for Payment of Money, whether of the United Kingdom, or of *Great Britain*, or of *England*, or of *Scotland*, or of *Ireland*, or of any Foreign State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, every such Offender shall be deemed guilty of Felony of the same Nature, and in the same Degree, and punishable in the same Manner, as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or of like Value with the Money due on the Security so stolen, or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order; and each of the several Documents hereinbefore enumerated shall throughout this Act be deemed for every Purpose to be included under and denoted by the Words "valuable Security."

VI. And be it enacted, That if any Person shall rob any other Person of any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall suffer Death as a Felon; and if any Person shall steal any such Property from the Person of another, or shall assault any other Person with Intent to rob him, or shall with Menaces or by Force demand any such Pro-

Punishments for Simple Larceny, or Felony punishable as such.

For all Offences under this Act hard Labour or solitary Confinement may be added to Imprisonment.

Stealing public or private Securities for Money, or Warrants for Goods, &c. Felony, punishable, according to the Circumstances, as stealing Goods.

Rule of Interpretation.

Robbery from the Person, Felony, with Death.

Stealing from the Person, or assaulting or menacing

with Intent to rob, &c. Felony, with Transportation, &c.

perty of any other Person, with Intent to steal the same, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Obtaining Money, &c. by threatening to accuse a Party of an infamous Crime.

VII. And be it enacted, That if any Person shall accuse or threaten to accuse any other Person of any infamous Crime, as hereinafter defined, with a View or Intent to extort or gain from him, and shall by intimidating him by such Accusation or Threat extort or gain from him, any Chattel, Money, or valuable Security, every such Offender shall be deemed guilty of Robbery, and shall be indicted and punished accordingly.

Sending Letters containing menacing Demands, or threatening to accuse a Party of an infamous Crime, to extort Money, &c.

VIII. And be it enacted, That if any Person shall knowingly send or deliver any Letter or Writing demanding of any Person, with Menaces, and without any reasonable or probable Cause, any Chattel, Money, or valuable Security, or if any Person, with a View or Intent to extort or unlawfully gain any Money or Chattel or valuable Security, shall accuse or threaten to accuse, or shall knowingly send or deliver, or directly or indirectly cause to be received, any Letter or Writing accusing or threatening to accuse any Person of any Crime punishable by Law with Death, Transportation, or Pillory, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any Infamous Crime, as hereinafter defined, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

What shall be deemed an infamous Crime.

IX. And for defining what shall be an infamous Crime within the Meaning of this Act, be it enacted, That the abominable Crime of Buggery, committed either with Mankind or with Beast, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person, whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

Stealing in or from a Church, with breaking in or out, Felony, with Death.

X. And be it enacted, That if any Person shall break and enter any Church, Meeting House, Chapel, or other Place of Divine Worship, and shall steal therein or therefrom any Chattel, or having stolen any Chattel in or from any Church, Meeting House, Chapel, or other Place of Divine Worship, shall break out of the same, every such Offender, being convicted thereof, shall suffer Death as a Felon.

Burglary, Felony, with Death.

XI. And be it enacted, That every Person convicted of Burglary shall suffer Death as a Felon; and it is hereby declared, that if any Person shall enter the Dwelling House of another with

with Intent to commit Felony, or being in such Dwelling House, shall commit any Felony, and shall in either Case break out of the said Dwelling House in the Night-time, such Person shall be deemed guilty of Burglary.

XII. And be it enacted, That if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money, or valuable Security to any Value whatever, or shall steal any such Property to any Value whatever in any Dwelling House, any Person therein being put in Fear, or shall steal in any Dwelling House any Chattel, Money, or valuable Security to the Value in the whole of Five Pounds or more, every such Offender, being convicted thereof, shall in any of such Cases suffer Death as a Felon.

Housebreaking, and stealing in a House.

XIII. Provided always, and be it enacted, That no Building, although within the same Curtilage with the Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for the Purpose of Burglary, or for any of the Purposes aforesaid, unless there shall be a Communication between such Building and Dwelling House, either immediate or by means of a covered and inclosed Passage leading from the one to the other.

No Buildings deemed Part of a House for aforesaid Purposes, unless directly communicating.

XIV. And be it enacted, That if any Person shall break and enter any Building, and steal therein any Chattel, Money, or valuable Security, such Building being within the Curtilage of a Dwelling House, and occupied therewith, but not being Part thereof, according to the Provisions hereinbefore mentioned, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that a Conviction for such Offence as herein last mentioned may be had either upon an Indictment for such Offence, or upon an Indictment for Burglary, Housebreaking, or stealing to the Value of Five Pounds in a Dwelling House, containing a Count or Counts for such Offence; and that in case of such latter Indictment the Prosecutor shall be permitted to proceed upon the Whole or any Part of such Indictment, without being put to any Election, before the Trial of such Offender, to proceed upon any one or more of the Counts in such Indictment.

Robbery in any Building within the same Curtilage, but not privileged as Part of the House, Transportation, &c.

Form of Indictment in such Case.

XV. And be it enacted, That if any Person shall break and enter any Shop, Warehouse, or Counting House, and steal therein any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Robbery in a Shop, Warehouse, &c. Transportation, &c.

XVI. And be it enacted, That if any Person shall steal to the Value of Five Shillings any Linen, Hempen, or Cotton Yarn, or any Goods or Article of Silk, Woollen, Linen, or Cotton, or of any one or more of those Materials mixed with each other, or

Stealing certain Goods in Process of Manufacture, Transportation, &c.

mixed with any other Material, whilst laid, placed, or exposed, during any Stage, Process, or Progress of Manufacture, in any Building, Field, or other Place, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Stealing Goods from a Vessel in a Port, River, or Canal, &c. or from Wharfs, Transportation, &c.

XVII. And be it enacted, That if any Person shall steal any Goods or Merchandize in any Vessel, Barge, or Boat of any Description whatever, in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek or Basin belonging to or communicating with any such Port, River, or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, Creek, or Basin, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Plundering any Part of the Tackle or Cargo of a shipwrecked Vessel, Felony, with Death.

XVIII. And be it enacted, That if any Person shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel, every such Offender, being convicted thereof, shall suffer Death as a Felon: Provided always, that when Articles of small Value shall be stranded or cast on Shore, and shall be stolen without Circumstances of Cruelty, Outrage, or Violence, it shall be lawful to prosecute and punish such Offender as for Simple Larceny; and in either Case the Offender may be indicted and tried either in the County in which, or in any County next adjoining the Place in which the Offence shall have been committed.

Persons in possession of shipwrecked Goods, not giving a satisfactory Account, shall pay a Penalty not exceeding 50l.

XIX. And be it enacted, That if any Goods, Merchandize, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, shall, by virtue of a Search Warrant, to be granted as hereinafter mentioned, be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof, and the Offender, on Conviction of such Offence before any Two Justices of the Peace, shall forfeit and pay such Sum of Money, not exceeding Fifty Pounds, as to such Justices shall seem meet.

Shipwrecked Goods offered for Sale may be seized, and ordered by a Justice to be restored to the Owner, paying Salvage.

XX. And be it enacted, That if any Person shall offer or expose for Sale any Goods, Merchandize, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected to have been taken from any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the

the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize, or Articles, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Person having offered such Goods, Merchandize, or Articles for Sale, shall, on Conviction of such Offence before any Two Justices of the Peace, forfeit and pay the Amount of such Reward so ordered, and also such Sum of Money, not exceeding Thirty Pounds, as to such Two Justices shall seem meet.

XXI. And be it enacted, That if any Person shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatsoever, or any Part of any such Document, or of belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending, or terminated in any such Court, or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or any original Document whatsoever, of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court, or any Part thereof respectively, or any original Document, or Part of any original Document, in anywise relating to or concerning the Business of any Person or Persons holding any Office or Employment under His Majesty, and remaining or deposited for safe Custody in any Office appertaining to any Court of Justice, or in His Majesty's Castle of *Dublin*, or in any of His Majesty's Custom Houses, Post Offices, or other Public Offices in *Ireland*, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or by both, as the Court shall award; and it shall not be necessary to allege in any Indictment, or to prove on any Trial for such Offence, that the Article in respect of which the Offence is charged to have been committed is the Property of any Person, or that the same is of any Value, nor shall it be the Subject of Enquiry at the Trial of any such Offence, whether the Thing charged to have been stolen is or is not of any intrinsic Value.

XXII. And be it enacted, That if any Person shall, either during the Life or after the Death of any Testator or Testatrix, steal, or shall for any fraudulent Purpose destroy or conceal, any Will or Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or

Penalty on Person offering Goods for Sale.

Stealing, &c. of Records and other Proceedings of Courts of Justice, Misdemeanor, punishable by Transportation, &c.

Stealing of Wills, a Misdemeanor, punishable by Transportation, &c.

both, as the Court shall award; and it shall not be necessary to allege in any Indictment, or to prove on any Trial for such Offence, that such Will or Codicil, or other Instrument is the Property of any Person, or that the same is of any Value, nor shall it be a Subject of Enquiry at such Trial whether the same is or is not of any intrinsic Value.

Stealing of Writings relating to Real Estate.

XXIII. And be it enacted, That if any Person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being or containing Evidence of the Title, or of any Part of the Title to any Real Estate, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or both, as the Court shall award; and in any Indictment for such Offence, it shall be sufficient to allege the Thing charged to have been stolen to be or to contain Evidence of the Title or of Part of the Title of the Person, or of some One of the Persons, having an Interest, whether vested, contingent, legal, or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some Part thereof; and it shall not be necessary to allege or prove the Thing charged to have been stolen to be of any Value, nor shall it be enquired into at the Trial what the Value thereof is, or whether the same is or is not of any intrinsic Value.

Provisions as to Wills, &c. shall not lessen any other Remedy.

XXIV. Provided always, and be it enacted, That nothing in this Act contained, relating to either of the Misdemeanors last aforesaid, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy, at Law or in Equity, which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against such Offender: Provided also, that no Person shall be liable to be convicted of either of the Misdemeanors last aforesaid, in respect of any Act done by him, by any Evidence disclosed by him in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bond fide* instituted by any Party aggrieved, or by any Evidence disclosed by such Person in any Examination or Deposition before any Commissioners of Bankrupt.

Conviction shall not be Evidence in Actions against Offender. Offender shall not be convicted by Evidence disclosed by himself.

Stealing Horses, Cows, Sheep, &c. Felony, with Death.

XXV. And be it enacted, That if any Person shall steal any Horse, Mare, Gelding, Colt, or Filly, or any Bull, Cow, Ox, Steer, Bullock, Heifer, or Calf, or any Ram, Ewe, Sheep, or Lamb, or shall wilfully kill any of such Cattle, with Intent to steal the Carcase or Skin or any Part of the Cattle so killed, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon: Provided always, that where any Person shall be convicted of stealing any One Cow, Bull, Ox, Steer, Bullock, or Heifer, or any Number of Cows, Bulls, Oxen, Steers, Bullocks, or Heifers, not exceeding Two, or of stealing any One Calf, Sheep, or Lamb, or any Number of Calves, Sheep, or Lambs, not exceeding Ten, on all the Indictments which shall be preferred against such Person at one and the same Assizes, or Sessions of Oyer and Terminer, or in the same Term, in the Court

Persons convicted of stealing Cows, &c. not exceeding Two, or Calves, Sheep, &c. not exceeding Ten, may, on Recommendation of

of King's Bench, in case the Court shall, upon the Application of the Grand Jury at the said Assizes, or Sessions, or Term, by Presentment in Writing for that Purpose, think any such convicted Person a fit Object of Mercy, then such convicted Person, instead of the Punishment aforesaid, shall and may be transported beyond the Seas for Life, or for such Term of Years as the Court shall think proper: Provided always, that nothing herein contained shall affect the Power of the Court (in any Case where a Grand Jury shall not make such Application) to order Sentence of Death to be recorded, under the Provisions of an Act passed in the Fourth Year of His present Majesty's Reign, intituled *An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies.*

Grand Jury, be transported.

4 G. 4. c. 48.

XXVI. And be it enacted, That if any Person shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in any Park, Paddock, or inclosed Land wherein Deer shall be usually kept, every such Offender shall for every such Offence, upon Conviction thereof before any Two Justices of the Peace, forfeit any Sum not exceeding Thirty Pounds.

Stealing, &c. Deer in any inclosed Ground, Forfeiture of 30l.

XXVII. And be it enacted, That if any Deer, or the Head, Skin, or other Part thereof, or any Snare or Engine for the taking of Deer, shall, by virtue of a Search Warrant, to be granted as hereinafter mentioned, be found in the Possession of any Person, or on the Premises of any Person, with his Knowledge, and such Person being carried before a Justice of the Peace shall not satisfy the Justice that he came lawfully by such Deer, or the Head, Skin, or other Part thereof, or that he had a lawful Occasion for such Snare or Engine, and did not keep the same for any unlawful Purpose, he shall, on Conviction by the Justice, forfeit and pay any Sum not exceeding Twenty Pounds; and if any such Person shall not, under the Provisions aforesaid, be liable to Conviction, then, for the Discovery of the Party who actually killed or stole such Deer, it shall be lawful for the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case shall require, to summon before him any and every Person through whose Hands such Deer, or the Head, Skin, or other Part thereof, shall appear to have passed; and if the Person from whom the same shall have been first received, or any Person who shall have had Possession thereof, shall not satisfy the Justice that he came lawfully by the same, he shall, on Conviction by the Justice, be liable to the Payment of such Sum of Money as is hereinbefore last mentioned.

Penalty on suspected Persons found in Possession of Venison, &c. 20l.

In case they are not convicted, Justice may summon other Parties.

XXVIII. And be it enacted, That if any Person shall steal any Dog, or shall steal any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, every such Offender, being convicted thereof before Two Justices of the Peace, shall for the First Offence forfeit and pay the Value of the Dog, Beast, or Bird, and also such Sum of Money, not exceeding Twenty Pounds, as to such Justices shall seem meet; and if any Person so convicted thereof shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard

Stealing Dogs, or Beasts or Birds, ordinarily kept in Confinement, and not the Subjects of Larceny.

Labour

Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justices shall think fit.

Persons in whose Possession stolen Dogs, &c. are found, liable to such Penalty and Punishment as the Stealers.

XXIX. And be it enacted, That if any Dog or any such Beast, or the Skin thereof, or any such Bird, or any of the Plumage thereof, shall be found in the Possession or on the Premises of any Person, by virtue of a Search Warrant, to be granted as hereinafter mentioned, the Justice by whom such Warrant shall be granted may restore the same respectively to the Owner thereof, and the Person in whose Possession or on whose Premises the same shall be so found (such Person knowing that the Dog, Beast, or Bird has been stolen, or that the Skin is the Skin of a stolen Dog or Beast, or that the Plumage is the Plumage of a stolen Bird,) shall, on Conviction before Two Justices of the Peace, be liable for the First Offence to such Forfeiture, and for every such subsequent Offence to such Punishment, as Persons convicted of stealing any Dog, Beast, or Bird are hereinbefore made liable to.

Stealing Ore, &c. from Mines, Felony, punishable as Larceny.

XXX. And be it enacted, That if any Person shall steal, or sever with Intent to steal, the Ore of any Metal, or any Lapis Calaminaris, Manganese, or Mundick, or any Wad, Black Cawke, or Black Lead, or any Coal or Cannel Coal, from any Mine, Bed, or Vein thereof respectively, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing Trees, Shrubs, &c. growing in Parks, Gardens, &c. exceeding the Value of 1l. or elsewhere, exceeding 5l., Felony punishable as Larceny.

XXXI. And be it enacted, That if any Person shall steal, or shall cut, break, root up, or otherwise destroy or damage, with Intent to steal, the Whole, or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, every such Offender, in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of One Pound, shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and if any Person shall steal, or shall cut, break, root up, or otherwise destroy or damage, with Intent to steal, the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood respectively, growing elsewhere than in any of the Situations hereinbefore mentioned, every such Offender (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of Five Pounds) shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing Trees, &c. wheresoever growing, of the Value of 1s., punishable on summary Conviction; for First Offence 5l. and Second Offence, Imprisonment; Third Offence Felony, punishable as Larceny.

XXXII. And be it enacted, That if any Person shall steal, or shall cut, break, root up, or otherwise destroy or damage, with Intent to steal, the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be respectively growing, the stealing of such Article or Articles, or the Injury done, being to the Amount of One Shilling at the least, every such Offender, being convicted before Two Justices of the Peace, shall for the First Offence forfeit and pay the Value of the Article or Articles stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Five Pounds, as to the Justices shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall

be

be convicted thereof in like Manner, every such Offender shall for such Second Offence be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justices shall think fit; and if any Person so twice convicted shall afterwards commit any of the said Offences such Offender shall be deemed guilty of Felony, and being convicted thereof, shall be liable to be punished, in the same Manner as in the Case of Simple Larceny.

XXXIII. And be it enacted, That if any Person shall steal, or shall cut, break, or throw down, with Intent to steal, any Part of any live or dead Fence, or any wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, every such Offender, being convicted before Two Justices of the Peace, shall for the First Offence forfeit and pay the Value of the Article or Articles so stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Five Pounds, as to the Justices shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justices shall think fit.

Stealing, &c. any live or dead Fence, wooden Stile or Gate; First Offence, 5l.; Second Offence, Imprisonment, &c.

XXXIV. And be it enacted, That if the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, being of the Value of Two Shillings at the least, shall by virtue of a Search Warrant, to be granted as hereinafter mentioned, be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice or Justices of the Peace, shall not satisfy the Justice or Justices that he came lawfully by the same, he shall, on Conviction by the Justice or Justices, forfeit and pay the Value of the Article or Articles so found, and also any Sum not exceeding Two Pounds.

Penalty on suspected Persons in possession of Wood, &c. 2l.

XXXV. And be it enacted, That if any Person shall steal, or shall destroy or damage, with Intent to steal, any Plant, Root, Fruit, or vegetable Production growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, every such Offender, being convicted thereof before a Justice or Justices of the Peace, shall, at the Discretion of the Justice or Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, or else shall forfeit and pay the Value of the Article or Articles so stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Twenty Pounds, as to the Justice or Justices shall seem meet; and if any Person so convicted shall afterwards commit any of the said Offences, such Offender shall be deemed guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing, &c. Fruit or Vegetables in a Garden, &c. punishable on summary Conviction; for First Offence, by Imprisonment or Fine of 20l.; Second Offence, Felony, punishable as Larceny.

XXXVI. And

Stealing, &c.
Vegetable
Productions,
not growing
in Gardens,
&c. ; First
Offence, Im-
prisonment,
or Fine of
20s. ; Second
Offence, &c.
Imprisonment,
&c.

XXXVI. And be it enacted, That if any Person shall steal, or shall destroy or damage with Intent to steal, any cultivated Root or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, every such Offender, being convicted before Two Justices of the Peace, shall, at the Discretion of the Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding One Calendar Month, or else shall forfeit and pay the Value of the Article or Articles so stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Twenty Shillings, as to the Justices shall seem meet, and in Default of Payment thereof, together with the Costs (if ordered), shall be committed as aforesaid, for any Term not exceeding One Calendar Month, unless Payment be sooner made ; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Six Calendar Months, as the convicting Justices shall think fit.

Stealing Glass
or Wood Work,
or Fixtures of
any kind, from
Buildings, and
Metal Fixtures
from Grounds,
Felony,
punishable as
Larceny.

XXXVII. And be it enacted, That if any Person shall steal, or rip, cut, or break, with Intent to steal, any Glass or Wood Work belonging to any Building whatsoever, or any Lead, Iron, Copper, Brass, or other Metal, or any Utensil or Fixture, whether made of Metal or other Material, respectively fixed in or to any Building whatsoever, or any Thing made of Metal fixed in any Land, being private Property, or for a Fence to any Dwelling House, Garden, or Area, or in any Square, Street, or other Place dedicated to Public Use or Ornament, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny ; and in case of any such Thing fixed in any Square, Street, or other like Place, it shall not be necessary to allege the same to be the Property of any Person : Provided always, that nothing herein contained shall be construed to affect any Enactment or Law for the Punishment of Persons guilty of stealing any such Property belonging to or vested in any Commissioners or other Persons, under any Act for paving, cleansing, lighting, or improving any City, Town, or Place in *Ireland*.

Tenants and
Lodgers
stealing any
Property from
Houses or
Apartments let
to them, Felony,
punishable as
Larceny.

XXXVIII. And for the Punishment of Depredations committed by Tenants and Lodgers, be it enacted, That if any Person shall steal any Chattel or Fixture let to be used by him or her in or with any House or Lodging, whether the Contract shall have been entered into by him or her, or by her Husband, or by any Person on behalf of him or her, or her Husband, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny ; and it shall be lawful in every such Case of stealing any Chattel, to prefer an Indictment in the common Form, as for Larceny, and in every such Case of stealing any Fixture, to prefer an Indictment in the same Form as if the Offender were

Form of
Indictment.

not a Tenant or Lodger, and in either Case to lay the Property in the Owner, or the Person letting to Hire.

XXXIX. And for the Punishment of Depredations not punishable capitally, committed by Clerks and Servants, and such other Persons as hereinafter mentioned, be it enacted, That if any Clerk or Servant shall steal any Chattel, Money, or valuable Security, belonging to or in the Possession or Power of his Master or Employer, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Time not exceeding Three Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Clerks and Servants (not punishable capitally) stealing Property of their Masters, Transportation or Imprisonment.

XL. And for the Punishment of Embezzlement committed by Clerks and Servants, be it enacted, That if any Clerk or Servant, or any Person employed for the Purpose or in the Capacity of a Clerk or Servant, shall, by virtue of such Employment, receive or take into his Possession any Chattel, Money, or valuable Security, for or in the Name or on the Account of his Master or Employer, and shall fraudulently embezzle the same or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master or Employer, although such Chattel, Money, or Security was not received into the Possession of such Master or Employer, otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed; and every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years, nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Clerks or Servants receiving any Money, &c. on their Master's Account, and embezzling it, shall be deemed to have stolen it feloniously, although never in the Master's Possession.

XLL. And for preventing the Difficulties which have been experienced in the Prosecution of such Offenders, be it enacted, That it shall be lawful to charge in the Indictment and to proceed against the Offender for any Number of distinct Acts of Embezzlement, not exceeding Three, which may have been committed by him against the same Master or Employer, within the Space of Six Calendar Months from the first to the last of such Acts; and in every such Indictment, where the Offence shall relate to any Money, or any valuable Security, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular Coin or valuable Security, and such Allegation, so far as regards the Description of the Property, shall be sustained, if the Offender shall be proved to have embezzled to any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved, or if he shall be proved to have embezzled any Piece of Coin or any valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof shall be returned to the Party delivering the same, and although such Part shall have been returned accordingly.

Distinct Acts of Embezzlement may be charged in the same Indictment.

Allegation and Proof of the Property embezzled.

XLII. And

Agents embezzling Money intrusted to them, and directed to be applied to any special Purposes, Misdemeanor, punishable by Transportation, &c.

Like Punishment for Agents embezzling or converting any Goods or valuable Security intrusted to them for safe Custody, or for any special Purpose.

Not to affect Trustees or Mortgagees; nor Bankers, &c. receiving Money due on Securities;

† Sic.

or disposing of Securities on which they have a Lien.

Factors pledging for their own Use any Goods or

XLII. And for the Punishment of Embezzlements committed by Agents intrusted with Property, be it enacted, That if any Money, or Security for the Payment of Money, shall be intrusted to any Banker, Merchant, Broker, Attorney, or other Agent, with any Direction in Writing to apply such Money, or any Part thereof, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose specified in such Direction, and he shall, in violation of good Faith, and contrary to the Purpose so specified, in anywise convert to his own Use or Benefit such Money, Security, or Proceeds, or any Part thereof respectively, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and if any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund, whether of the United Kingdom, or of any Part thereof, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, shall be intrusted to any Banker, Merchant, Broker, Attorney, or other Agent, for safe Custody, or for any special Purpose, without any Authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good Faith, and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any Manner convert to his own Use or Benefit such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate, or any Part thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award, as hereinbefore last mentioned.

XLIII. Provided always, and be it enacted, That nothing hereinbefore contained relating to Agents shall affect any Trustee in or under any Instrument whatever, or any Mortgagee of any Property, Real or Personal, in respect of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trustee or Mortgagee; † nor shall restrain any Banker, Merchant, Broker, Attorney, or other Agent, from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security, according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession, upon which he shall have any Lien, Claim, or Demand, entitling him by Law so to do, unless such Sale, Transfer, or other Disposal shall be wilfully and fraudulently extended to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

XLIV. And be it enacted, That if any Factor or Agent intrusted for the Purpose of Sale with any Goods or Merchandize, or intrusted with any Bill of Lading, Warehouse Keeper's or Wharfinger's

Wharfinger's Certificate, or any Bought and Sold Note, or any Warrant or Order for Delivery of Goods or Merchandize, shall for his own Benefit, and in violation of good Faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Deposit or Pledge was justly due and owing, or *bonâ fide* supposed by such Factor or Agent to be due and owing, to such Factor or Agent from his Principal, together with the Amount of any Bill or Bills of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent, and of any other Engagement made by such Factor or Agent on account of his Principal, and to the Payment of which such Factor or Agent is legally liable.

XLV. Provided always, and be it enacted, That nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon against any Banker, Merchant, Broker, Factor, Attorney, or other Agent, or any such Clerk or Servant, or Person employed in the Capacity of Clerk or Servant, as aforesaid, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been made; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, or Clerk or Servant, or Person employed in the Capacity of Clerk or Servant, shall be liable to be convicted of any Offence of Embezzlement against this Act, in respect of any Act done by him, by any Evidence disclosed by him in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or by any Evidence disclosed by such Person in any Examination or Deposition before any Commissioners of Bankrupt.

XLVI. ' And Whereas a Failure of Justice frequently arises ' from the subtle Distinction between Larceny and Fraud;' for Remedy thereof, be it enacted, That if any Person shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to cheat or defraud any Person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment by
Fine

Documents relating to Goods intrusted to them for the Purpose of Sale, Misdemeanor, punishable by Transportation, &c.

Not to extend to Cases where the Pledge does not exceed the Amount of the Lien.

Provisions as to Agents shall not lessen Remedy by the Party aggrieved; but Conviction shall not be receivable in Evidence in Actions.

Offender shall not be convicted by Evidence disclosed by him.

Obtaining Money, &c. by false Pretences, a Misdemeanor

Fine or Imprisonment, or by both, as the Court shall award : 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 no such Indictment shall be removable by Certiorari ; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts.

Where the original Offence is Felony, the Receiver of stolen Property may be tried either as an Accessory after the Fact, or for a substantive Felony ; and punished by Transportation, &c.

XLVII. And with regard to Receivers of Stolen Property, be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or taking whereof shall amount to a Felony, either at Common Law or by virtue of this Act, such Person knowing the same to have been feloniously stolen or taken, every such Receiver shall be guilty of Felony, and may be indicted and convicted, either as an Accessory after the Fact, or for a substantive Felony, and in the latter Case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice ; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment : Provided always, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Where the original Offence of stealing, or converting Property, is a Misdemeanor, Receiver may be prosecuted for a Misdemeanor, whether Principal be convicted or not.

XLVIII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable Misdemeanor by this Act, such Person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice ; and every such Receiver shall on Conviction be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Receiver may be tried where the Principal is triable, or where the Property is found in his Possession, or where the receiving takes place.

XLIX. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such Person, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried, and punished in any County or Place in which he shall have or shall have had any such Property in his Possession, or in any County or Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such

such Receiver may be dealt with, indicted, tried, and punished in the County or Place where he actually received such Property.

L. And to encourage 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 the Court before whom any such Person shall be so convicted shall have Power to award from time to time Writs of Restitution for the same Property, or to order the Restitution thereof in a summary Manner: Provided always, that if it shall appear, before any Award or Order made, that any valuable Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate liable to the Payment thereof, or being a negotiable Instrument, shall have been *bonâ fide* taken or received by Transfer or Delivery, by some Person or Body Corporate, for a just and valuable Consideration, without any Notice or without any reasonable Cause to suspect that the same had by any Felony or Misdemeanor been stolen, taken, obtained, or converted, as aforesaid, in such Case the Court shall not award or order the Restitution of such Security.

LI. And be it enacted, That every Person who shall corruptly take any Money or Reward, directly or indirectly, under pretence or upon account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misdemeanor have been stolen, taken, obtained, or converted as aforesaid, shall (unless he cause the Offender to be apprehended and brought to Trial for the same) be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

LII. And be it enacted, That if any Person shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without seizing or making any Enquiry after the Person producing such Property, or shall promise or offer in any such public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost, the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or if any Person shall print or publish any such Advertisement, in any of the above Cases every such Person shall forfeit the Sum of Fifty Pounds for every

The Owner of stolen Property, prosecuting Thief or Receiver to Conviction, shall have Restitution of his Property.

Exception as to *bonâ fide* Payment or Transfer of valuable Securities.

Taking a Reward for helping to the Recovery of stolen Property, without bringing the Offender to Trial, Felony, punishable by Transportation, &c.

Penalty on advertising a Reward for the Return of stolen Property without Enquiry, &c. 50L.

such Offence, to any Person who will sue for the same, by Action of Debt, to be recovered with full Costs of Suit.

Receivers of Property where the original Offence is punishable summarily, shall be punishable as original Offenders.

LIII. And be it enacted, That where the stealing or taking of any Property whatsoever is by this Act punishable on summary Conviction, either for every Offence, or for the First and Second Offence only, or for the First Offence only, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof, before a Justice or Justices of the Peace, be liable, for every First, Second, or subsequent Offence of receiving, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

Accessories before the Fact, &c. in Felonies.

Accessories after the Fact.

LIV. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act (except only a Receiver of stolen Property), shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender.

Abettors in Misdemeanors.

Abettors in Offences punishable summarily shall be punished as Principals.

LV. And be it enacted, That if any Person shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every such Person shall, on Conviction before a Justice or Justices of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

Persons in the Act of committing Offences may be apprehended without Warrant.

LVI. And for the more effectual Apprehension and Discovery of all Offenders punishable under this Act, be it enacted, That any Person found committing any Offence punishable, either upon Indictment or upon summary Conviction, by virtue of this Act, may be immediately apprehended without a Warrant, by any Peace Officer, or by the Owner of the Property on or with respect to which the Offence shall be committed, or by the Servant of or any Person authorized by such Owner, and such Offender shall and may be forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace that there is reasonable Cause to suspect that any Property whatsoever, on or with respect to which any such Offence shall have been committed, is in any Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places, the Justice may grant a Warrant to search such Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places for such Property, as in the Case of stolen Goods; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed

A Justice upon good Grounds of Suspicion proved on Oath, may grant a Search Warrant.

Any Person to whom stolen Property is offered, to seize the Party.

on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend, and forthwith to carry before a Justice of the Peace, the Party offering the same, together with such Property, to be dealt with according to Law.

LVII. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise, and the Evidence of the Party aggrieved shall be admitted in Proof of the Offence.

Limitation as to summary Proceedings. Competent Witnesses.

LVIII. And for the more effectual Prosecution of all Offences punishable on summary Conviction under this Act, be it enacted, That where any Person shall be charged, on the Oath of a credible Witness, before any Justice of the Peace, with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then, upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode, the Justice may either proceed to hear and determine the Case *ex parte*, or may issue his Warrant for apprehending such Person, and bringing such Person before such Justice, or some other Justice or Justices of the Peace; or it shall be lawful for the Justice before whom the Charge shall be made (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), to issue such Warrant; and the Justice or Justices before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

LIX. And with regard to the Application of all Forfeitures and Penalties upon summary Convictions under this Act, be it enacted, That every Sum of Money which shall be forfeited for or as the Value of any Property stolen or taken, or for or as the Amount of any Injury done, (such Value or Amount to be assessed in each Case by the convicting Justice or Justices) shall be paid to the Party aggrieved, if known, except where such Party shall have been examined in Proof of the Offence, and in that Case, or where the Party aggrieved is unknown, such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice or Justices of the Peace, whether in addition to such Value or Amount as aforesaid, or otherwise, shall be paid, under the Order of such Justice or Justices, to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place wherein such Conviction shall take place, for the Use of such Infirmary, in case there shall be any such Infirmary established within or for such County, City, Town, or Place, and in case there shall not be any such Infirmary, then to the Treasurer or other proper Officer of such other Public Charity within such County, City, Town, or Place, as such Justice or Justices shall by his or their Order for that Purpose direct: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall upon Conviction thereof each be adjudged to forfeit a Sum equivalent to the Value of the Property, or to the Amount of the Injury done, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by One

Applications of Penalties and Forfeitures on summary Convictions.

Party aggrieved entitled only to the Penalty from One Offender.

of such Offenders only, and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is hereinbefore directed to be applied.

Justice may receive Penalty payable to Treasurer of Infirmary, &c. and pay the same, keeping an Account thereof.

LX. And be it further enacted, That it shall be lawful for any Justice of the Peace by or before whom any Conviction shall be made under this Act, to receive any Forfeiture or Penalty, or any Sum of Money payable as a Penalty, under this Act, to the Treasurer or Officer of any Infirmary or Public Charity, and to give a Receipt for the same, for the Use of such Infirmary or Charity, specifying the Name or Description of such Infirmary or Charity in such Receipt; and such Receipt shall be a sufficient Discharge to the Party by whom such Forfeiture or Penalty, or Sum of Money, shall be incurred and paid; and every such Justice shall, within Fourteen Days next after the Receipt thereof, pay the Amount of every such Forfeiture, Penalty, or Sum of Money to the Treasurer or other proper Officer of the Infirmary or Public Charity entitled to the same, and shall take Receipts for the same respectively from such Treasurer or Officer, specifying the Time when and the Person by whom such Forfeiture, Penalty, or Sum of Money was paid to such Justice, for the Use of such Infirmary or Charity; and every such Justice shall, by himself or Clerk, keep an Account, in a Book to be provided for that Purpose, of the Amount of every such Forfeiture, Penalty, or Sum of Money so received by him, specifying the Place and Time and Manner of the Adjudication or Order whereby such Forfeiture, Penalty, or Sum of Money shall have been adjudged or imposed, and the Nature of the Offence under this Act for which the same was adjudged or imposed, and the Name or Names of the Person or Persons on whom such Forfeiture or Penalty or Sum of Money was set or imposed, and the Name and Description of the Treasurer or other proper Officer of the Infirmary, or the Name and Description of the Public Charity, and the Officer thereof, to whom such Forfeiture, Penalty, or Sum of Money was paid, according to the Directions of this Act, and the Time when such Payment was made; and every such Justice shall, Fourteen Days previous to the Commission Day of the Spring and Summer Assizes in every Year, transmit to the Clerk of the Peace of the County, County of a City, or County of a Town within which such Forfeiture, Penalty, or Sum of Money shall have been imposed and made payable, an Account in Writing, stating all the several Penalties, Forfeitures, or Sums of Money which shall have been imposed and made payable by or before such Justice under this Act, at any Time between Fourteen Days before the Commencement of the then last preceding Assizes, and the Day of transmitting such Account, and showing which of such Forfeitures, Penalties, or Sums of Money have been received by such Justice, and from whom and for what Offences, and to whom the same have been respectively paid by such Justice, with the Dates of the several Receipts for the same respectively.

Such Account to be transmitted to the Clerk of the Peace previous to the Spring and Summer Assizes.

Accounts may be inspected by Treasurer of the Infirmary, &c.

LXI. And be it further enacted, That every Account so kept by any Justice of the Peace in pursuance of this Act, and every Account transmitted by such Justice to the Clerk of the Peace. shall

shall be produced to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any Public Charity within such County, City, Town, or Place where there shall not be such Infirmary, at all seasonable Times when such Treasurer or Officer may desire and require to inspect the same, for the Purpose of ascertaining whether any and what Sums of Money may be due and payable to such Treasurer or Officer under this Act.

LXII. And be it further enacted, That every Clerk of the Peace to whom any such Account or Accounts shall be transmitted by any Justice or Justices of the Peace, of the Forfeitures, Penalties, or Sums of Money received under this Act, shall make or cause to be made an Abstract of all such Accounts in such Form as to show in the most distinct Manner the Name of every Justice of the Peace by whom, and the several Parties from whom all such Penalties, Forfeitures, or Sums of Money were respectively received, and for what Offences the same were payable respectively, and whether such Fines, Penalties, or Forfeitures were received respectively for the Use of the Infirmary of the County, City, Town, or Place, or for the Use of any other and what Public Charity; and such Clerk of the Peace shall sign such Abstract with his Name as Clerk of the Peace, and shall post and affix such Abstract, or shall cause the same to be posted and affixed, on the Door of the Court House or Place in which the Assizes shall be holden, to be then and there kept posted and affixed during the whole of such Assizes; and within Fourteen Days next after the Conclusion of such Assizes such Clerk of the Peace shall cause a true Copy of such Abstract, signed with his Name as Clerk of the Peace, to be inserted in some one public Newspaper published or circulated within such County, County of a City, or County of a Town.

Clerk of the Peace shall make Abstract of Accounts so transmitted to him, and have the same posted on the Court House Door during the Assizes, and published in a Newspaper.

LXIII. And be it further enacted, That if any Justice of the Peace who shall receive any such Forfeiture or Penalty or Sum of Money, applicable as aforesaid, shall omit or neglect or refuse to give a Receipt for the same, or shall omit or neglect or refuse to pay the same to the Treasurer or proper Officer of any Infirmary or Public Charity entitled to the same as aforesaid, or shall omit or neglect to keep such Account as aforesaid, or shall omit or neglect or refuse to transmit any Account as aforesaid to the Clerk of the Peace, or if any Clerk of the Peace shall omit or neglect to make or sign, or post or publish, an Abstract of all such Accounts as shall be transmitted to him, or to cause the same to be done, in manner required by this Act, or if such Accounts, or any of them, shall not contain or refer to all Sums of Money paid to or received by such Justice under this Act, or if any such Account or Abstract shall in any Particular be untrue or deficient, every such Justice or Clerk of the Peace shall, for every such Offence, Neglect, or Omission of such Justice or Clerk of the Peace, respectively forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same, in any of His Majesty's Courts of Record in Ireland, by Action of Debt, Bill, Complaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparance, shall be allowed.

Penalty on Justices and Clerks of the Peace, for Neglect in such Receipts and Accounts, 100l.

If a Person summarily convicted shall not pay, &c. the Justice may commit him.

Scale of Imprisonment.

Justice may discharge certain Offenders on Payment of Recompense.

Pardon for Nonpayment of Money.

Summary Conviction shall be a Bar to any other Proceeding for the same Cause.

Convictions to be drawn in the following Form.

LXIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Value of the Property stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by any Justice or Justices together with the Costs, if awarded, (which Costs such Justice or Justices is and are hereby authorized to award, if they shall think fit, in any Case of a summary Conviction under this Act,) shall not be paid, either immediately after the Conviction, or within such Period as the Justice or Justices shall at the Time of the Conviction appoint (which he or they is and are hereby authorized to appoint), it shall be lawful for the convicting Justice or Justices (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 the Justice or Justices, for any Term not exceeding Two Calendar Months where the Amount of the Sum forfeited, or of the Penalty imposed, or of both (as the Case may be), together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Four Calendar Months where the Amount of such Forfeiture or Penalty, or both, as the Case may be, together with Costs, shall exceed Five Pounds and shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

LXV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice or Justices of the Peace, of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice or Justices, if he or they shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by such Justice or Justices.

LXVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

LXVII. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs, if awarded under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

LXVIII. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

' **BE** it remembered, That on the Day of in
 ' the Year of our Lord at in the County Form of
 ' of [or City, Town, or Place, as the Case may be], A. O. Conviction.
 ' is convicted before me *J. P.*, One of His Majesty's Justices [or
 ' before us *J. P.* and *S. L.*, Justices] of the Peace for the said
 ' County [or City, &c.], for that he the said *A. O.* did [*specify*
 ' *the Offence, and the Time and Place when and where the same was*
 ' *committed, as the Case may be; and, on a Second Conviction, state*
 ' *the First Conviction*]; and I the said *J. P.* [or we the said *J. P.*
 ' and *S. L.*] do adjudge the said *A. O.* for his said Offence to be
 ' imprisoned in the [or to be imprisoned in the
 ' and there kept to hard Labour] for the Space of [or
 ' to forfeit and pay here state the Penalty actually
 ' imposed, or state the Penalty, and also the Value of the Articles
 ' stolen, embezzled, or taken, or the Amount of the Injury done, as
 ' the Case may be], and [in any Case where the Costs shall be
 ' awarded] also to pay the Sum of for Costs, and in
 ' default of immediate Payment of the said Sum [or Sums] to be
 ' imprisoned in the [or to be imprisoned in the
 ' and there kept to hard Labour] for the Space of
 ' unless the said Sum [or Sums] shall be sooner paid; [or, and
 ' I [or we] order that the said Sum [or Sums] shall be paid by
 ' the said *A. O.* on or before the Day of
 ' and I [or we] direct that the said Sum of [i. e. the
 ' Penalty only], shall be paid to of in the County
 ' [or City, Town, or Place, as the Case may be,] to be by him [or
 ' them] applied according to the Directions of the Statute in that
 ' Case made and provided [or that the said Sum of
 ' [i. e. the Penalty only] shall be paid to [&c. as before], and that
 ' the said Sum of [i. e. the Value of the Articles stolen,
 ' or the Amount of the Injury done] shall be paid to *C. D.* [*the*
 ' *Party aggrieved, unless he is unknown, or has been examined in*
 ' *Proof of the Offence, in which Case state that Fact, and dispose*
 ' *of the whole like the Penalty, as before*]; and [if such Justice
 ' or Justices shall think proper to award the Complainant his Costs],
 ' I [or we] order that the said Sum of for Costs shall be
 ' paid to [the Complainant]. Given under my Hand and
 ' Seal [or our Hands and Seals], the Day and Year first above
 ' mentioned.'

LXIX. And be it further enacted, That in all Cases where by
 this Act Two or more Justices of the Peace are authorized and
 required to hear and determine any Complaint, One Justice shall
 be competent to receive the original Information or Complaint,
 and to issue the Summons or Warrant requiring the Parties to
 appear before Two or more Justices of the Peace; and after Ex-
 amination upon Oath into the Merits of the said Complaint, and
 the Adjudication thereupon, by any such Two Justices, being
 made, all and every the subsequent Proceedings to enforce Obe-
 dience thereto, or otherwise, whether respecting the Penalty,
 Fine, Imprisonment, Costs, or other Matter or Thing relating to
 the Offence, may be enforced by either of the said Justices, or
 by any other Justice of the Peace for the same County, City,
 Town, or Place, in such and the like Manner as if done by the
 same Two Justices who so heard and adjudged the said Com-
 plaint;

One Justice
 may receive
 original Infor-
 mation, &c.
 where Two or
 more Justices
 are empowered
 to hear and
 determine.

plaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace, different from the Justice or Justices before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

Appeal on Conviction to General or Quarter Sessions.

LXX. And be it enacted, That in all Cases where the Sum adjudged to be paid on summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions (which shall be holden not less than Twelve Days after the Day of such Conviction) for the County or Place 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 General or Quarter Sessions, and shall also enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being 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, the Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Conviction, nor Adjudication made on Appeal, shall be quashed for Want of Form.

LXXI. And be it enacted, That no such Conviction, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari, or otherwise, into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Sessions.

LXXII. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against, until the contrary be shown.

How far Evidence in future Cases.

Venue in Proceedings against Persons

LXXIII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions

cutions 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, or in case of any Action of Replevin, may avow generally that he took the Goods and Chattels in question under and by virtue of this Act, and may give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in 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 or Avowant; and if a Verdict shall pass for the Defendant or Avowant, 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 or Avowant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant or Avowant, unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

LXXIV. And be it enacted, That where any Felony or Misdemeanor punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *Ireland*, the same shall be dealt with, enquired of, tried, and determined in the same Manner as any other Felony or Misdemeanor committed within that Jurisdiction.

LXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend to *England, Wales, or Scotland*, except as follows; (that is to say,) that if any Person having stolen, or otherwise unlawfully taken any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or unlawfully taking whereof is made punishable by Indictment by any of the Provisions of this Act, in any one Part of the United Kingdom, shall afterwards have the same Property in his Possession in any other Part of the United Kingdom, he may be dealt with, indicted, tried, and punished for such Offence, under this Act, in that Part of the United Kingdom where he shall so have such Property, in the same Manner as if he had actually stolen or unlawfully taken it as aforesaid in that Part of the United Kingdom; and if any Person in any one Part of the United Kingdom shall receive or shall have any Chattel, Money, valuable Security, or other Property whatsoever which shall have been stolen or otherwise unlawfully taken as aforesaid in any other Part of the United Kingdom, such Person knowing the said Property to have been stolen or otherwise unlawfully taken as aforesaid, he may be dealt with, indicted, tried, and punished for such Offence in that Part of the United Kingdom where he shall so receive or have the said Property, in the same Manner as if it had been originally

acting under
this Act.

Notice of
Action.

General Issue,
&c.

Admiralty
Offences.

Act not to extend to England, Wales, or Scotland, except where Offenders having stolen or received Goods in one Part of the United Kingdom shall have them in another.

stolen

stolen or unlawfully taken as aforesaid in that Part of the United Kingdom.

C A P. LVI.

An Act for consolidating and amending the Laws in *Ireland* relative to malicious Injuries to Property. [15th July 1828.]

7 & 8 G. 4.
c. 30.

‘ **W**HEREAS in the last Session of Parliament an Act was passed for consolidating and amending the Laws in *England* relative to malicious Injuries to Property, and it is expedient that Provision should be made in *Ireland* for the like Purpose; Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this present Act, and the several Matters therein contained, shall extend to *Ireland*, and not to *England, Wales, or Scotland*; and that this Act shall commence and take effect in *Ireland* on the First Day of *September* One thousand eight hundred and twenty-eight.

This Act to extend to *Ireland* only. Commencement of Act.

Setting fire to a House, Outbuilding, Church, or Chapel, Felony, with Death.

II. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Out-house, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, Hay-yard, or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, or if any Person shall unlawfully and maliciously set fire to any Church, Chapel, or Place for Religious Worship, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Destroying, or forcibly entering any Place with Intent to destroy Silk, Woollen, Linen, or Cotton Goods, in the Loom. c. or any Machinery belonging to such Manufactures, &c. Felony, punishable with Transportation for Life, &c.

III. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, or destroy, or damage, with Intent to destroy or to render useless, any Goods or Article of Silk, Woollen, Mohair, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking-hose, or Lace respectively, being in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture, or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Warp or Shute of Silk, Woollen, Linen, Mohair, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Loom, Frame, Machine, Engine, Rack, Tackle, Tool, or Implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such Goods or Articles, or shall by force enter into any House, Shop, Building, or Place, with Intent to commit any of the Offences aforesaid, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to
be

be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

IV. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, or destroy, or damage, with Intent to destroy or to render useless, any Threshing Machine, or any Machine or Engine, whether fixed or moveable, or any Tool or Implement prepared for or employed in any Manufacture whatsoever (except the Manufacture of Silk, Woollen, Linen, Mohair, or Cotton Goods, or Goods of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking-hose, or Lace), every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying
Machines or
Machinery
in other Ma-
nufactures, or
Threshing
Machines, &c.
Felony, with
Transportation
for Seven
Years, &c.

V. And be it enacted, That if any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer, shall wilfully and unlawfully damage, spoil, or destroy any Goods, Wares, or Work committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, every such Offender, being lawfully convicted thereof before any Justice or Justices of the Peace, shall forfeit and pay such Sum of Money as shall appear to the Justice or Justices to be a reasonable Compensation for the Damage, Injury, Spoil, or Destruction so committed, not exceeding in any Case the Sum of Five Pounds, which Sum of Money shall be paid to the Party grieved; and every Person so convicted shall, in default of immediate Payment, be committed to the Gaol of the County of the City or Town, or to the House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Three Calendar Months.

Penalty on
Journeymen,
&c. spoiling
Goods, or
Work, 5*l.* to
the Party
grieved.

VI. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Mine of Coal or Cannel Coal, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Setting fire to a
Coal Mine.

VII. And be it enacted, That if any Person shall unlawfully and maliciously cause any Water to be conveyed into any Mine, or into any subterraneous Passage communicating therewith, with Intent thereby to destroy or damage such Mine, or to hinder or delay the working thereof, or shall with the like Intent unlawfully and maliciously pull down, fill up, or obstruct any Airway, Waterway, Drain, Pit, Level, or Shaft of or belonging to any Mine, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that nothing hereinbefore contained shall extend to any Damage committed under Ground, by any Owner of any adjoining Mine, in working the same, or by any Person duly employed in such working.

Drowning any
Mine, or filling
up any Shaft,
&c. with Intent
to destroy the
Mine, Felony,
punishable by
Transportation,
&c.

Proviso for
Damage from
adjoining Mine.

Destroying any Engine, Erection, &c. used in any Mine, Felony, punishable by Transportation.

VIII. And be it enacted, That if any Person shall unlawfully and maliciously pull down or destroy, or damage with Intent to destroy or to render useless, any Steam Engine, or other Engine, or any Shaft, Passage, Drain, or Level for sinking, draining, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, whether such Engine, Staith, Building, Erection, Bridge, Waggonway, or Trunk be completed, or in an unfinished State, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to any of the Punishments which the Court may award, as hereinbefore last mentioned.

Setting fire to or destroying a Ship, Felony, with Death.

IX. And be it enacted, That if any Person shall unlawfully and maliciously set fire to, or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Damaging a Ship, otherwise than by Fire, Felony, punishable by Transportation.

X. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Exhibiting false Signals, destroying a shipwrecked Vessel or Cargo, &c. or forcibly impeding Men from saving their Lives, Felony, with Death.

XI. And be it enacted, That if any Person shall exhibit any false Light or Signal, with Intent to bring any Ship or Vessel into Danger, or shall unlawfully and maliciously do any thing tending to the immediate Loss or Destruction of any Ship or Vessel in Distress, or shall destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or shall destroy any Goods, Merchandize, or Articles of any Kind belonging to such Ship or Vessel, or shall by Force prevent or impede any Person endeavouring to save his Life from such Ship or Vessel (whether he shall be on board or shall have quitted the same), every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Destroying any Sea Bank, &c. or Works on any River or Canal, Felony, with Transportation for Life, &c.

XII. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, undermine, or otherwise destroy any Lock, Sluice, Wear, Tunnel, Towing Path, Floodgate, Aqueduct, Reservoir, Cut, Dam, Drain, Watercourse, or other Work on any navigable River or Canal, every such Person shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly

publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

XIII. And be it enacted, That if any Person shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground, and used for securing any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, or shall unlawfully and maliciously open or draw up any Floodgate, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Removing the Piles of any Sea Bank, &c. or doing any Damage to obstruct the Navigation of a River or Canal, Felony, with Seven Years' Transportation.

XIV. And be it enacted, That if any Person shall unlawfully and maliciously pull down or in anywise destroy any public Bridge, or do any Injury with Intent and so as thereby to render such Bridge, or any Part thereof, dangerous or impassable, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Injuring public Bridges, Felony, with Transportation for Life, &c.

XV. And be it enacted, That if any Person shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any Turnpike Gate, or any Wall, Chain, Rail, Post, Bar, or other Fence belonging to any Turnpike Gate, or set up or erected to prevent Passengers passing by without paying any Toll directed to be paid by any Act or Acts of Parliament relating thereto, or any House, Building, or Weighing Engine erected for the better Collection, Ascertainment, or Security of any such Toll, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be punished accordingly.

Destroying a Turnpike Gate, Toll House, &c. Misdemeanor, punishable accordingly.

XVI. And be it enacted, That if any Person shall unlawfully and maliciously break down or otherwise destroy the Dam of any Fishpond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish therein, or shall unlawfully and maliciously break down or otherwise destroy the Dam of any Millpond, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or

Breaking down the Dam of a Fishery, &c. or Mill Dam, Misdemeanor, punishable by Transportation, &c.

or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Killing or maiming Cattle.

XVII. And be it enacted, That if any Person shall unlawfully and maliciously kill, maim, or wound any Cattle, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Setting fire to Stack of Corn, &c. Felony, with Death; to certain Crops or Plantations, &c. Felony, with Transportation.

XVIII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Stack of Corn, Grain, Pulse, Straw, Hay, Coals, Turf, Charcoal, or Wood, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and maliciously set fire to any Crop of Corn, Grain, or Pulse, whether standing or cut down, or to any Part of a Wood, Coppice, or Plantation of Trees, wheresoever the same may be growing, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying or damaging Trees, Shrubs, &c. by Night, Felony, with Transportation.

XIX. And be it enacted, That if any Person shall unlawfully and maliciously, between Sunset and Sunrise, cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and if any Person shall, between Sunrise and Sunset, unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood (in case the Amount of the Injury done shall exceed the Sum of Five Pounds), every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to any of the Punishments which the Court may award for the Felony hereinbefore last mentioned.

Like Punishment on destroying Trees, Shrubs, &c. in the Day-time, if the Value exceeds 5l.

Destroying or damaging Trees, Shrubs, &c. of any Value under 5l. punishable on summary Conviction.

XX. And be it enacted, That if any Person shall, between Sunrise and Sunset, unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, the Injury done being under the Value of Five Pounds, every such Offender, being convicted before a Justice or Justices of the Peace, shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice or Justices shall think fit.

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c. punishable on summary Conviction for First Offence.

XXI. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Fruit, or Vegetable Production growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, every such Offender, being convicted thereof before a Justice or Justices of the Peace, shall, at the Discretion of the Justice

Justice or Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, or else shall forfeit and pay the Amount of the Injury done, and also a Sum of Money not exceeding Twenty Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards commit any of the said Offences, such Offender shall be deemed guilty of Felony, and being convicted thereof, shall be liable to any of the Punishments which the Court may award for the Felony hereinbefore last mentioned.

Second Of-
fence, Felony.

XXII. And be it enacted, That if any Person shall unlawfully and maliciously destroy or damage with Intent to destroy, any cultivated Root or Plant used for Food of Man or Beast, or for Medicine, or for Distilling, or for Dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, every such Offender, being convicted thereof before a Justice or Justices of the Peace, shall, at the Discretion of the Justice or Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding One Calendar Month, or else shall forfeit and pay the Amount of the Injury done, and also such Sum of Money, not exceeding Twenty Shillings, as to the Justice or Justices shall seem meet; and in default of Payment thereof, together with the Costs, if ordered, shall be committed as aforesaid, for any Term not exceeding One Calendar Month, unless Payment be sooner made; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit.

Destroying, &c.
Vegetable
Productions,
not growing in
Gardens, &c.
Imprisonment
or Fine;

Second Of-
fence, Impri-
sonment, &c.

XXIII. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, every such Offender, being convicted before a Justice or Justices of the Peace, shall for the first Offence forfeit and pay the Amount of the Injury done, and also such Sum of Money, not exceeding Five Pounds, as to the Justice or Justices shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice or Justices shall think fit.

Destroying, &c.
any Fence,
Wall, Stile, or
Gate.

XXIV. And be it enacted, That every Person who, being possessed in any Manner or Right whatever of any Dwelling House or other Building held under or by virtue of any Lease or Agreement, or for any Term of Years, or other less Term, certain or at Will, (whether the Possession of such Dwelling House, or other Building, or Part of such Dwelling House or other Building, shall have been obtained for the fraudulent and malicious Purpose of pulling

Persons pos-
sessed of
Houses under
Lease, &c. who
shall demolish
or waste them,
declared
guilty of Mis-
demeanor.

pulling down or demolishing the same, or for any other Purpose whatever,) shall wilfully, fraudulently, or maliciously, and not for the Purpose of any intended Improvement or beneficial Alteration therein, pull down or demolish or begin to pull down or demolish the same, or commit any other unlawful Waste or Destruction thereof or thereto, or shall pull down or sever from the Freehold any Fixture or Utensil, being within or appurtenant to such Dwelling House or other Building, or used or occupied therewith, or which in a due Course of Occupancy ought not to be so pulled down or severed from the Freehold, or who shall wilfully and knowingly aid, abet, or assist in the same, or who shall wilfully and knowingly purchase or contract to purchase the Materials or any Part of the Materials of which such Dwelling House or other Building was constructed, or any Fixture or Utensil being within or appurtenant to any such Dwelling House or other Building, or Part of such Dwelling House or other Building, or used and occupied therewith, and which in due Course of Occupancy ought not to be pulled down and severed from the Freehold, shall be deemed and is hereby declared to be guilty of a Misdemeanor, and shall be subject and liable, on Conviction thereof, to the like Pains and Penalties as in Cases of Misdemeanor.

When Suspicion is entertained of Intent to demolish or injure Houses, Owners, &c. may make Oath thereof before a Magistrate.

XXV. And be it enacted, That in all Cases where any Dwelling House or other Building, or any Part of any Dwelling House or other Building, shall be held by virtue of any Lease or Agreement, or for any Term of Years, or other less Term, certain or at Will, whether the Possession of such Dwelling House or other Building, or any Part of such Dwelling House or other Building, shall have been obtained by Fraud or not, whenever it shall be suspected that any Person or Persons is or are about to pull down or demolish, or to commit any unlawful Waste or Destruction upon such Dwelling House or other Building, or Part of such Dwelling House or other Building, it shall and may be lawful to and for any Owner, Lessor, or Landlord thereof, or any other Person or Persons entitled to the same, or interested in the Preservation thereof, or for any Trustee or Agent acting upon the Part or Behalf of any Owner, Lessor, Landlord, or Person so interested, to make and take an Oath or Affidavit in Writing, (or Affirmation in Writing, if a Quaker) before any Justice of the Peace or Magistrate for the County, City, Town, or other Place within which such Dwelling House or Building shall be situate, stating the Belief and Suspicion of the Person or Persons making such Affidavit or Affirmation, that some Person or Persons in the Possession or Occupation of such Dwelling House or other Building, or of some Part thereof, or by the Permission or Collusion of some Person in the Occupation of such Dwelling House or other Building, or of some Part of such Dwelling House or other Building, hath or have an Intention to commit, or do propose to commit, some such wilful or fraudulent Waste and Destruction as is hereinbefore described, or if any such Waste or Destruction shall have been commenced there, that the same was fraudulent or malicious, and not for the Purpose of any Improvement or beneficial Alteration in such Dwelling House or other Building, or Part of such Dwelling House or other Building, and which Oath and Affirmation such

such Justice or Magistrate is hereby empowered and required to administer; and upon such Affidavit or Affirmation being made by such Person or Persons as aforesaid, it shall and may be lawful for such Justice or Magistrate to issue a Notice in Writing, signed by him, stating that Information on Oath or Affirmation has been received that some Person or Persons occupying such Dwelling House, or other Building, or acting under or by the Authority or Permission of, and in collusion with, such Occupier or Occupiers of such Dwelling House or other Building, intends or intend, or is or are about to commit wilful and fraudulent Waste, by pulling down and destroying such Dwelling House or other Building, or any Part of such Dwelling House or other Building, and cautioning and admonishing all such Persons, and all Persons whomsoever, not to proceed to pull down or destroy or otherwise injure such Dwelling House or other Building, or any Part of such Dwelling House or other Building, until special Leave, Licence, and Authority in Writing for that Purpose shall be first procured from and given by the Justice or Magistrate by whom such Notice shall be signed; and such Notice shall be served on any and every Person by whom it shall be suspected that such Waste and Destruction shall be intended to be committed, or by whom any such Waste and Destruction shall have been commenced, if such Person can be found, and if not, then such Notice shall be affixed on the principal Door or Entrance of such Dwelling House or other Building; and every and any Person who, after being duly served with such Notice, or after such Notice shall be posted on the principal Door or Entrance of such Dwelling House or other Building, shall, without such Leave, Licence, or Authority as aforesaid, pull down or demolish, or shall begin to pull down or demolish, or shall proceed in pulling down or demolishing, any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or who shall wilfully and unlawfully aid, abet, or assist in the pulling down or demolishing, or beginning to pull down or demolish, or proceeding in pulling down or demolishing of any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or in committing any unlawful Waste or Destruction thereof or therein, shall be deemed and is hereby declared to be guilty of a Misdemeanor.

XXVI. And be it further enacted, That if any Person shall, after the Service or Posting of such Notice, begin to pull down and destroy, or shall proceed in pulling down or destroying, or shall otherwise wilfully and maliciously injure and commit unlawful Waste in, on, or to any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or if any Person or Persons, having commenced any such Waste, pulling down, or Destruction, shall not immediately desist from continuing and committing such Offence, it shall and may be lawful for any Justice of the Peace or Magistrate, and he is hereby authorized and required, to issue his Warrant, under his Hand and Seal, directed to any Constable or Constables, authorizing such Constable or Constables to prevent such pulling down or Destruction of such Dwelling House or other Building, or any Part of such Dwelling House or other Building, and to take

Magistrate shall thereupon give Notice to the Parties not to proceed without the Licence of such Magistrate.

Service of such Notice.

Persons proceeding in demolishing Houses after such Notice, guilty of Misdemeanor.

Persons pulling down Houses after such Notice may be apprehended and imprisoned until they give Security not to proceed in such Destruction, and to repair Damages.

into Custody and apprehend every Person present aiding and assisting in such pulling down and Destruction, and to bring all such Persons before such Justice or Magistrate; and it shall be lawful for such Justice or Magistrate to commit any such Offender so taken and apprehended to any neighbouring Gaol or Prison, there to remain, without Bail or Mainprize, until such Offender shall give good and sufficient Security, by Recognizance conditioned not to commit or proceed in committing such wilful Waste and Destruction, and in case any such Waste and Destruction shall have been in part committed, then also conditioned to rebuild and repair such Dwelling House or other Building, so as to leave the same in as good tenantable Order and Condition as such Dwelling House or other Building was in previous to the Commission of such Waste and Destruction as aforesaid, and which Recognizance every such Justice or Magistrate is hereby authorized and required to take.

Persons may proceed in repairing Houses, on giving Security to Magistrates.

XXVII. Provided always, and be it further enacted, That in case any Tenant or Occupier of any Dwelling House or other Building shall, on being required so to do by any such Justice or Magistrate as aforesaid, enter into a good and sufficient Security by Recognizance, with Two sufficient Sureties, in such Sum as such Justice or Magistrate shall require, conditioned to rebuild and repair any such Dwelling House or other Building within Six Calendar Months from the Date of such Recognizance, and to put such Dwelling House or other Building in as tenantable State of Repair, or in such the like State of Repair, as the same was in previous to the Commencement of any wilful Waste and Destruction thereof or therein, then and in every such Case it shall and may be lawful for such Persons so entering into such Recognizance, and their Workmen and Assistants, to proceed in making any Repair or Alterations and Improvements of or in such Dwelling House or other Building, as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

Notice good though not addressed to any Person.

XXVIII. And be it further enacted, That if any such Notice as aforesaid shall be personally served on any Person as aforesaid, or in case personal Service cannot be effected, if such Notice shall be regularly posted, according to the Directions in this Act contained, on the Door or principal Entrance of any such Dwelling House or other Building, such Notice shall be deemed good and sufficient for the Purposes of this Act, although such Notice shall not be addressed to such Person by his or her proper Name, or by any Name whatsoever.

Not to affect former Remedies of Landlords.

XXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to deprive any Lessor, Landlord, or other Person, of any Remedy, either at Law or in Equity, which before the passing of this Act such Lessor, Landlord, or other Person might legally or equitably have pursued against any Person or Persons whomsoever, either for the obtaining Satisfaction for any Injury sustained by such Lessor, Landlord, or other Person, or for preventing such Injury, notwithstanding the Offence by which such Injury may be occasioned shall be such as under this Act to incur the Penalty of a Misdemeanor, as wilful or malicious Waste to a Dwelling House or other Building, or any Part thereof.

XXX. And

XXX. And be it enacted, That if any Person shall wilfully or maliciously commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a Public or Private Nature, for which no Remedy or Punishment is hereinbefore provided, every such Person, being convicted thereof before a Justice or Justices of the Peace, shall forfeit and pay such Sum of Money as shall appear to the Justice or Justices to be a reasonable Compensation for the Damage, Injury, or Spoil so committed, not exceeding the Sum of Five Pounds, which Sum of Money shall, in the Case of private Property, be paid to the Party aggrieved, if known, except where such Party shall have been examined in proof of the Offence; and in such Case, or where the Party aggrieved is unknown, or in the Case of Property of a public Nature, or wherein any public Right is concerned, the Money shall be applied in such Manner as every Penalty imposed by a Justice or Justices of the Peace under this Act is hereinafter directed to be applied; and if such Sum of Money, together with Costs, if awarded (which Costs such Justice or Justices is and are hereby authorized to award, if he or they shall think fit), shall not be paid, either immediately after the Conviction, or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, the Justice or Justices may 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, as the Justice or Justices shall think fit, for any Term not exceeding Two Calendar Months, unless such Sum and Costs be sooner paid: Provided always, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass, not being wilful and malicious, committed in hunting, fishing, or the Pursuit of Game; but that every such Trespass shall be punishable in the same Manner as before the passing of this Act.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall in any Manner affect, or be deemed or construed to affect, any of the Provisions contained in an Act passed in the Parliament of Ireland in the Eleventh Year of the Reign of his late Majesty King George the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn*; or in an Act passed in the Parliament of Ireland in the Fifteenth and Sixteenth Years of the same Reign, intituled *An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned*; or in an Act passed in the Parliament of Ireland in the Twenty-third and Twenty-fourth Years of the same Reign, intituled *An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured*; or in an Act passed in the Parliament of Ireland in the Twenty-seventh Year of the same Reign, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual*

Persons committing Damage to Property, in any Case not previously provided for, may be compelled by a Justice to pay Compensation, not exceeding 5l.

Application of the Money awarded.

Proviso.

Proviso excepting the Operation of Irish Acts.

11 G.S. c.7.

15 & 16 G.S. c.21.

23 & 24 G.S. c.20.

27 G.S. c.15.

Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths.

Malice against the Owner not essential to any Offence under this Act.

XXXII. And be it enacted, That every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

Principals in the Second Degree, and Accessories.

XXXIII. And be it enacted, That in the Case of every Felony, punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender.

The Court may, for all Offences within this Act, order hard Labour or solitary Confinement.

XXXIV. And be it enacted, That where any Person shall be convicted of any indictable Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction; and also to direct that the 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, as to the Court in its Discretion shall seem meet.

Persons in the Act of committing any Offence may be apprehended without a Warrant.

XXXV. And for the more effectual apprehension of all Offenders against this Act, be it enacted, That any Person found committing any Offence against this Act, whether the same be punishable upon Indictment or upon summary Conviction, may be immediately apprehended, without a Warrant, by any Peace Officer, or the Owner of the Property injured, or his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law.

Limitation as to summary Proceedings.

XXXVI. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and the Evidence of the Party aggrieved shall be admitted in Proof of the Offence.

Competent Witnesses.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

XXXVII. And for the more effectual Prosecution of Offences punishable on summary Conviction under this Act, be it enacted, That where any Person shall be charged on the Oath of a credible Witness, before any Justice of the Peace, with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person,

and bringing him before such Justice, or some other Justice or Justices of the Peace; or it shall and may be lawful for the Justice before whom the Charge shall be made (if he shall so think fit) without any previous Summons (unless where otherwise specially directed) to issue such Warrant; and the Justice or Justices before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

XXXVII. And be it enacted, That where any Offence is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every Person who shall aid, abet, counsel, or procure the Commission of such Offence shall, on Conviction before a Justice or Justices of the Peace, be liable, as the Case may be, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a Principal Offender is by this Act made liable.

XXXIX. And with regard to the Application of all Forfeitures and Penalties upon summary Conviction under this Act, be it enacted, That every Sum of Money which shall be forfeited for the Amount of any Injury done (such Amount to be assessed in each Case by the convicting Justice or Justices) shall be paid to the Party aggrieved, if known (except where such Party shall have been examined in Proof of the Offence); and in such Case, or where the Party aggrieved is unknown, such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice or Justices of the Peace, whether in addition to such Amount or otherwise, shall be paid, under the Order of such Justice or Justices, to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place wherein such Conviction shall take place, for the Use of such Infirmary, in case there shall be any such Infirmary established within, or for such County, City, Town, or Place; and in case there shall be no such Infirmary, then to the Treasurer or other proper Officer of such other Public Charity, within such County, City, Town, or Place, as such Justice or Justices shall by his or their Order for that Purpose direct: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall upon Conviction thereof each be adjudged to forfeit a Sum equivalent to the Amount of the Injury done, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by One of such Offenders only; and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by any Justice or Justices of the Peace is hereinbefore directed to be applied.

XL. And be it further enacted, That it shall be lawful for any Justice of the Peace, by or before whom any Conviction shall be made under this Act, to receive any Forfeiture or Penalty, or any Sum of Money payable as a Penalty under this Act to the Treasurer or Officer of any Infirmary or Public Charity, and to give a Receipt for the same for the Use of such Infirmary or Charity, specifying the Name or Description of such Infirmary

Abettors in Offences punishable on summary Conviction, punishable as Principals.

Application of Forfeitures and Penalties upon summary Convictions.

Proviso.

Justice may receive any Penalty payable to Treasurers of Infirmary, &c. and pay the same to them, keeping an Account thereof.

or Charity in such Receipt, and such Receipt shall be a sufficient Discharge to the Party by whom such Forfeiture or Penalty, or Sum of Money, shall be incurred and paid ; and every such Justice shall, within Fourteen Days next after the Receipt thereof, pay the Amount of every such Forfeiture, Penalty, or Sum of Money to the Treasurer or other proper Officer of the Infirmary or Public Charity entitled to the same, and shall take Receipts for the same respectively from such Treasurer or Officer, specifying the Time when and the Person by whom such Forfeiture, Penalty, or Sum of Money was paid to such Justice for the Use of such Infirmary or Charity ; and every such Justice shall, by himself or Clerk, keep an Account, in a Book to be provided for that Purpose, of the Amount of every such Forfeiture, Penalty, or Sum of Money so received by him, specifying the Place and Time and Manner of the Adjudication or Order whereby such Forfeiture, Penalty, or Sum of Money shall have been adjudged or imposed, and the Nature of the Offence under this Act for which the same was adjudged or imposed, and the Name or Names of the Person or Persons on whom such Forfeiture or Penalty or Sum of Money was set or imposed ; and the Name and Description of the Treasurer or other proper Officer of the Infirmary, or the Name and Description of the Public Charity, and the Officer thereof, to whom such Forfeiture, Penalty, or Sum of Money was paid, according to the Directions of this Act, and the Time when such Payment was made ; and every such Justice shall, Fourteen Days previous to the Commission Day of the Spring and Summer Assizes in every Year, transmit to the Clerk of the Peace of the County, County of a City, or County of a Town within which such Forfeiture, Penalty, or Sum of Money shall have been imposed and made payable, an Account in Writing, stating all the several Penalties, Forfeitures, or Sums of Money which shall have been imposed and made payable by or before such Justice, under this Act, at any Time between Fourteen Days before the Commencement of the then last preceding Assizes, and the Day of transmitting such Account, and shewing which of such Forfeitures, Penalties, or Sums of Money have been received by such Justice, and from whom, and for what Offences, and to whom the same have been respectively paid by such Justice, with the Dates of the several Receipts for the same respectively.

Such Account to be transmitted to the Clerk of the Peace previous to the Spring and Summer Assizes.

Accounts may be inspected by Treasurer of the Infirmary, &c.

XLII. And be it further enacted, That every Account so kept by any Justice of the Peace in pursuance of this Act, and every Account transmitted by such Justice to the Clerk of the Peace, shall be produced to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any Public Charity within such County, City, Town, or Place where there shall not be such Infirmary, at all reasonable Times when such Treasurer or Officer may desire and require to inspect the same, for the Purpose of ascertaining whether any and what Sums of Money may be due and payable to such Treasurer or Officer under this Act.

Clerk of the Peace shall make Abstract of the Accounts,

XLII. And be it further enacted, That every Clerk of the Peace to whom any such Account or Accounts shall be transmitted by any Justice or Justices of the Peace, of the Forfeitures, Penalties,

Penalties, or Sums of Money received under this Act, shall make or cause to be made an Abstract of all such Accounts, in such Form as to shew in the most distinct Manner the Name of every Justice of the Peace by whom, and the several Parties from whom, all such Penalties, Forfeitures, or Sums of Money were respectively received, and for what Offences the same were payable respectively, and whether such Fines, Penalties, or Forfeitures were received respectively for the Use of the Infirmary of the County, City, Town, or Place, or for the Use of any other and what Public Charity; and such Clerk of the Peace shall sign such Abstract with his Name as Clerk of the Peace, and shall post and affix such Abstract or shall cause the same to be posted and affixed, on the Door of the Court House or Place in which the Assizes shall be holden, to be then and there kept posted and affixed during the whole of such Assizes; and within Fourteen Days next after the Conclusion of such Assizes such Clerk of the Peace shall cause a true Copy of such Abstract, signed with his Name as Clerk of the Peace, to be inserted in some One public Newspaper published or circulated within such County, County of a City, or County of a Town.

XLIII. And be it further enacted, That if any Justice of the Peace who shall receive any such Forfeiture or Penalty or Sum of Money applicable as aforesaid, shall omit or neglect or refuse to give a Receipt for the same, or shall omit or neglect or refuse to pay the same to the Treasurer or proper Officer of any Infirmary or Public Charity entitled to the same as aforesaid, or shall omit or neglect to keep such Account as aforesaid, or shall omit or neglect or refuse to transmit any Account as aforesaid, to the Clerk of the Peace; or if any Clerk of the Peace shall omit or neglect to make or sign, or post or publish, an Abstract of all such Accounts as shall be transmitted to him, or to cause the same to be done in manner required by this Act; or if such Accounts, or any of them, shall not contain or refer to all Sums of Money paid to or received by such Justice under this Act; or if any such Account or Abstract shall in any particular be untrue or deficient; every such Justice or Clerk of the Peace shall, for every such Offence, Neglect, or Omission of such Justice or Clerk of the Peace respectively, forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, Bill, Complaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparlance, shall be allowed.

XLIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice or Justices, together with Costs, if awarded (which Costs such Justice or Justices is and are hereby authorized to award), shall not be paid, either immediately after the Conviction, or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justice or Justices (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 im-

and post the same on the Court House Door during the Assizes, and afterwards publish it.

Penalty on Justices and Clerks of the Peace for Neglect in such Receipts and Accounts, 100*l*.

If a Person summarily convicted shall not pay, &c. the Justice may commit him.

Scale of Imprisonment.

prisoned and kept to hard Labour, according to the Discretion of the Justice or Justices, for any Term not exceeding Two Calendar Months where the Amount of the Sum forfeited or of the Penalty imposed, or of both (as the Case may be), together with the Costs, shall not exceed Five Pounds, or for any Term not exceeding Four Calendar Months where the Amount of such Forfeiture or Penalty, or of both (as the Case may be), together with Costs, shall exceed Five Pounds and shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

The Justice may discharge the Offender in certain Cases.

XLV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice or Justices of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice or Justices, if he or they shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by the Justice or Justices.

Pardon for Nonpayment of Money.

XLVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

XLVII. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act, shall have paid the Sum adjudged to be paid, together with Costs, if awarded under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Form of Conviction.

XLVIII. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

‘ **B**E it remembered, That on the _____ Day of _____
 ‘ in the Year of our Lord _____ at _____ in the
 ‘ County of _____ [or City, Town, or Place, as the Case may be]
 ‘ A. O. is convicted before me J. P., One of His Majesty’s Jus-
 ‘ tices [or before us C. D. and E. F., Justices of the Peace for
 ‘ the said County [or City, &c.] for that he the said A. O. did
 ‘ [specify the Offence, and the Time and Place when and where the
 ‘ same was committed, as the Case may be; and, on a Second Con-
 ‘ viction, state; the First Conviction]; and I the said J. P. [or we
 ‘ the said C. D. and E. F.] adjudge the said A. O. for his said
 ‘ Offence to be imprisoned in the _____ [or to be imprisoned
 ‘ in the _____ and there kept to hard Labour] for the Space
 ‘ of _____ [or to forfeit and pay _____ here state the Penalty
 ‘ actually imposed, or state the Penalty, and also the Amount of the
 ‘ Injury

Injury done, as the Case may be] and [*where Costs shall be awarded*] also to pay the Sum of _____ for Costs, and in default of immediate Payment of the said Sum [*or Sums*] to be imprisoned in the [*or to be imprisoned in the* _____ and there kept to hard Labour] for the Space of _____ unless the said Sum [*or Sums*] be sooner paid [*or, and I [or we] order that the said Sum [or Sums] shall be paid by the said A. O. on or before the* _____ Day of _____ and I [*or we*] direct that the said Sum of _____ [*i. e. the Penalty only*] shall be paid to _____ of _____ in the County [*or City, Town, or Place, as the Case may be*], to be by him [*or them*] applied according to the Directions of the Statute in that Case made and provided [*or that the said Sum of* _____ [*i. e. the Penalty*] shall be paid to, &c. as before], and that the said Sum of _____ [*i. e. the Sum for the Amount of the Injury done*] shall be paid to C. D. [*the Party aggrieved, unless he is unknown, or has been examined in Proof of the Offence, in which Case state that Fact, and dispose of the whole like the Penalty, as before*], and [*if such Justice or Justices shall think proper to award the Complainant his Costs*] I [*or we*] order that the said Sum of _____ for Costs shall be paid to [*the Complainant*]. Given under my Hand and Seal [*or our Hands and Seals*], the Day and Year first above written.

XLIX. And be it further enacted, That in all Cases where by this Act Two or more Justices of the Peace are authorized and required to hear and determine any Complaint, One Justice shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Parties to appear before Two or more Justices of the Peace; and after Examination upon Oath into the Merits of the said Complaint, and the Adjudication thereupon by any such Two Justices being made, all and every the subsequent Proceedings to enforce Obedience thereto, or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or other Matter or Thing relating to the Offence, may be enforced by either of the said Justices, or by any other Justice of the Peace for the same County, City, Town, or Place, in such and the like Manner as if done by the same Two Justices who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace different from the Justice or Justices before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

L. And be it enacted, That in all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction, for the County, City, Town, or Place wherein the Cause of Complaint shall have arisen: Provided that such Person shall give to the Complainant a Notice in

One Justice may receive original Information, &c. where Two or more Justices are empowered to hear and determine.

Appeal where the Penalty exceeds 5l. or the Imprisonment One Month, or the Conviction is before One Justice.

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 shall enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being 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, such Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari allowed.

LI. And be it enacted, That no such Conviction, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari, or otherwise, into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Justices shall transmit Convictions to Quarter Sessions.

LII. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against, until the contrary be shown.

How far Evidence in future Cases.

Limitation of Time and Venue in Proceedings under this Act.

LIII. 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 or is charged to have been 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, or in case of any Action of Replevin may avow generally that the Goods and Chattels in question were taken under and by virtue of this Act, and may give this Act and the special Matter in Evidence at the 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, nor if a sufficient Sum of Money shall have been paid into Court after such Action

Notice of Action.

General Issue, &c.

Action

Action brought, by or on behalf of the Defendant or Avowant; and if a Verdict shall pass for the Defendant or Avowant, 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 or Avowant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action, and of the Verdict obtained thereon.

LIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to that Part of the United Kingdom called *Great Britain*.

Not to extend to Great Britain.

LV. And be it enacted, That where any Felony or Misdemeanor punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *Ireland*, the same shall be dealt with, enquired of, tried, and determined in the same Manner as any other Felony or Misdemeanor committed within that Jurisdiction.

Admiralty Offences.

C A P. LVII.

An Act to provide for the Regulation of the Public Office for registering Memorials of Deeds, Conveyances, and Wills, in *Ireland*. [15th July 1828.]

WHEREAS by an Act made in the Parliament of *Ireland*, in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the public registering of all Deeds, Conveyances, and Wills, that shall be made of any Honours, Manors, Lands, Tenements, or Hereditaments*, it was enacted, that One Public Office for registering Memorials of Deeds and Conveyances, Wills and Devises, should be established and kept in the City of *Dublin*, to be managed and executed by a fit and able Person or his sufficient Deputy, such Person to be nominated and appointed by the Queen's Majesty, Her Heirs and Successors, and to continue in the said Office for so long Time as he should faithfully and honestly demean himself therein; and divers Regulations for the conducting the said Office and the Business therein were made by the said Act, and by several Acts for amending the same: And Whereas the Right Honourable *John Lord Viscount Kilwarden* is the present Registrar of the said Office, with divers Persons as his Deputies, and certain Clerks and Officers for the executing the Duties of the said Office; and it is just and expedient that Provision should be made for the future Regulation of the said Office, and also of the Business transacted in the said Office, and the Fees paid for the same: 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 soon as may be after the Death, Resignation, or Removal of the Lord Viscount *Kilwarden* from the said Office of Registrar it shall and

6 Ann. (I.)

After the Removal of Lord Kilwarden, the

Treasury may regulate the Establishment of the Registry Office, and appoint the Officers, &c.

† Sic.

and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Ireland* † for the Time being, or any Three or more of them, and they are hereby authorized and required, to regulate the Duty and Establishment of the said Public Registry Office; and that for such Purposes it shall be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, to nominate and appoint one efficient Officer or Person to be the Registrar of all Deeds, Conveyances, and Wills, and of all other Instruments, Matters, and Things which by Law are or shall be required to be registered at the said Public Registry Office in *Dublin*; and also to appoint one other Person to be Assistant to such Registrar; and also to appoint such and such Number of fit and proper Persons as Clerks and subordinate Officers as may be sufficient and necessary to perform and execute the Duties to be done, performed, and executed in the said Public Registry Office; and to direct that such Registrar and Assistant Clerks and Officers shall perform the Duties of the respective Offices in Person; and that such Registrar shall give and enter into such Recognizances, by himself and Sureties, for the due Performance of the Duty of his Office, to such Amount as the Lord High Treasurer or Commissioners of the Treasury shall deem fit; and that such Registrar and his Assistant Registrar, and such Clerks and subordinate Officers, shall receive such Proportion of Fees, or such Salaries in lieu of Fees respectively, as shall be ordered and appointed by the said Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, in that Behalf; and that all Fees received in the said Office shall be disposed of and distributed in such Manner as such Lord High Treasurer or Commissioners of the Treasury shall direct and appoint; regard being had in every Case to the Nature and Extent of the Duties to be performed, and to the Responsibility which may attach or belong to the several and respective Officers and Persons executing the Duties of the said Office respectively; and all such Regulations and Appointments when so made and established shall be and become and be put in full Force and Effect in relation to the said Public Registry Office, and to the said Registrar and Assistant Registrar, and Clerks and Officers respectively; and such Fees and Salaries shall be payable and paid and disposed of in Manner required and directed by the Lord High Treasurer or Commissioners of the Treasury; any thing in the said recited Act, or in any other Act or Acts, or any Law, Usage, or Custom, to the contrary in anywise notwithstanding.

After such Removal, the Treasury may discharge existing Officers from the Performance of the Duties of their Offices, or reduce their Salaries.

II. And be it further enacted, That in case it shall be deemed expedient by the Lord High Treasurer or the Commissioners of His Majesty's Treasury in the Execution of the Act, after the Death, Resignation, or Removal from Office of the said *John* Lord Viscount *Kilwarden*, that the Whole or any Part of the Duties of any Deputy or Assistant, or Clerk or Officer, in the said Public Registry Office may be dispensed with, and that the Persons holding such Offices may be discharged from the Whole or any Part of the Duty of the said Offices or either of them, or that the Salaries or Proportion of Fees received by any of the said Officers

Officers should be reduced, it shall and may be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, or any Three of them, and they are hereby authorized and empowered, to discharge the said Officers, or any of them, from the Whole or any Part of the Duties of the said Offices respectively, or any of them, and to order that the Amount of Salaries or Fees receivable by the said Officers or any of them should be reduced or regulated accordingly; and it shall and may also be lawful for the said Lord High Treasurer or Commissioners of the Treasury, in any or either of the said Cases, to make such just and reasonable Compensation or annual Allowance to such Officers, their Clerks, or any of them, as the said Lord High Treasurer or Commissioners of His Majesty's Treasury shall in their Judgment think proper; and to direct the Payment of such Compensation out of the Produce of the Fees payable in the said Office, in such Manner and under such Regulations and Restrictions as shall be specified in any Order or Orders of the said Lord High Treasurer, or Commissioners of the Treasury, to be made for that Purpose: Provided always, that all the Persons employed as Deputies, Assistants, or Clerks in said Office, at the Time of such Death, Resignation, or Removal of said Lord *Kilwarden*, shall thereafter be authorized and empowered to continue to perform their several and respective Duties in said Office, and to do all official Acts necessary for conducting the same, in as full and ample a Manner as if such Death, Resignation, or Removal had not taken place, until they shall be respectively discharged therefrom as aforesaid.

Compensation may be made.

Deputies, &c. to continue in their Offices until discharged therefrom.

III. And be it further enacted, That Copies of all Orders, Directions, Minutes, and Regulations of any Kind or Nature soever, which, under the Provisions of this Act, shall be made by the Lord High Treasurer, or by the Commissioners of his Majesty's Treasury, or any Three of them, touching or concerning the said Office of Registrar of Deeds in *Ireland*, shall be laid before both Houses of Parliament at the Commencement of the Session next ensuing the Date or Dates of such Directions or Orders as aforesaid, or if Parliament shall be then sitting, then within Fourteen Days next after the Dates of such Orders, Directions, Minutes, or Regulations respectively; and that in case no legislative Provision shall otherwise be made in the Course of the Session in which such Copies shall be laid before Parliament, the said Minutes, Orders, Directions, or Regulations shall then, and not before, become final, and conclusive to all Intents and Purposes whatever.

Orders, &c. made by the Treasury concerning the said Office to be laid before Parliament.

IV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to grant such Leave and Licence to the said Lord *Kilwarden*, the present Registrar, to be absent from *Ireland* from time to time, and for such Period or Periods, and under such Restrictions, as such Lord Lieutenant or Chief Governor or Governors shall think fit; any thing in any former Act or Acts of Parliament to the contrary thereof contained notwithstanding.

Lord Lieutenant may grant Leave of Absence to the present Registrar.

V. And be it further enacted, That the Entries and Registry of all Memorials required to be registered at any Time before the Expiration of One Calendar Month next after the passing

Registry shall be completed up to passing of this Act.

Indexes shall remain in Office and be completed.

Complaints against Registrar and Officers for Neglect, &c. may be heard and determined in the Superior Courts.

Upon Proof of Neglect, &c. the Court to report the same to the Lord Lieutenant, who may dismiss the Offender from his Office.

Fees to be taken shall be according to the Table to this Act annexed.

Penalty on taking greater or other Fees, 100l.

of this Act, shall be completed as soon as may be after the passing of this Act; and that all Books which at any Time before the passing of this Act shall have been used and kept in the said Registry Office, containing any Abstracts of or Indexes to the Contents of the Memorials registered in the said Office, shall continue to be kept and preserved in the said Office as Public Property, and shall not be removed therefrom; and that such Indexes and Abstracts shall be completed as soon as may be up to the End of One Calendar Month next after the passing of this Act.

VI. And for the more effectually securing the Performance of the Duty of Registrar, and of the Deputies, Assistants, Clerks, and Officers in the said Office of Public Registry, be it enacted, That upon any Complaint made on Oath before any of His Majesty's Superior Courts of Law in *Dublin*, of any Neglect, Default, or Misconduct by any Registrar, or Deputy Registrar, or Assistant Registrar, or any Clerk or Officer in the said Office, committed at any Time after the passing of this Act, it shall be lawful for such Court, or any Judges or Judge thereof, to hear and determine such Complaint in a summary Way; and also to ascertain how far the Registrar, or other superior Officer, ought to be answerable for the Neglect, Default, or Misconduct of any Deputy Assistant, Clerk, or inferior Officer, or may be guilty of any Connivance in such Neglect, Default, or Misconduct; and if the Court or Judge shall be of Opinion that Proof has been adduced of any such Neglect, Default, Misconduct, or Connivance, the senior or sole Judge present at the Hearing of such Complaint shall forthwith cause a Copy of the Judgment of the Court to be laid before the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and thereupon it shall be lawful for such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to order and direct that such Registrar, or Deputy or Assistant Registrar, or Officer or Clerk, or all or any of them, who shall appear to be guilty of any such Neglect, Default, Misconduct, or Connivance, shall be removed from his or their Office or Employment respectively; and every such Person shall be removed accordingly, and shall be and become incapable of continuing in or executing such Office or Employment.

VII. And be it further enacted, That from and after the Expiration of One Calendar Month next after the passing of this Act, in lieu of and instead of any Fees for the Performance of any Duty to be done or performed in the said Public Registry Office in *Dublin*, claimed or payable under or by virtue of any Act in force before the passing of this Act, or otherwise however, there shall be paid and payable the several Fees mentioned, specified, and set forth in the Table marked (A.) to this Act annexed, and no others, on any Account or Pretext whatever; and if after the Expiration of the said Calendar Month, any Person in the said Public Registry Office shall demand or take any Fee, Gratuity, or Sum of Money greater or other than is mentioned and set forth in the said Table, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds, to be recovered with Costs of Suit by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record in *Dublin*, by any Person who shall sue for the same, in which Action no Essoign, Protection,

tection, Wager of Law, nor more than One Impar lance, shall be allowed.

VIII. And be it further enacted, That from and after the Expiration of One Calendar Month next after the passing of this Act, there shall be kept in the said Registry Office One or more Book or Books, wherein every Fee or Sum of Money which shall be received by any Registrar, Deputy, Assistant, Clerk, or Officer in the said Office, for the Performance of any Duty required by Law to be done and performed by such Registrar or other Person, shall be duly and separately entered at the Time of the Receipt of any such Fee or Sum of Money; and every such Book shall be produced and verified by the proper Officer whenever the same shall be required by any Person interested in and demanding such Production, or by any Order of any of His Majesty's Courts, or of any Judge of any such Courts, or of the Lord High Treasurer or Commissioners of His Majesty's Treasury.

Books of all Fees received shall be kept, and produced when required.

IX. And be it further enacted, That the said Registry Office shall be kept open for Business from the Hour of Ten in the Forenoon to the Hour of Four in the Afternoon of every Day in the Year, except only *Sundays, Christmas Day, and Good Friday*, and Days of Public Fast or Thanksgiving; and that due Attendance shall be given therein on every such Day during said Hours by the said Registrar or his sufficient Deputies or Deputy; and that no Business shall be done or transacted in the said Office by such Deputy Registrar, or by any of his Assistants or Clerks or Officers, but such as relates to the Public Duties of the said Office, and the said Office shall be appropriated solely and exclusively to the Purposes of such Public Duties; and no Person not being an Officer employed in the said Office shall be allowed to inspect any Memorial in the said Office, except in the Presence of some Officer of the said Office, and acting in the Execution of his Duty in the said Office.

Days and Hours of Attendance.

Office shall be applied only to Public Business.

Memorials to be inspected only in the Presence of an Officer.

X. And be it further enacted, That it shall not be lawful for the Registrar, or any Deputy or Assistant of such Registrar, or any Clerk or Officer in the said Office, to grant any Certificate of the Registry of any Memorial registered at any Time after the Expiration of One Calendar Month next after the passing of this Act, unless such Memorial shall specify the Barony or Parish, or both, wherein any Lands or Tenements intended to be affected by such Registry are situate.

Memorials shall specify the Baronies, &c. where Lands are situate.

XI. And for the Purpose of enabling the proper Officer to ascertain the Amount of the Fees payable on the Entry of every such Memorial according to the Table annexed to this Act, and also to regulate the Payment to the Entering Clerk, be it enacted, That upon every Memorial of which a Registry shall be demanded, there shall be indorsed a Certificate of the Length of such Memorial, stating the respective Quantities of Words in such Memorial as not exceeding One thousand Words, or any successive Quantity of One thousand Words, or any fractional Number of Words exceeding or not exceeding Five hundred Words, and such Certificate shall be signed by the Person demanding such Registry; and if any such Certificate shall be untrue, so as to induce the Payment of any Fee less than the Fee payable according to such Table. the Person subscribing such Certificate shall

Length of Memorial shall be indorsed thereon.

forfeit

forfeit the Sum of Five Pounds; to be recovered by Civil Bill by any Officer in the said Registry Office who will sue for the same.

Abstract Book
of Memorials
to be kept
according to
the Form in
Schedule (B.)

XII. And for the more easy searching and referring to the Registry of all Memorials, be it enacted, That One or more Book or Books, each to be denominated an Abstract Book, shall, from and after the Expiration of One Calendar Month next after the passing of this Act, be kept in the said Office of Public Registry, wherein some Clerk or Officer, or Clerks or Officers, to be appointed for that Purpose, shall enter from each Memorial, of which a Registry shall be duly required, the Particulars of such Memorial specified and enumerated in the Form marked (B.) to this Act annexed; and the Clerk or Officer making such Entry, or some other Clerk or Officer, shall compare the Particulars of each such Entry with the Deed to which each Memorial shall purport to relate; and if the several Particulars in each Deed and Memorial shall be found to correspond, but not otherwise, it shall then be lawful for and the Duty of the Officer to certify the Registry of such Memorial.

Alphabetical
Indexes of
Names of
Grantors to be
kept.

XIII. And be it further enacted, That there shall be made up and kept in the said Registry Office Indexes of the Names of every Grantor contained and specified in any and every Memorial which shall be registered after the Expiration of One Calendar Month next after the passing of this Act; and that each Volume of such Indexes shall comprise a Period of Ten Years, and shall contain only such Names as have the same Initial Letter; and each such Volume shall be subdivided into Portions, each distinguished by a Second Letter in alphabetical Order, under which Subdivisions the Names of all such Grantors shall be entered according to the Two First Letters of each such Name respectively; and that after the Name of each Grantor so entered, there shall be entered the Name of One Grantee and the Number of the Memorial wherein such Names occur, and the Number and Page of the Registry Book where such Memorial is entered, corresponding with the Entry in the Abstract Book hereinbefore mentioned.

Index of
Names of
Lands, &c.
to be kept.

XIV. And be it further enacted, That there shall also be made up and kept in the said Registry Office Indexes of the Names of all Lands, Tenements, and Hereditaments mentioned and specified in any and every Memorial which shall be registered after the Expiration of One Calendar Month next after the passing of this Act; and that a separate Volume of such Indexes shall be appropriated to each County or County of a City in *Ireland*; and that each such Book shall contain separate Divisions under the Heads of the Baronies comprised in any County, arranged alphabetically, with Subdivisions for Denominations of Lands, beginning with each Letter of the Alphabet; and each Denomination shall be entered under the Subdivision appropriated to the initial Letter of such Denomination; and opposite each Denomination so entered there shall be also entered the Name of One Grantor and of One Grantee, with the Number of the Memorial wherein such Names and Denominations are to be found, corresponding with the Number entered in the Abstract Book, and with the Number and Page of the Registry Book where such Memorial is copied; and each Book or Part of a Book appropriated as an Index for the

Denom-

Denomination of Lands, Tenements, or Hereditaments in any City or Town, shall comprise Divisions for the several Parishes within such City or Town respectively, alphabetically arranged; and the Entries of the several Denominations (which Entries shall comprise the same Particulars as the similar Entries in the County Books, and also the Names of the Streets in such Cities or Towns wherein the Lands or Premises denominated are situate,) shall be made in alphabetical Order under the Heads of the appropriate Divisions of Parishes, in like Manner as the Entries under the Heads of Baronies in the County Books.

XV. And be it further enacted, That no Book containing Entries or Abstracts of registered Mortgages or Annuity Deeds shall be kept in the said Registry Office for the private Use or Benefit or Inspection of any Bankers, Merchants, or others; nor shall any Copies of any registered Memorials of anonymous Partnership Deeds be given or delivered to any Bankers, Merchants, or others; and no Information whatever shall be given with respect to any Memorial or Registry of any Deed, or with respect to the Contents or Effect of any Deed, Matter, or Thing registered in the said Registry Office, otherwise than upon Application duly made to the proper Officers at the said Registry Office, and on Search and Certificate made in each individual Case by such Officers in due Form, and for which such Fees and no others shall be paid as are authorized by this Act.

XVI. And be it further enacted, That the proper Officer or Officers in the said Registry Office, whenever thereto required in Writing by any Person, shall make Searches for the Memorials of all or any Acts done by any Person or Persons named, either concerning any Lands, Tenements, or Hereditaments generally within any specified Period, or concerning any specified Lands or Premises within any specified Period, or for all or any Acts affecting any Lands or Premises named within any specified Period; and whenever and so often as any Officer shall be required to make any such Search, such Officer shall make and certify such Search, and shall deliver an authentic Extract from the Registry Books or Abstract Books, setting forth Abstracts containing the several Particulars (under the Heads comprised in the Form marked (B.) to this Act annexed) of all registered Memorials coming within the Terms of the Requisition for such Search, and that such Officer shall keep and file every such Requisition for a Search; and that a true Copy of every such Requisition shall be made by such Officer, whereunto the said Abstracts shall be subjoined, with a Certificate in the following Form, subscribed by such Officer:

‘ UPON diligent Search made in the Registry Office at *Dublin*,
 ‘ I certify, That no Memorials coming within the Terms of
 ‘ the above Requisition are registered, whereof an Abstract is not
 ‘ herein truly set forth.’

XVII. And be it further enacted, That in all Proceedings before any Court of Justice, and for all Purposes whatever, a Copy of any Memorial entered and registered in the said Office, which shall be authenticated and proved in like Manner as Copies of any other Record, may and shall be received and taken as Evi-

No Books for private Information of Bankers, &c. shall be kept in Registry Office, nor any Information given but upon regular Searches.

Officers when required shall make Searches and give Abstracts and Certificate.

Form of Certificate.

Copies of Memorials (proved as Copies of other Records) may be produced in Evidence,

unless objected
to on Notice.

dence of the Contents of such Memorial, and as if the original Memorial were produced; and that where it shall be the Intention of any Party to produce such Copy of any Memorial as Evidence, such Party shall apprise the adverse Party thereof by Notice, and if such adverse Party shall not assent thereto, but shall require the original Memorial to be produced, such adverse Party shall signify such Dissent and Desire by a counter Notice; and that the Expence of producing any original Memorial shall in any such Case be defrayed by either Party, as the Court in which such Proceeding shall be held, or the Taxing Officer of such Court, may determine.

Nothing herein
to give any
Person any
Right of
Access to
Books, &c.
except under
the established
Regulations, or
to take Copies.

XVIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to give to any Person whatever a Right of Access to any of the Books in said Office, except under such Regulations as shall be established therein, to be approved of by the Lord Chancellor and Master of the Rolls, for the due Preservation of the same, nor any Right whatever to any Person whatever, except an Officer or Clerk employed in said Office, to take a Copy or Copies or Extract or Extracts of or from the Memorials registered in said Office, or of or from any of the Entries contained in any of the Books thereof.

TABLE (A.) referred to by this Act.

FEES to be taken for the Performance of the DUTIES in the PUBLIC REGISTRY OFFICE in DUBLIN, in lieu of all former Fees and Emoluments.

	£	s.	d.
For the Entry of every Memorial (except Memorials of Civil Bill Decrees), and giving Certificate of Registry thereof on the Deed or Instrument produced, including the Fee for inspecting Stamps (and to be paid for on the Delivery thereof for Registry) —			
Where the Contents of such Memorial shall not exceed One thousand Words	0	10	0
If such Memorial shall exceed One thousand Words, then for each One thousand Words	0	10	0
And where there shall be a fractional Number beyond any One thousand Words, if such Number shall not exceed Five hundred Words, then for such fractional Number	0	5	0
And if it shall exceed Five hundred Words	0	10	0
For the Entry of Every Memorial of a Civil Bill Decree, and giving Certificate of Registry thereof	0	2	6
For each Entry of Dissolution of Anonymous Partnership	0	5	0
For the Entry of Certificate of Satisfaction of a Mortgage and giving Certificate thereof, the same Fee as for the Entry of the Memorial of any Deed or other Instrument.			
For each Copy which shall be required of any Memorial or Certificate entered in the Registry Office, such Copy to be certified by the Officer (the Fee and Stamp Duty thereon to be deposited at the Time of bespeaking such Copy) —			
If not exceeding Three Sheets of Seventy-two Words each	0	1	6
If more, then per Sheet (and for the last Fraction of a Sheet)	0	0	6

For every Search in the Office Books which shall be made in one Day by any Person not employed in the Office - - -	£ s. d.
For every Search which any Officer shall be required to make, and for the Certificate upon such Search (the Fee and Stamp Duty thereon to be deposited on Delivery of the Requisition for such Search) —	0 2 6
If the Number of References occurring in the Progress of such Search shall not exceed Ten - - -	0 6 8
If exceeding Ten, and not exceeding Twenty - - -	0 10 0
If exceeding Twenty, and not exceeding Forty - - -	0 15 0
If exceeding Forty, then for each additional Reference - - -	0 0 2
For every Abstract of a Memorial contained in the Certificate of each such Search - - - - -	0 1 0
Production of Memorial in Dublin, for each Day's Attendance -	0 10 0
At any Place out of Dublin, as for Two Days actual Attendance	1 0 0
And for every Day's actual Attendance beyond a Second Day -	0 10 0
For the Expence of travelling to and from any Place at which such Attendance shall be required, for every Mile travelled -	0 1 0
The Amount of the Attendance and Expence of travelling for the Production of any Memorial at any Place out of Dublin to be deposited with the Deputy Registrar on his Demand thereof.	

TABLE (B.) referred to by this Act.
FORM for entering of MEMORIALS in ABSTRACT BOOK.

Number in the Memorial.	General Nature of the Instrument.	Names of Grantors and of One or more Grantees.		Names and Description, and Lands & Premises.	Number and Page of the Registry Book where the Memorial is entered.
		Grantors.	Grantees.		

C A P. LVIII.

An Act to regulate the granting of Certificates, by Justices of the Peace and Magistrates, authorizing Persons to keep common Inns, Alehouses, and Victualling Houses, in *Scotland*, in which Ale, Beer, Spirits, Wine, and other Excisable Liquors may be sold by Retail under Excise Licences; and for the better Regulation of such Houses; and for the Prevention of such Houses being kept without such Certificate.

[15th July 1828.]

‘ WHEREAS the Laws now in force respecting Licences or Certificates to be granted by Justices of the Peace and Magistrates to Persons to keep common Inns, Alehouses, or Victualling Houses for the Purpose of enabling them to obtain Excise Licences for the Sale of Ale, Beer, Spirits, Wine or other Excisable Liquor, by Retail, to be drunk or consumed upon the Premises in which the same is sold, in *Scotland*, are defective, and require to be altered and amended:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, an Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, for more effectually preventing the Sale of Excisable Liquors in *Scotland* by Persons not duly licensed, and for altering the Times of granting Licences to sell such Excisable Liquors by Retail, and also an Act passed in the Forty-eighth Year of His said late Majesty, for repealing the Stamp Duties on Licences granted by Justices of the Peace for selling Ale, Beer, and other Excisable Liquors by Retail, and for granting other Duties in lieu thereof, and all other Laws and Provisions in force before and at the Commencement of this Act, respecting such Licences or Certificates to be so granted as aforesaid by Justices of the Peace or Magistrates in that Part of *Great Britain* called *Scotland*, shall be, and the same, in so far as they relate to such Licences or Certificates being granted as aforesaid, are hereby respectively repealed, save and except in so far as the same repeals or repeal any other Law or Laws before in force, and save and except as to any Fine, Penalty, or Forfeiture incurred under the said Laws or any of them hereby repealed before the Commencement of this Act, and save and except as to any Certificates then in force, which shall continue in force until the next Half-yearly Meeting for granting Certificates as after mentioned, but no longer.

II. And be it further enacted, That throughout *Scotland* there shall be annually held, for the Purpose of granting Certificates to Persons to keep common Inns, Alehouses, or Victualling Houses, to sell Excisable Liquors by Retail, to be drunk or consumed in the Premises in which the same is sold, Two General Meetings of the Justices of the Peace in every County, so long as not divided into Districts in manner hereinafter mentioned, and Two General

The Acts
44 G. 3. c. 55.
and
48 G. 3. c. 143.
repealed, ex-
cept as herein
mentioned.

Meetings of
Justices for
granting
Certificates.

General Meetings of the Magistrates of every Royal Burgh, which Meetings shall be called "The General Half-yearly Meetings for granting Publicans' Certificates."

III. And be it further enacted, That the Magistrates of Royal Burghs shall meet for granting such Certificates, within the Royalty of the said Burgh respectively as aforesaid, upon the last *Tuesday of April*, and the last *Tuesday of October* in each Year, with Power to them to adjourn such Meetings from Day to Day as they shall think fit, during the Period of Seven lawful Days following and next after the Day of their first Meeting, and no longer: Provided always, that Magistrates of Royal Burghs shall in no Case have Power to grant such Certificates as aforesaid for Inns, Alehouses, or Victualling Houses to be kept beyond the Royalty of the Burgh; and if any such Certificate shall be granted contrary hereto, the same shall be and is hereby declared to be null and void to all Intents and Purposes.

Meetings by Magistrates of Royal Burghs for granting Certificates to be held in April and October yearly.

IV. And be it further enacted, That the Justices of the Peace for the several Counties in *Scotland* shall assemble, for granting such Certificates for their several Counties respectively, upon the first *Tuesday of May* and the last *Tuesday of October* in each Year, with Power to them to adjourn such Meetings from Day to Day, as they shall think fit, during the Period of Seven lawful Days following and next after the Day of their first Meeting, and no longer: Provided always, that such Justices shall not have Power to grant such Certificates for the Royalty of any Royal Burgh, except as after mentioned; and if any such Certificate shall be granted contrary hereto, the same shall be and is hereby declared to be null and void to all Intents and Purposes.

Meetings by Justices for Counties to be held in May and October.

V. And be it further enacted, That it shall be lawful for the Justices of the Peace of any County, assembled at a Meeting to be held on the same Day on which the First *Michaelmas* Head Court of the County shall be held after the passing of this Act, to divide the County into Districts for the Purposes of this Act, within which such Justices shall assemble at a Place to be by them appointed, for considering and disposing of Applications under this Act, at the Times before specified; and Notice of the Place of meeting so to be appointed, and of the Name and Residence or Office or Place of Business of a Clerk or Depute Clerk within such District, with whom Applications and Recommendations may be lodged in Terms of this Act (as after mentioned), shall be given by Advertisement at the Church Doors of every Parish Church within the District, for Two several *Sundays* at least, before the first holding of such District Meeting so appointed: Provided always, that it shall be lawful for the Justices of the Peace of any County, at any *Michaelmas* Meeting as aforesaid, after previous Notice by Three Advertisements published One Month before such *Michaelmas* Meeting in any Newspaper or Newspapers circulated within the District to be affected by the Change proposed to be made, at any Time to alter or change any District or Place of District Meeting by them appointed, due Notice thereof being given, in like Manner as aforesaid, at every Parish Church before the next holding of such District Meeting.

Justices may divide Counties into Districts for the Purposes of this Act.

Notice to be given thereof.

Justices may alter any District on like Notice.

VI. And be it further enacted, That if in any Royal Burgh there shall not be a sufficient Number of Magistrates present

If not sufficient Justices acting

Burghs, the Justices of the County may act.

who are qualified to grant Certificates according to the Directions of this Act, at any Time when such Certificates are hereby appointed to be granted, in such Case it shall and may be lawful for the Justices of the Peace of the County in which such Royal Burgh is situated to grant Certificates for such Royal Burgh, at the same Time and in the same Manner as they are hereby empowered to grant Certificates for the County: Provided always, that any Magistrates of such Burgh, so qualified, may and are hereby authorized and empowered in such Case to act along with such Justices in granting such Certificates.

Certificates to be granted.

VII. And be it further enacted, That at such General or District Meetings, or at any Adjournment thereof, within the respective Periods aforesaid, it shall be lawful for the said Justices and Magistrates respectively to grant Certificates for the Year next ensuing, commencing as after mentioned, to such and so many Persons as the Justices or Magistrates then assembled at such General or District Meeting, or the major Part of them, shall think meet and convenient, to keep common Inns, Alehouses, or Victualling Houses, within which Ale, Beer, Spirits, Wine, and other Exciseable Liquors may, under Excise Licences, be sold by Retail, to be drunk or consumed in the Premises, within their respective Counties, Districts, or Royal Burghs; and such Justices or Magistrates shall deliver or cause to be delivered to every Person so authorized or empowered a Certificate, written or printed on Paper, in such Form as hereinafter directed: Provided always, that all such Meetings shall be held with open Doors; and that it shall not be competent to refuse the Renewal of any Certificate without hearing the Party in support of the Application for Renewal in open Court, if such Party shall think fit to attend; and that there shall be at least Two Justices of the Peace or Magistrates respectively present at such Meetings; and any Certificate granted otherwise than at such Meetings shall be void and of no effect.

Proviso as to Meetings for granting Certificates.

Certificate to be confined to one House and Premises.

VIII. And be it further enacted, That no such Certificate as aforesaid shall entitle any Person to keep a common Inn, Alehouse, or Victualling House, or to obtain an Excise Licence for selling Ale, Beer, Spirits, Wine, or other Exciseable Liquors, by Retail, to be drunk or consumed in any other House or Premises than the House and Premises specified in such Certificate: Provided always, that nothing in this Act contained shall be construed to prohibit any Person who shall have obtained such Certificate from selling Ale, Beer, Spirits, Wine, or other Exciseable Liquors, in Boats or Vessels moored in Rivers, at any Time, or in Houses, Booths, or other Places, at the Time and within the Limits of the Ground, Town, or Place in or upon which is holden any lawful Fair, in the same Parish with the House or Premises for which any Person shall have obtained a Certificate as aforesaid, or in any Parish immediately adjoining thereto.

Proviso as to Fairs, &c.

Certificate to be in force for a Year.

IX. And be it further enacted, That every such Certificate as aforesaid shall be in force for One whole Year, commencing at the Term of *Whitsunday*, or for Six Months from *Martimas* respectively, according to the Period of the Year at which such Certificate was granted, and no longer.

X. And

X. And be it further enacted, That in all Cases a written or printed Application shall be lodged with the Clerk of the Magistrates of the Royal Burgh, or of the Justices of the Peace for the County, at least Ten Days before the First Day of the General or District Meeting for granting such Certificates, setting forth the Name and Designation of the Applicant, and specifying the House or Premises for which such Applicant craves that such Certificate may be granted, by the Name of the Street or Place, and the Number of the House, or other particular Description; and that a Fee of Two Shillings, and no more, shall be payable to the Clerk at lodging such Application.

Application to be lodged with the Clerk of the Magistrates Ten Days before the Meeting for granting Certificates.

XI. And be it further enacted, That it shall be lawful for the Justices or Magistrates respectively, assembled at any such General or District Meeting as aforesaid, to make such Regulations and Rules as they shall think fit, not being inconsistent with the Provisions of this Act, as to the Manner of making such Applications, as well for ascertaining the Character of the Applicants, as whether it be expedient to grant such Certificates in the Places in which they are sought to be obtained, and also as to the Mode of proceeding in transferring Certificates as hereinafter mentioned.

Magistrates may make Regulations regarding Applications.

XII. And be it further enacted, That the Names and Designations of all Persons who make Applications for such Certificates shall be entered in a Book or Register, to be kept by the Clerk of such Justices or Magistrates respectively, wherein the Names and Designations of new Applicants shall be entered separately, which Book or Register shall contain Columns for the Designations of such Applicants, for the Names of the Persons who recommend them, for the House and Place for which such Certificate is applied, for the Manner in which the Application is disposed of, and for noting a Memorandum of Convictions under this Act against such Persons respectively, and the Dates thereof; and the Cases of new Applicants shall not be considered until all the other Cases shall have been disposed of; and that at the End of the Meeting for each Day, a Deliverance shall be written in such Book or Register, specifying whether such Applications respectively were granted or refused, or continued for farther Inquiry, or how otherwise disposed of; and such Deliverance shall be then and there signed by the major Part of such Justices or Magistrates so assembled, or by the Preses of the Meeting, according to the Form contained in the Schedule annexed to this Act, therein designated by the Letter A.; and it shall not be lawful for the Justices or Magistrates at any adjourned Meeting to alter any thing which was done at any previous Meeting in granting or refusing such Certificates; and the Clerk of such Justices or Magistrates shall make out a Certificate in the Form contained in the Schedule annexed to this Act, designated by the Letter B., specifying the Date from which such Certificate shall be current.

Names and Designations of Applicants to be entered in a Book, and kept by the Clerk.

Result of such Applications to be also entered.

XIII. And be it further enacted, That no Justice of the Peace or Magistrate in any County or Royal Burgh, who is a Brewer, Maltster, Distiller, or Dealer in or Retailer of Ale, Beer, Spirits, Wine, or other Exciseable Liquors, or who shall be in Partnership with any Person as a Brewer, Maltster, Distiller, or Dealer in or Retailer of Ale, Beer, Spirits, Wine, or other Exciseable Liquors, shall act as such Justice of the Peace or Magistrate re-

Persons interested not to Act as Justices.

spectively in the Execution of this Act; nor shall any Justice of the Peace or Magistrate act in the granting of any Certificate when he shall be the Proprietor or Tenant of the House or Premises for which such Certificate shall be applied for; and every thing done by a Justice of the Peace or Magistrate respectively in any Case in which he is so disqualified to act shall be null and void; and every Justice of the Peace or Magistrate, who shall knowingly or wilfully offend in any of the Premises aforesaid, shall forfeit and pay the Sum of Fifty Pounds, to be recovered, by any Person who will prosecute for the same, before the Sheriff of the County, within Six Calendar Months next after the Offence has been committed.

Appeal as to
Certificates.

XIV. And be it further enacted, That if any Justice of the Peace, or Proprietor or Occupier of any House in respect whereof any such Certificate shall be applied for, shall be dissatisfied with any Proceeding of any Justices or Magistrates assembled for granting Certificates as aforesaid, whether in granting or refusing or otherwise disposing of any such Application, it shall be lawful to such Justices of the Peace, Proprietor, or Occupier, to appeal therefrom to the next Quarter Sessions of the Peace for the County: Provided always, that such Appeal shall be lodged with the Clerk of the Peace within Ten Days after such Proceeding; and provided such Appellant, being a Proprietor or Occupier as aforesaid, shall find Caution to abide such Appeal and the Expences thereof, and shall give Intimation of such Appeal to the opposite Party, and to the Justices of whose Proceeding he complains.

Licensed
Persons to use,
in Sale of
Liquors,
Standard
Measures.

XV. And be it further enacted, That every Person licensed to sell Exciseable Liquors by Retail, to be drunk or consumed in his House or Premises, shall sell or otherwise dispose of all such Liquors by Retail therein (except in Quantities less than Half a Pint), by the Gallon, Quart, Pint, or Half Pint Measure, sized according to the Standard, and shall, if required by any Guest or Customer purchasing such Liquor, retail the same in a Vessel sized according to such Standard, and in default thereof he shall forfeit and pay for every such Offence the illegal Measure and a Sum not exceeding Forty Shillings, to be recovered, with Expences, at the Instance of any Person who shall prosecute for the same, before the Sheriff or Justices of the Peace; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Penalty on
Clerk for un-
duly giving
or refusing
Certificate.

XVI. And be it further enacted, That if any Clerk of the Peace or Town Clerk respectively shall knowingly and wilfully issue or deliver any such Certificate as aforesaid, contrary to the Deliverance in such Book or Register, or to any Person not duly authorized to receive the same by the Justices or Magistrates assembled at such General or District Meeting, or if any such Clerk shall knowingly and wilfully insert any untrue Date in any such Certificate, or shall refuse to deliver such Certificate to any Person duly authorized as aforesaid to receive the same, every such Clerk shall for every such Offence forfeit the Sum of Twenty Pounds, to be recovered, by any Person who will prosecute for the same, before the Sheriff of the County, during the Period of One Year for which such Certificate appears to have been granted

or ought to have been granted, or within Six Months after the Expiry of the said Period.

XVII. And be it further enacted, That within Eight Days next after the Time during which such Meetings as aforesaid may be held respectively shall have expired, the Clerks of such Magistrates and Justices respectively shall transmit to the Collector or Supervisor of Excise in the particular Collection or District in which any such Certificate shall have been granted, a List of all the Persons there who have obtained such Certificates for that Collection or District for the current Year, which List shall be made out from the Books or Registers hereinbefore appointed to be kept by such Clerks respectively, and shall contain the same Heads and Titles, filled up according to the Deliverance signed by the Justices and Magistrates assembled at the Meeting; and every such List, when so made out, shall be duly certified by the Subscription of such Clerks respectively, and transmitted as aforesaid; and such Clerk shall, upon the Delivery thereof, be entitled to receive from such Collector or Supervisor as aforesaid a Remuneration for his Trouble in making out the same, at and after the Rate of One Penny for the Name of each Person contained in such List, to whom it has been resolved that a Certificate shall be granted as aforesaid; and if any such Clerk shall refuse or neglect to make out and send such Lists as aforesaid, he shall for every such Offence forfeit the Sum of Five Pounds, to be recovered, by any Person authorized by the Commissioners of Excise to prosecute for it, before the Sheriff of the County, within Six Calendar Months next after the Offence has been committed.

List of Certificates to be sent to the Excise Collector of the District.

XVIII. And be it further enacted, That no Licence for the Sale of any Exciseable Liquors by Retail, to be drunk or consumed on the Premises of the Person licensed, shall be granted by the Commissioners of Excise, or by any Officer of Excise, to any Person whatsoever, unless such Person shall have previously obtained from the Justices a Certificate under this Act, and which said Certificate of such Justices shall be retained by such Person, after being produced to the Commissioners or Officers of Excise; and every Licence granted by the Commissioners of Excise, or by any Officer of Excise, contrary to this Provision, shall be null and void to all Intents and Purposes.

No Licence to be granted to any Person unless he shall have obtained the Justices' Certificate.

XIX. Provided always, and be it enacted, That if any Person duly authorized to keep a common Inn, Alehouse, or Victualling House as aforesaid, shall die before the Expiration of the Certificate to him or her in that Behalf granted, it shall be lawful for any Two or more of the Justices of the Peace or Magistrates of the County or Royal Burgh respectively, in which such House and Premises are situated, to grant to the Executors, Representatives, or Disponees of the Person so dying, and who shall be possessed of such House or Premises, a Transfer of the Certificate to keep and continue such House or Premises as a common Inn, Alehouse, or Victualling House, as before such Death, until the next General or District Meeting to be held under the Authority of this Act; and provided also, in like Manner, that if any Person so authorized, or the Executors, Representatives, or Disponees of a Person dying so authorized, and who, upon such Death, shall have obtained such Transfer of Certificate as aforesaid,

Certificates may be transferred.

aforesaid, shall remove from or yield up the Possession of the House and Premises for which such Certificate shall have been granted, it shall be lawful for Two or more Justices of the Peace or Magistrates respectively as aforesaid, sitting publicly in their ordinary Place of Meeting, to grant to any new Tenant or Occupier of such House and Premises, upon such Removal, a Transfer of the Certificate to keep such House and Premises as a common Inn, Alehouse, or Victualling House, as before such Removal, until the next General or District Meeting to be held under the Authority of this Act.

Transfer of Certificate to be in the Form contained in the Schedule.

XX. And be it further enacted, That the Transfer Certificate to be granted on such Death or Removal as aforesaid shall be in the Form contained in the Schedule annexed to the Body of this Act, and therein designated by the Letter C., and shall be held on the same Terms and Conditions, and in the same Manner, as a Certificate granted at any General or District Meeting, for which Transfer Certificate a Fee of One Shilling and no more shall be payable to the Clerk.

Penalties for Offences against the Terms of the Certificate.

XXI. And be it further enacted, That every Certificate to be granted under the Authority of this Act shall be and be held on the Terms, Provisions, and Conditions therein contained; and in case any Person or Persons authorized to keep a common Inn, Alehouse, or Victualling House under such Certificate, and having Excise Licences for the Sale of Ale, Beer, Spirits, Wine, or other Exciseable Liquors, to him or her in that Behalf granted, shall offend against any of the Terms and Conditions contained in such Certificate, every Person so offending shall for every such Offence forfeit and undergo the several Penalties and Disabilities hereinafter mentioned; that is to say, for the First Offence the Sum of Five Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Fourteen Days next after such Conviction shall have taken place, the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of One Calendar Month, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Penalty, and the Expences of such Conviction, and of executing the same; and in addition to such Penalty, the Certificate granted to such Person may be declared to be forfeited and to become void and null; and for the Second Offence the Offender shall forfeit the Sum of Ten Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Fourteen Days next after such Second Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Two Calendar Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Second Penalty, and the Expences of Conviction, and of executing the same; and in addition to such Penalty the Certificate granted to such Person may be declared to be forfeited and to become void and null; and for the Third Offence, the Offender shall forfeit the Sum of Twenty Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within Fourteen

1st Offence.

2d Offence.

3d Offence.

Days

Days after such Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Four Calendar Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Third Penalty, and the Expences of Conviction, and of executing the same; and in addition to such Penalty, the Certificate granted to such Person shall be declared to be forfeited and to become void and null; and it is hereby provided and declared, that the several Penalties and Terms of Imprisonment before mentioned may be mitigated by the Court; provided always, that by such Mitigation such Penalties and Terms of Imprisonment respectively shall not be reduced to less than One Fourth Part thereof.

Penalties may be mitigated.

XXII. And be it further enacted, That if any Person shall have been convicted of any Breach of the Terms and Conditions of the Certificate held by him or her in one Year as a First Offence, and such Person shall, in the following or any subsequent Year within Three Years after, be charged with a Breach of the Terms and Conditions of any other such Certificate subsequently obtained by such Person, and be thereof convicted, such Conviction shall be deemed and taken to be a Conviction for a Second Offence; and so in like Manner, if such Person shall be again convicted within Three Years, it shall be deemed and taken to be a Conviction for a Third Offence within the Meaning of this Act; and that notwithstanding of such Second or Third Offence being in breach of other and different Terms and Conditions, or of other and different Certificates obtained subsequently to the Certificate for the Breach of the Conditions of which the First or Second Conviction took place.

What shall be deemed 2d and 3d Offences.

XXIII. And be it further enacted, That it shall be lawful for any Person or Persons to make Complaint unto and before the Sheriff, or before any Two or more Justices of the Peace for the County, or before the Court of any Royal Burgh within whose Jurisdiction the Person complained against shall reside, stating in such Complaint that the Defender is a Person keeping a common Inn, Alehouse, or Victualling House, under a Certificate to him or her in that behalf granted, and selling Ale, Beer, Spirits, Wine, or other Exciseable Liquors by Retail under Excise Licences, and setting forth the particular Breach or Breaches of the Terms and Conditions of the Certificate complained of, and also whether it is the First, Second, or Third Offence, as the Case may be; and thereupon the Sheriff or Bailie, or the Justices to or before whom such Complaint shall have been made, shall grant a Warrant to the Officers of Court to summon the Party complained against to appear at a Time and Place to be specified in such Warrant and Summons (such Summons being served at least Six free Days before the Diet of Appearance), to attend the Hearing of such Complaint; at which Time and Place, if the said Party shall appear and plead to such Charge, or in case of his or her not Appearance, on Proof by the Oath of the Constable or other Officer of his having served such Summons as hereinafter directed at least Six free Days prior to the Diet of Appearance, it shall be lawful for such Sheriff or Bailie, or Two or more Justices of the Peace, to enquire into the Truth of the Allegations in

Manner of Complaint, and Form of Procedure.

such

such Complaint, and on the same being proved, either by the Confession of the Party complained against, or by the Testimony on Oath (or Affirmation, if a Quaker) of One or more credible Witness or Witnesses, or upon other legal Evidence, to pronounce Judgment, and convict the Party of the Offence complained against, without any written Pleadings or Record of Evidence; it being hereby provided, that a Record shall be preserved of the Charge and of the Judgment pronounced: Provided always, that if such Sheriff, Bailie, or Justices shall see Cause, it shall be lawful to adjourn the Hearing of such Complaint to a subsequent Day, to be by them at that Time appointed; and it shall be lawful for any Sheriff, Bailie, or Justices, before whom Proceedings shall be had for the Recovery of any of the Penalties before mentioned, to summon before him or them any Witness or Witnesses, and to require them to produce any such Writings or Entries as may be required for the due Decision of the Case before them; and all such Records, to be so preserved as aforesaid, shall be in the Form contained in the Schedule annexed to the Body of this Act, therein designated by the Letter D., or to such Effect.

Service of
Notice to
appear.

XXIV. And be it further enacted, That when any Warrant shall be issued for summoning any Person to appear and answer to any Complaint for committing a breach of the Terms and Conditions of the Certificate to him or her in that Behalf granted, the directing such Summons to such Person by the Name in which such Certificate shall have been granted, or by the Name by which such Person is or has been usually known, whether the same be the real or assumed Name of such Person, and the leaving a Copy of the Complaint and of the Warrant for summoning such Person, with a Citation annexed, subscribed by the Officer, at the House, Outhouse, or Premises in which the Offence shall have been committed, or if Admittance cannot be obtained, the affixing a Copy thereof on the Door or other conspicuous Part of the Outside of such House or Premises, shall be deemed and taken to be as good, legal, and effectual a Summons as if the same had been personally delivered to the Party for whom such Summons was intended, and to † whom the same was intended to be served.

† Sic.
Appeal to
Quarter
Sessions.

XXV. And be it further enacted, That if any Person shall consider himself or herself to be aggrieved by any Judgment, whether of Conviction or of Absolvitor, given upon any Complaint presented under this Act, by any Two or more Justices of the Peace, it shall be lawful to such Person to appeal therefrom to the Justices assembled at the next Quarter Sessions held for the County in which the Judgment so appealed against was given, which Justices are hereby authorized and required to hear and finally adjudge such Appeal: Provided always, that no such Appeal shall be heard, unless the Appellant shall, within Eight Days next after such Judgment, lodge his Appeal with the Clerk of such Justices of the Peace, and shall find Caution with such Clerk to abide such Appeal, and to pay such Sums as shall be finally awarded, and shall give Intimation of such Appeal by serving a Copy thereof upon the opposite Party within the said Period of Eight Days.

No Review
to be had by
a Superior
Court.

XXVI. And be it further enacted, That no Process of Review by any Superior Court of the Judgments to be pronounced under this Act by such Justices of the Peace, Quarter Sessions, or Sheriffs,

Sheriffs, shall be competent, either by Advocation, Suspension, Reduction, or otherwise.

XXVII. And be it further enacted, That every Clerk of the Peace and Clerk of any Royal Burgh shall, when lawfully required, make out from the Books to be kept by them as aforesaid a Duplicate or Counterpart of any Certificate issued by them, for which he shall be entitled to receive a Fee of One Shilling; which Duplicate, being duly certified by such Clerk, shall be admitted as sufficient Evidence of the Facts therein contained, and of the Terms of such Certificate, in all Courts and legal Proceedings, without Production of the particular Certificate originally granted.

Clerk of the Peace to make a Duplicate of the Certificate when required, which shall be admitted as Evidence.

XXVIII. And be it further enacted, That every Conviction under this Act for a Breach or Breaches of the Terms and Conditions of the Certificate granted under the Authority of this Act shall, within Six Days after such Conviction, be transmitted by the Person who shall officiate as Clerk to the Justices or Magistrates at such Conviction to the Clerk of the Peace of the County, or Town Clerk of the Burgh, where the Party convicted shall reside, under a Penalty of Five Pounds, to be recovered by any Person who will prosecute for the same before the Sheriff of the County, within Six Months next after the Time when such Transmission ought to have been made; and such Clerk of the Peace and Town Clerk respectively shall keep such Convictions among the Records of the County or Town respectively, and shall also enter in the Book or Register required to be kept by them as aforesaid, and opposite to the Name of the Person therein entered to whom the same applies, the Date of the Conviction, specifying therein whether the same is the First, Second, or Third Conviction; and the said Book or Register shall be produced by the Clerk of the Peace and Town Clerk at every General or District Meeting of Justices and Magistrates to be held in pursuance of this Act.

Convictions under this Act to be transmitted to the Clerk of the Peace, and by him registered.

XXIX. And be it further enacted, That the Clerk of the Peace of every County, and the Town Clerk of every Royal Burgh, shall certify to the Commissioners of Excise in *Scotland*, or to the Collector or Supervisor of Excise in the particular Collection or District, the Conviction of every Person convicted of an Offence in Breach of the Conditions and Terms of his or her Certificate, by which Conviction such Certificate has thereupon been adjudged null and void, which Certificate of Conviction shall be transmitted to the said Commissioners of Excise, or Collector or Supervisor, within Six Days next after such Conviction shall have taken place, if such Clerk officiated as Clerk to the Justices or Magistrates at such Conviction, and if such Clerk did not so officiate, then within Six Days after such Conviction shall have been transmitted to him, on pain of the said Clerk of the Peace, or Town Clerk, forfeiting for every Neglect so to do the Sum of Five Pounds, to be recovered, by any Person who will prosecute for the same, before the Sheriff of the County, within Six Months next after the Transmission by this Act ought to have been made; and such Certificate of Conviction shall be in the Form contained in the Schedule annexed in the Body of this Act, and designated by the Letter E.

Clerk of the Peace to certify Convictions to the Commissioners of Excise.

XXX. And

Penalties for
selling without
Certificate.

1st Offence.

2d Offence.

3d Offence.

Penalties may
be mitigated.

Recovery of
Penalties.

Persons pro-
secuted may
be convicted
on their own

XXX. And be it further enacted, That every Person in *Scotland*, who, after the Commencement of this Act, shall keep a common Inn, Alehouse, or Victualling House, and sell Ale, Beer, Spirits, Wine, or other Exciseable Liquors, by Retail, to be drunk or consumed on such Premises, or the Places immediately adjoining the same, without a Certificate to him or her in that Behalf granted, according to the Provisions of this Act, shall, upon his or her being convicted thereof, as hereinafter mentioned, forfeit and pay for the First Offence the Sum of Seven Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Four Days next after such Conviction shall have taken place, the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Six Weeks, in the common Gaol or House of Correction, unless he or she shall sooner pay such Penalty, and the Expences of such Conviction, and of executing the same; and for the Second Offence the Offender shall forfeit the Sum of Fifteen Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Four Days next after such Second Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Three Calendar Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Second Penalty, and the Expences of Conviction, and of executing the same; and for the Third Offence, the Offender shall forfeit the Sum of Thirty Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within Four Days after such Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Six Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Third Penalty, and the Expences of Conviction, and of executing the same; and it is hereby provided and declared, that the Penalties and Terms of Imprisonment before mentioned may be mitigated by the Court; provided always, that by such Mitigation such Penalties and Terms of Imprisonment shall not be reduced to less than One Fourth Part thereof: Provided always, that such respective Penalties shall be over and above any Penalty or Penalties which such Person so convicted may have incurred or paid, or be liable to pay, for or by reason of his or her selling such Ale, Beer, Spirits, Wine, or other Exciseable Liquors, under any Law or Laws relating to the Revenue of Excise: and provided also, that the said Penalties may be sued for and recovered before the Sheriff Court, or before any Two or more of the Justices of the Peace for the County, or the Court of the Royal Burgh, within whose Jurisdiction the Offender shall reside, by any Person who will inform and prosecute for the same, within Six Months after such Offence shall have been committed; and also, that the said Terms of Imprisonment may be imposed by the said Courts accordingly.

XXXI. And be it further enacted, That any Person prosecuted for keeping a common Inn, Alehouse, or Victualling House, and retailing as aforesaid, without such Certificate as aforesaid, may be

be legally convicted thereof on his or her own Confession, or on Proof by the Oath (or Affirmation, if a Quaker) of One or more credible Witness or Witnesses, or other legal Evidence; and all such Prosecutions shall be subject to the same Rules, Regulations, and Provisions, as Prosecutions for Breaches of the Terms of a Certificate granted under or by virtue of this Act, in so far as the same are applicable thereto.

Confession, or on the Oath of One Witness.

XXXII. And be it further enacted, That it shall be lawful for any Sheriff, Justices, or Magistrate, by whom Judgment shall be given for any Penalties under the Provisions of this Act, to award any Portion of the same, not in any Case exceeding One Moiety thereof, for the Use of the Prosecutor, and the Remainder to the Kirk Treasurer of the Parish within which the Offence was committed, or to any Public Asylum or charitable Institution, as the said Sheriff, Magistrate, or Justices convicting shall think proper.

Application of Penalties.

XXXIII. And be it further enacted, That every Action or Prosecution against any Sheriff, Justice of the Peace, Magistrate, Constable, or other Person, on account of any thing done in Execution of this Act, shall be commenced within Three Months after the Cause of Action or Prosecution shall have arisen, and not afterwards.

Limitation of Actions.

XXXIV. And be it further enacted, That if any Clerk shall demand or receive any greater or additional Fee, or any other Reward, for any thing done under this Act, than is thereby expressly authorized, or than is authorized by the Schedule annexed to this Act, and designated by the Letter F., such Clerk so offending shall for every such Offence forfeit and pay the Sum of Five Pounds to any Person who may prosecute for the same.

Penalty on Clerk taking illegal Fees.

XXXV. And be it further enacted, That this Act shall commence and take effect from and after the First Day of August next after the passing of this Act.

Commencement of Act.

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

Act may be repealed.

SCHEDULE to which this Act refers.

A.

FORM of REGISTER of APPLICATIONS.

No.	Names and Designations.	Houses and Places.	Persons recommending.	How disposed of.	Convictions and Dates thereof.
1.					
2.					

A similar Form for new Applications. Deliverance.

(At the End of each Day's Register.)

At May.

Numbers 2. 3. 6. (as the Case may be) granted.

Numbers 1. 4. 5. refused.

Numbers 7. 8. continued (or otherwise disposed of).

G. H. P.

(B.)

FORM of CERTIFICATE.

AT a General Meeting for granting Publicans' Certificates, held by His Majesty's Justices of the Peace acting in and for the County, [*or of the Magistrates of the Royal Burgh, as the Case may be,*] holden at _____ within the said County [*or Burgh*], on the _____ Day of _____ in the Year One thousand eight hundred and _____ for the Purpose of authorizing Persons to keep common Inns, Alehouses, and Victualling Houses, His Majesty's Justices of the Peace acting in and for the said County, [*or the Magistrates of the Burgh*] assembled at the said Meeting, did authorize and empower *A. L.*, now dwelling at the Sign of the _____ at _____ in the Parish of _____ and County [*or Burgh*] aforesaid, to keep a common Inn, Alehouse, or Victualling House, for the Sale in the said House, but not elsewhere, of Victuals and all such Exciseable Liquors as the said *A. L.* shall be licensed and empowered to sell under the Authority and Permission of any Excise Licence to him or her in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A. L.* do not fraudulently adulterate the Bread and other Victuals, Beer, Ale, Liquors, sold by him, or sell the same, knowing them to have been fraudulently adulterated, and do not use in selling the same any Weights or Measures which are not of the legal Standard, and do not knowingly permit any Breach of the Peace or riotous or disorderly Conduct within the said House, Offices, or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or dissolute Girls and Boys, to assemble and meet therein; and do not permit or suffer any unlawful Games therein, whereby the Lieges may be cozened and cheated; and do not keep open House, or permit or suffer any drinking or tipping in any Part of the Premises thereunto belonging, during the Hours of Divine Service on Sundays, or other Days set aside for Public Worship by lawful Authority, nor keep the same open at unseasonable Hours; but do maintain good Order and Rule therein. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the _____ Day of _____ One thousand eight hundred and _____ for the Twelve Calendar Months next following, and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept, in Terms of the Act of Parliament.

C. D. Clerk.

(C.)

TRANSFER of CERTIFICATE.

[*Place and Date.*] WHEREAS *A. L.*, designed in the within Certificate for keeping a common Inn, Alehouse, or Victualling House, at _____ for the Retail of Exciseable Liquors under Excise Licences, has died: And whereas *M. N.*, his Executor, is desirous to have the said Certificate transferred to him, in order

order that he may carry on the said Business there, [or as the Case may be, in the Event of Removals]: And whereas it is considered by us, Two of [the Justices of the Peace for the County of _____] [or Two of the Magistrates of the Royal Burgh of _____] that he is a Person fit to be intrusted to carry on the said Business there, we hereby transfer the said Certificate to him accordingly, subject to all the Conditions therein specified, in the same Manner as if he were the Person to whom it was originally granted; this Certificate to be of Force only until _____ being the next General [or District] Meeting to be held for granting such Certificates; and to be duly presented for Entry at the _____ Office of Excise, within _____ Days from this Date, otherwise the same to be null and void to all Intents and Purposes.

G. H. J. P.
M. N. J. P.

(D.)

PROCEDURE for BREACH of CERTIFICATE.

(1.) COMPLAINT.

Unto the Honourable His Majesty's Justices of the Peace for the County of _____, [or Sheriff or Magistrates of the Burgh, as the Case may be.]

Humbly complains A. B.

That C. D., residing at _____ who keeps a common Inn, Alehouse, or Victualling House there, under a Certificate in that Behalf granted, and who sells Ale, Beer, Spirits, [or other Exciseable Liquors] therein by Retail, under Excise Licences, has been guilty of a Breach of the Regulations of the said Certificate, in so far as [state the Particulars, Time, and Place of the Offence], and such Offence is the First [Second or Third] Offence: May it therefore please your Honours to impose the Penalties and award the Expences incurred by him, in Terms of Law, or otherwise to grant Warrant for imprisoning him, in Terms of Law, and also to declare his Certificate to be forfeited.

A. B.

(2.) WARRANT TO CITE.

[Place and Date.] The Justice [or Sheriff or Bailie], having considered this Complaint, grants Warrant to Constables to serve a Copy thereof, and of this Deliverance, upon the therein named and designed C. D., and to cite him to appear personally to answer thereto, at _____ upon the _____ Day of _____ at _____ of the Clock _____ Noon, with Certification; and also to cite Witnesses and Havers for both Parties, for the same Time and Place.

G. H. J. P.,

(3.) CITATION [to be annexed to a Copy of the Complaint and Deliverance.]

IN Terms of the Complaint and Deliverance, of which a Copy is prefixed, I _____ Constable, hereby summon and warn you C. D. to compare personally before His Majesty's Justices of the Peace for the County of _____ [or Sheriff or Magistrates], to answer to the Complaint, at _____ upon the _____ Day of _____ at _____ of the Clock _____ Noon, with Certification.

J. K. Constable.

(4.) CONVICTION.

At _____ the _____ Day of _____ One thousand eight hundred and _____ in Presence of G. H. Esquire, of _____, and J. K. Esquire, of _____, Two of His Majesty's Justices of the Peace for the County of _____, [or Sheriff or Bailie] compared C. D., and the Complaint being read over to him, he confessed the Offence therein charged.

C. D.

G. H. J. P.

J. K. J. P.

[or] compared C. D., and the Complaint being read over to him, he denied the same; but it was proved against him by the Oath of R. S. a credible Witness; [or] C. D. having failed to appear, and due Proof by the Oath of _____ Constable, being made, that he had duly summoned the said C. D., and the Complaint being read over, the same was proved against him by the Oath of R. S., a credible Witness; and therefore the Justices [or Sheriff or Bailie] convict the said C. D. of the Offence charged against him, being a First [Second or Third] Offence, and find him liable in the Sum of _____ Penalty, and adjudge him to pay to the Complainer the Sum of _____ being a Part of said Penalty, and the Remainder to _____ and also to pay the Sum of _____, being the _____ of Penalty, and _____ of Expences of the Conviction, and that within _____ Days after the Date hereof, with Certification of Imprisonment; [if the Certificate be declared to be forfeited, add] and farther adjudge his Certificate to be void and null from this Date.

G. H. J. P.

J. K. J. P.

(5.) WARRANT of IMPRISONMENT for Recovery of Penalty and Expences.

[Place and Date.] The Justices [or Sheriff or Bailie] in respect that the above-mentioned C. D. has not paid to the Sums of Penalty and Expences before mentioned, within the Period allowed to him or her for doing so, which is now elapsed, grant Warrant to Constables of Court to apprehend him, and incarcerate him in the Tolbooth of _____, the Keepers whereof

whereof are hereby ordered to receive and detain him for the
 Period of _____ from this Date, unless the said Sum
 shall be sooner paid.

G. H. J. P.

J. K. J. P.

Note.—The Proceedings against Persons selling Exciseable
 Liquors without having obtained a Certificate may be similar,
mutatis mutandis.

(E.)

NOTICE of CONVICTION for Breach of Certificate, for which
 the Certificate has been forfeited.

Unto the Honourable the Commissioners of His Ma-
 jesty's Excise in Scotland, or to the Collector of
 Excise of _____ Collection or _____ District
 in Scotland.

This is to certify, That C. D. of _____ in the County [or
 Royal Burgh] of _____ was, on the _____ Day of _____
 in the Year One thousand eight hundred and _____ at
 _____ convicted before G. H. Esquire and J. K. Esquire,
 Two of His Majesty's Justices of the Peace for _____ [or
as the Case may be], for a Breach of the Conditions and Terms of
 the Certificate to him or her in that Behalf granted; and the Cer-
 tificate of the said C. D. to keep a common Inn, Alehouse, or
 Victualling House, has by the foresaid Justices been adjudged
 null and void. Given under my Hand, this _____ Day
 of _____ in the Year One thousand eight hundred
 and _____

S. K. Clerk of the Peace.

(F.)

The following FEES, and no others, to be payable to the CLERKS
 acting under this Act.

	s.	d.
Complaint - - - -	2	0
Citation - - - -	1	0
Each Witness - - - -	1	0
Conviction - - - -	2	0
Warrant - - - -	2	6
Lodging Appeal and finding Caution	2	6
Deciding Appeal - - -	2	6

C A P. LIX.

An Act to regulate the Mode of taking the Poll at the Election
 of Members to serve in Parliament for Cities, Boroughs,
 and Ports in *England* and *Wales*. [15th July 1828.]

WHEREAS much Inconvenience hath arisen at the Election
 of Members to serve in Parliament for Cities, Boroughs,
 and Ports, from the Want of a sufficient Number of Booths and
 Polling

‘ Polling Places, or Divisions thereof, for the Voters to poll in :
 ‘ And Whereas in many Instances the Duration of the Polls hath
 ‘ been vexatiously and unnecessarily protracted : And Whereas it
 ‘ is expedient to provide further Regulations respecting the same :’
 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 pass-
 ing of this Act, at every Election of a Member or Members to
 serve in Parliament for any City, Borough, Town, or Port in *Eng-
 land* or *Wales*, where the Number of Electors shall exceed Six
 hundred, if One or more Candidates beyond the Number which
 the City, Borough, Town, or Port is entitled to return as a Member
 or Members to serve in Parliament shall be put in Nomination, and
 a Poll demanded, the Returning Officer shall and he is hereby
 required, on the Requisition of any Candidate or his Agent, (such
 Requisition being in Writing, and signed with the Names of such
 Candidate or his Agent,) to divide the Polling Place into Com-
 partments according to the Number of Voters, so that, as nearly
 as can be calculated, there shall be a Compartment for every Six
 hundred Voters ; and each Compartment shall be provided with
 sufficient and convenient Accommodation for the Poll Clerk, and
 for an Agent and Check Clerk for each of the Candidates, and
 also with a distinct and separate Avenue for the Voters ; and in
 all Cases where sufficient Space cannot be found in the Place
 where the Poll has been usually taken, the Returning Officer shall,
 when required as aforesaid, erect in some convenient Place as
 near as may be practicable to the Place where the Poll has been
 usually taken, and within the Precincts of the City, Borough,
 Town, or Port, a Polling Place or Booth, and shall divide it into
 Compartments in the Manner hereinbefore directed, and shall
 there take the Poll : Provided also, that to each Compartment the
 Returning Officer shall appoint a Clerk to take the Poll, and to
 administer to the Persons offering to vote (when required so to
 do by any Elector or Candidate, or Person acting on behalf of
 any Candidate) such Oaths as may by Law be required of them ;
 and such Clerk shall receive a Sum not exceeding One Guinea
per Day.

II. And be it enacted, That all reasonable Expences of pro-
 viding such Booths or Polling Places, and of paying such Poll
 Clerks as are hereinbefore mentioned, shall be defrayed by the
 Candidates in equal Portions ; but if any Person shall be nomi-
 nated as a Candidate, who if present shall not personally declare
 his Assent thereto at the Time such Nomination is made, or if not
 present shall not signify his Assent in Writing, addressed to the
 Returning Officer, before Proclamation of the Return is made, in
 such Case the Person putting such Candidate in Nomination shall,
 to all Intents and Purposes, be liable for the Payment of such
 Share of the Expence of providing Booths or Polling Places, and
 paying Poll Clerks, as the Candidate would have been liable to had
 the Nomination been assented to by him in the Manner herein-
 before directed.

III. Provided also, and be it enacted, That to prevent Delay
 or Obstruction in receiving Votes at the Place of polling, in con-
 sequence

At Elections
 where the
 Electors
 exceed 600,
 the Returning
 Officer, on
 being so re-
 quired by a
 Candidate,
 shall divide the
 Polling Place
 into Compart-
 ments.

Clerk to be
 appointed to
 each Compart-
 ment.

Expences of
 Booths to be
 defrayed by
 Candidates, &c.

The Returning
 Officer or his
 Assessor to

sequence of Questions as to the Right of voting, the Returning Officer (or his Assessor) shall, at every Election of a Member or Members to serve in Parliament for any City, Borough, Town, or Port in *England* or *Wales*, continue during the Time of polling in some convenient Place adjacent to that in which the Poll is taken, for the Purpose of deciding on the Validity of disputed Votes; and if the Vote of any Person shall be objected to by any Candidate or Person acting on his Behalf, the Poll shall not on that Account be delayed, but the Poll Clerk shall enter the Name of such Person on the Poll Book, but shall not then receive his Vote, and shall proceed to receive the Vote of the next Person who shall tender his Vote or offer to poll; and the Person whose Vote shall have been objected to shall be referred to the Returning Officer (or his Assessor), who shall decide with respect to the Validity of his Vote: Provided also, that the Returning Officer or Assessor shall keep a List of all Persons whose Votes are referred to him for Decision, and shall, in all Cases where the Voters are ready to be examined, proceed to decide with respect to the Validity of their Votes in the Order in which they have been referred to him.

attend to decide upon disputed Votes.

Objections to Votes not to delay the Poll.

IV. ' And Whereas by an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to limit the Duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament for Places within England and Wales, and Berwick-upon-Tweed, and also for removing Difficulties which may arise for Want of Returns being made of Members to serve in Parliament*, it is amongst other Things enacted, that from and after the First Day of *August* One thousand seven hundred and eighty-five, every Poll which shall be demanded at any Election for a Member or Members to serve in Parliament for any County, City, Borough, or other Place within *England, Wales*, or for the Town of *Berwick-upon-Tweed*, shall commence on the Day upon which the same shall be demanded, or upon the next Day at farthest, unless it shall happen to be a *Sunday*, and then on the Day after, and shall be duly and regularly proceeded in from Day to Day (*Sundays* excepted) until the same shall be finished, but so that no Poll for the Election of any Member or Members to serve in Parliament shall continue more than Fifteen Days at most (*Sundays* excepted); and if such Poll shall continue until the Fifteenth Day, the same shall be finally closed at or before Three in the Afternoon of the said Day: Be it enacted, That so much of the said recited Act as allows the Poll at any Election for a Member or Members to serve in Parliament for any City, Borough, Town, or Port within *England*, or for the Town of *Berwick-upon-Tweed*, to continue for Fifteen Days, shall be and the same is hereby repealed.

So much of Act 25 G. 3. as limits the Duration of Polls for Cities and Boroughs. repealed.

V. And be it further enacted, That from and after the passing of this Act, no Poll which shall be demanded at the Election of any Member or Members to serve in Parliament for any City, Borough, Town, or Port in *England* or *Wales*, shall continue longer than Eight Days at most (*Sundays* excepted); and if such Poll shall continue until the Eighth Day, then the same shall be finally

Poll not to continue longer than Eight Days in Cities, Boroughs, or Towns.

finally closed at or before the Hour of Three of the Clock in the Afternoon of the same Day.

Returning Officer not to make Proclamation of Return until he has decided on doubtful Votes.

VI. And be it further enacted, That when the Poll shall finally be closed, and before Proclamation of the Return has been made, if any Candidate, or his Agent, or Two Electors, shall certify to the Returning Officer that the Votes of any Persons offering to poll have been objected to, and referred to the Returning Officer or Assessor for Decision, in the Manner hereinbefore directed, and that such Returning Officer or Assessor has not declared his Decision with respect to all such Votes, in that Case the Returning Officer shall not make Proclamation of the Return until Three of the Clock in the Afternoon of the Third Day following (unless he shall before that Time have decided on all such Votes as have been referred to him), but he (or his Assessor) shall continue to decide with respect to the Validity of such Votes in the Manner hereinbefore directed, and shall cause the Names of all Persons whose Votes shall be adjudged valid to be added to the Poll: Provided always, that if at Three of the Clock in the Afternoon of the Third Day following that on which the Poll shall have finally been closed there shall still remain any Votes on which no Decision has been made, the Returning Officer shall notwithstanding proceed forthwith to proclaim the Return.

Proviso.

As to Scotland, Ireland, London, and Westminster.

VII. Provided always, and be it enacted, That none of the Provisions of this Act shall extend to *Scotland* or *Ireland*, nor to the Cities of *London* or *Westminster*.

C A P. LX.

An Act to amend the Laws relating to the Importation of Corn. [15th July 1828.]

85 G. 3. c. 26.

3 G. 4. c. 60.

7 & 8 G. 4. c. 58.

‘ WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws now in force for regulating the Importation of Corn*: And Whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to the Importation of Corn*: And Whereas a certain Act was passed in the Seventh and Eighth Years of His Majesty’s Reign, intituled *An Act to make Provision for ascertaining from time to time the Average Prices of British Corn*: And Whereas it is expedient that the said Acts should be repealed, and that new Provisions should be made in lieu 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 Acts shall be and the same are hereby repealed: Provided nevertheless, that all Acts or Parts of Acts, which by virtue of the above-recited Acts, or either of them, were repealed, shall still be deemed and taken to be and remain repealed: Provided also, that all Actions, Suits, and Prosecutions, now depending or hereafter to be brought for or by reason of any Breach or Nonperformance of any of the Provisions of the said Acts, or for the Recovery of any Duties or Sums of Money payable under and by virtue of the same, shall and may be proceeded

Recited Acts repealed.

ceeded with, as fully and effectually, to all Intents and Purposes, as if this present Act had not been made.

II. ' And Whereas an Act was passed in the Sixth Year of His Majesty's Reign, intituled *An Act for granting Duties of Customs*, whereby certain Duties were imposed on the Importation of Buck Wheat and Indian Corn; and it is expedient that the said Duties should be repealed; Be it therefore enacted, That so much of the said Act passed in the Sixth Year of His Majesty's Reign, as imposes Duties on the Importation of Buck Wheat and Indian Corn, shall be and the same is hereby repealed.

So much of 6 G. 4. c. 111. as imposes Duties on Buck Wheat and Indian Corn, repealed.

III. ' And Whereas it is expedient that Corn, Grain, Meal, and Flour, the Growth, Produce, and Manufacture of any Foreign Country, or of any *British Possession out of Europe*, should be allowed to be imported into the United Kingdom for Consumption, upon the Payment of Duties to be regulated from time to time according to the Average Price of *British Corn* made up and published in manner hereinafter required; Be it therefore enacted, That there shall be levied and paid to His Majesty, upon all Corn, Grain, Meal, or Flour entered for Home Consumption in the United Kingdom from Parts beyond the Seas, the several Duties specified and set forth in the Table annexed to this Act; and that the said Duties shall be raised, levied, collected, and paid in such and the same Manner in all respects as the several Duties of Customs mentioned and enumerated in the Table of Duties of Customs Inwards annexed to the said Act passed in the Sixth Year of the Reign of His Majesty, and by virtue and in pursuance of the several Powers and Provisions in that Act contained, and not otherwise.

Foreign Corn may be imported on Payment of the Duties specified in the Table to this Act.

IV. Provided always, and be it further enacted, That no Corn, Grain, Meal, or Flour shall be shipped from any Port in any *British Possession out of Europe*, as being the Produce of any such Possession, until the Owner or Proprietor or Shipper thereof shall have made and subscribed, before the Collector or other Chief Officer of Customs at the Port of Shipment, a Declaration in Writing, specifying the Quantity of each Sort of such Corn, Grain, Meal, or Flour, and that the same was the Produce of some *British Possession out of Europe* to be named in such Declaration, nor until such Owner or Proprietor or Shipper shall have obtained from the Collector or other Chief Officer of the Customs at the said Port a Certificate, under his Signature, of the Quantity of Corn, Grain, Meal, or Flour so declared to be shipped; and before any Corn, Grain, Meal, or Flour shall be entered at any Port or Place in the United Kingdom, as being the Produce of any *British Possession out of Europe*, the Master of the Ship importing the same shall produce and deliver to the Collector or other Chief Officer of Customs of the Port or Place of Importation a Copy of such Declaration, certified to be a true and accurate Copy thereof under the Hand of the Collector and other Chief Officer of Customs at the Port of Shipment before whom the same was made, together with the Certificate, signed by the said Collector or other Chief Officer of Customs, of the Quantity of Corn so declared to be shipped; and such Master shall also make and subscribe, before the Collector or other Chief Officer of Customs at the Port or Place of Importation, a

Regulations to be observed upon shipping Corn from any *British Possession out of Europe*.

Regulations as to Corn entered for Importation.

Declaration in Writing, that the several Quantities of Corn, Grain, Meal, or Flour on board such Ship, and proposed to be entered under the Authority of such Declaration, are the same that were mentioned and referred to in the Declaration and Certificate produced by him, without any Admixture or Addition; and if any Person shall, in any such Declaration, wilfully and corruptly make any false Statement respecting the Place of which any such Corn, Grain, Meal, or Flour was the Produce, or respecting the Identity of any such Corn, Grain, Meal, or Flour, such Person shall forfeit and become liable to pay to His Majesty the Sum of One hundred Pounds, and the Corn, Grain, Meal, or Flour to such Person belonging, on board any such Ship, shall also be forfeited; and such Forfeitures shall and may be sued for, prosecuted, recovered, and applied in such and the same Manner in all respects as any Forfeiture incurred under and by virtue of the said Act so passed in the Sixth Year of His Majesty's Reign: Provided always, that the Declarations aforesaid shall not be required in respect of any Corn, Grain, Meal, or Flour which shall have been shipped within Three Months next after the passing of this Act.

Penalty for importing Malt or ground Corn, except as allowed.

V. Provided always, and be it further enacted, That it shall not be lawful to import, from Parts beyond the Seas into the United Kingdom, for Consumption there, any Malt, or to import, for Consumption, into *Great Britain*, any Corn ground, except Wheat Meal, Wheat Flour, and Oatmeal; or to import, for Consumption, any Corn ground into *Ireland*; and that if any such Article as aforesaid shall be imported contrary to the Provisions aforesaid, the same shall be forfeited.

Account of Corn and Flour imported, of the Duties paid, and of the Quantity in Warehouse, to be published in the Gazette Monthly.

VI. Provided always, and be it further enacted, That the Commissioners of His Majesty's Customs shall, once in each Calendar Month, cause to be published in the *London Gazette* an Account of the Total Quantity of each Sort of the Corn, Grain, Meal, and Flour respectively, which shall have been imported into the United Kingdom; and also an Account of the Total Quantity of each Sort of the Corn, Grain, Meal, and Flour respectively, upon which the Duties of Importation shall have been paid in the United Kingdom during the Calendar Month next preceding; together with an Account of the Total Quantity of each Sort of the said Corn, Grain, Meal, and Flour respectively remaining in Warehouse at the End of such next preceding Calendar Month.

If any Foreign State shall subject British Vessels, Goods, &c. to any higher Duties or Charges than are levied on the Vessels, &c. of other Countries, His Majesty may prohibit the Importation of Corn from such State.

VII. Provided always, and be it further enacted, That if it shall be made to appear to His Majesty in Council that any Foreign State or Power hath subjected *British Vessels*, at any Port within the Dominions of such State or Power, to any other or higher Duties or Charges whatever than are levied on National Vessels at any such Port, or hath subjected, at any such Port, Goods the Growth, Produce, or Manufacture of any of His Majesty's Dominions, when imported from any of such Dominions in *British Vessels*, to any other or higher Duties or Charges whatever than are levied on such or the like Goods, of whatever Growth, Produce, or Manufacture, when so imported in National Vessels, or hath subjected, at any Port or Place within the Dominions of such Foreign State or Power, any Article of the Growth, Produce, or Manufacture of His Majesty's Dominions, when imported from any of such Dominions in *British Vessels* or in National Vessels,

to any Duties or Charges which would not be payable on the like Article being of the Growth, Produce, or Manufacture of any other Country, and imported from such other Country in National Vessels; or that any such Foreign State or Power hath granted any Bounties, Drawbacks, or Allowances upon the Exportation from any Port or Place within the Dominions thereof of any Articles the Growth, Produce, or Manufacture of the Dominions of any other Foreign State or Power, which hath not also been granted upon the Exportation from such Port or Place of such or the like Articles, being the Growth, Produce, or Manufacture of His Majesty's Dominions; then and in any of the Cases aforesaid, it shall and may be lawful for His Majesty, by any Order or Orders to be by Him made, with the Advice of His Privy Council, to prohibit the Importation of all or of any Sort of Corn, Grain, Meal, or Flour from the Dominions of any such Foreign State or Power; and it shall also be lawful for His Majesty from time to time, with the Advice of His Privy Council, to revoke and to renew any such Orders or Order as aforesaid, as there shall be Occasion.

VIII. ' And Whereas it is necessary, for regulating the Amount of such Duties, that effectual Provision should be made for ascertaining from time to time the Average Prices of *British Corn*; Be it therefore enacted, That Weekly Returns of the Purchases and Sales of *British Corn* shall be made in the Manner hereinafter directed, in the following Cities and Towns; that is to say, *London, Uzbridge, Hertford, Royston, Chelmsford, Colchester, Rufford, Maidstone, Canterbury, Dartford, Chichester, Guildford, Lewes, Rye, Bedford, Windsor, Aylesbury, Ipswich, Woodbridge, Sudbury, Huntingdon, Hadleigh, Stowmarket, Bury Saint Edmunds, Beccles, Bungay, Lowestoft, Cambridge, Ely, Wisbeach, Norwich, Yarmouth, Lynn, Thetford, Watton, Diss, East Dereham, Harleston, Holt, Aylesham, Fakenham, North Walsham, Lincoln, Gainsborough, Glanford Bridge, Lowth, Boston, Sleaford, Stamford, Spalding, Derby, Northampton, Leicester, Nottingham, Worcester, Coventry, Reading, Oxford, Wakefield, Warminster, Birmingham, Leeds, Newark, York, Bridlington, Beverley, Howden, Sheffield, Hull, Whitby, New Malton, Durham, Stockton, Darlington, Sunderland, Barnard Castle, Walsingham, Belford, Hexham, Newcastle-upon-Tyne, Morpeth, Alnwick, Berwick-upon-Tweed, Carlisle, Whitehaven, Cockermouth, Penrith, Egremont, Appleby, Kirkby-in-Kendal, Liverpool, Ulverston, Lancaster, Preston, Wigan, Warrington, Manchester, Bolton, Chester, Nantwich, Middlewich, Four Lane Ends, Denbigh, Wrexham, Carnarvon, Haverford West, Carmarthen, Cardiff, Gloucester, Cirencester, Tetbury, Stow-on-the-Wold, Tewkesbury, Bristol, Taunton, Wells, Bridgewater, Frome, Chard, Monmouth, Abergavenny, Chepstow, Pont-y-Pool, Exeter, Barnstaple, Plymouth, Totness, Tavistock, Kingsbridge, Truro, Bodmin, Launceston, Redruth, Helstone, Saint Austel, Blandford, Bridport, Dorchester, Sherbourne, Shaston, Wareham, Winchester, Andover, Basingstoke, Fareham, Havant, Newport, Ringwood, Southampton, and Portsmouth; and for the Purpose of duly collecting and transmitting such Weekly Returns as aforesaid, there shall be appointed in each of the said Cities and Towns, in manner*

Weekly Returns of Purchases and Sales of Corn to be made in the Places herein mentioned.

Inspectors to be appointed.

ner

ner hereinafter directed, a fit and proper Person to be Inspector of Corn Returns.

Appointing
Comptroller of
Corn Returns.

IX. And be it further enacted, That it shall be lawful for His Majesty to appoint a fit and proper Person to be Comptroller of Corn Returns, for the Purposes hereinafter mentioned, and to grant to such Comptroller of Corn Returns such Salary and Allowances as to His Majesty shall seem meet: Provided always, that such Person shall be appointed to and shall hold such his Office during His Majesty's Pleasure, and not otherwise; and shall at all Times conform to and obey such lawful Instructions, touching the Execution of the Duties of such his Office, as shall from time to time be given to him by the Lords of the Committee of Privy Council appointed for the Consideration of all Matters relating to Trade and Foreign Plantations.

Comptroller to
take Oath on
entering Office.

X. And be it further enacted, That the said Comptroller of Corn Returns before he enters on the Execution of such his Office shall, before some or One of the Barons of His Majesty's Court of Exchequer at *Westminster*, or before One of the Masters in ordinary of the High Court of Chancery, take and subscribe an Oath in the following Words; that is to say,

Oath.

' I *A. B.* do swear, That I will, to the best of my Skill and Knowledge, execute the Office of Comptroller of Corn Returns, according to the Provisions of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act.*]
' So help me GOD.'

Comptroller
not to act by
Deputy, except
in certain Cases.

XI. And be it further enacted, That the said Comptroller of Corn Returns shall at all Times execute the Duties of such his Office in Person, and not by Deputy; but that it shall and may be lawful for His Majesty to appoint a fit and proper Person, who shall act as Deputy Comptroller of Corn Returns, in case of the Sickness or other Incapacity of the said Comptroller, or in case he the said Comptroller should, with the Permission of the Lords of the said Committee of Privy Council, be absent from the Duties of such his Office; and all and every the Powers hereby vested in the said Comptroller of Corn Returns, and all and every the Acts, Matters, and Things hereby directed to be done and performed by him, shall be vested in, and shall and may be done and performed by, any such Deputy as aforesaid, during the Continuance of any such Sickness, Incapacity, or Absence as aforesaid of the said Comptroller of Corn Returns; and such Deputy shall hold such his Office during His Majesty's Pleasure, and not otherwise, and shall receive and be paid such Salary and Allowances as to His Majesty shall seem meet.

Comptroller
may send and
receive Letters
free from
Postage.

XII. And be it further enacted, That it shall and may be lawful for the said Comptroller of Corn Returns to send by the Post to any Part of the United Kingdom, and to receive by the Post from any Place whatever, any Letters or Packets relating exclusively to the Duties of such his Office, free from all Duties of Postage, provided that the Words "On His Majesty's Service" shall be written or printed on the Outside of each of the said Letters or Packets so sent by the said Comptroller of Corn Returns, and that such Words shall be subscribed with the Name
of

of the said Comptroller of Corn Returns in his Handwriting; and also provided, that it shall be lawful for His Majesty's Postmaster General, or for his Secretary or other Officer authorized by him in that Behalf, to examine and search all such Letters and Packets, and to charge against the Person or Persons sending the same Treble Postage on any Letter or Packet which may be so sent to or by the said Comptroller of Corn Returns contrary to the Provisions of this Act.

XIII. And be it further enacted, That it shall and may be lawful for the Lord Mayor and Aldermen of the City of *London*, at a Court to be holden for that Purpose, and they or the Majority of them present at such Court are hereby authorized and required, to nominate and appoint some fit and proper Person to be Inspector of Corn Returns for the City of *London*; and it shall be lawful for the said Lord Mayor and Aldermen from time to time, as Occasion may require, upon any Misbehaviour or Neglect of Duty of any such Inspector, to remove him from such his Office by any Order to be by them made at a Court to be specially convened and holden for that Purpose; and upon the Death, Resignation, permanent Incapacity, or Removal of any such Inspector of Corn Returns for the City of *London*, it shall and may be lawful for the said Lord Mayor and Aldermen, at a Court to be holden for that Purpose, and they or a Majority of them present at any such Court are hereby authorized and required, to nominate and appoint some fit and proper Person to succeed to the said Office.

Lord Mayor,
&c. to appoint
an Inspector of
Corn Returns
for the City of
London.

XIV. And be it further enacted, That the said Inspector of Corn Returns for the City of *London* shall at all Times execute the Duties of such his Office in Person, and not by Deputy; but that in case of the Sickness or other temporary Incapacity of the said Inspector, it shall be lawful for the said Lord Mayor and Aldermen of the City of *London* to appoint some fit and proper Person to act as the Deputy of the said Inspector, during the Continuance of any such Sickness or Incapacity as aforesaid of that Officer, and no longer; and all and every the Powers hereby vested in the said Inspector of Corn Returns for the City of *London*, and all and every the Acts, Matters, and Things hereby directed to be done and performed by him, shall and may be vested in, and be done and performed by, any such Deputy as aforesaid, during the Continuance of such his Appointment.

Said Inspector
not to execute
his Office by
Deputy, except
in certain
Cases.

XV. And be it further enacted, That no Person shall be eligible or shall be appointed to the Office of Inspector or Deputy Inspector of Corn Returns for the City of *London*, who, within Six Months next preceding the Time of any such Appointment, shall have been engaged in Trade or Business as a Miller, Maltster, or Corn Factor, or who during that Period shall, as a Merchant, Clerk, Agent, or otherwise, have bought Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof; and if any Inspector or Deputy Inspector of Corn Returns for the City of *London* shall, during his Continuance in such his Office, engage in Trade or Business as a Miller, Maltster, or Corn Factor, or shall, as a Merchant, Clerk, Agent, or otherwise, buy Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, he shall in manner aforesaid be removed from
such

No Person
dealing in
Corn, Flour,
or Malt, to be
appointed
Inspector of
Corn Returns
in *London*.

such his Office, and from and after the Time of such Removal shall become incapable of acting as Inspector of Corn Returns under this Act.

Inspector of
Corn Returns
for City of
London to take
an Oath on his
Appointment.

XVI. And be it further enacted, That every Inspector or Deputy Inspector of Corn Returns for the City of *London* shall, within One Week after such his Nomination and Appointment, take and subscribe, before the Lord Mayor or One of the Aldermen of the City of *London*, an Oath, which Oath the Lord Mayor or Alderman is hereby authorized and required to administer, in the following Words; (that is to say,)

Oath.

‘ I *A. B.* do swear, That I will at all Times, as Inspector of Corn Returns for the City of *London*, [or as Deputy Inspector of Corn Returns for the City of *London*, as the Case may be,] make due and true Returns to the Comptroller of Corn Returns appointed by virtue of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], and that I will in all Things, to the best of my Skill and Judgment, conform myself to the Directions of the said Act. ‘ So help me GOD.’

Appointment
of Inspector
for City of
London to be
enrolled.

XVII. And be it further enacted, That every Nomination and Appointment, so to be made as aforesaid, of any Inspector of Corn Returns for the City of *London*, shall be enrolled at the next Sessions of the Peace to be holden in and for the said City, together with a Certificate of the Oath aforesaid having been taken, such Certificate being signed by the Lord Mayor or Aldermen before whom such Oath shall have been so taken; and the said Enrolment, or a Copy thereof, certified under the Hand of the Clerk of the Peace for the said City to be a true Copy, shall, for all Intents and Purposes, be and be deemed and taken to be good and conclusive Evidence of any such Appointment as aforesaid having been duly made.

Dealers in Corn
in London to
deliver in a
Declaration
to the Lord
Mayor, &c.

XVIII. And be it further enacted, That every Person who shall carry on Trade or Business in the City of *London*, or within Five Miles from the *Royal Exchange* in the said City, as a Corn Factor or as an Agent employed in the Sale of *British* Corn, and every Person who shall sell any *British* Corn within the present Corn Exchange in *Mark Lane* in the said City, or within any other Building or Place which now is or may hereafter be used within the City of *London*, or within Five Miles from the *Royal Exchange* in the said City, for such and the like Purposes for which the said Corn Exchange in *Mark Lane* hath been and is used, shall, before he or they shall carry on Trade or Business, or sell any Corn in manner aforesaid, make and deliver to the Lord Mayor, or One of the Aldermen of the City of *London*, a Declaration in the following Words; (that is to say,)

Form of
Declaration.

‘ I *A. B.* do declare, That the Returns to be by me made, conformably to an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], of the Quantities and Prices of *British* Corn which henceforth shall be by or for me sold or delivered, shall, to the best of my Knowledge and Belief, contain the whole Quantity, and no more, of the Corn *bonâ fide* sold and delivered by or for me within the Periods to which such Returns respectively shall refer,

‘ refer, with the Prices of such Corn, and the Names of the Buyers respectively, and of the Persons for whom such Corn shall have been sold by me respectively ; and to the best of my Judgment the said Return shall in all respects be conformable to the Provisions of the said Act.’

Which Declaration shall be in Writing, and shall be subscribed with the Hand of the Person so making the same ; and the Lord Mayor or such Alderman as aforesaid of the City of *London* for the Time being shall and he is hereby required to deliver a Certificate thereof, under his Hand, to the Inspector of Corn Returns for the City of *London*, to be by him registered in a Book to be by him provided and kept for that Purpose.

Lord Mayor,
&c. to deliver
a Certificate
thereof to the
Inspector.

XIX. And be it further enacted, That every such Corn Factor and other Person as aforesaid, who is hereinbefore required to make and who shall have made such Declaration as aforesaid, shall and he or she is hereby required to return or cause to be returned, on *Wednesday* in each and every Week, to the Inspector of Corn Returns for the City of *London*, an Account in Writing, signed with his or her own Name, or the Name of his or her Agent duly authorized in that Behalf, of the Quantities of each respective Sort of *British* Corn by him or her sold during the Week ending on and including the next preceding *Tuesday*, with the Prices thereof, and the Amount of every Parcel, with the Total Quantity and Value of each Sort of Corn, and by what Measure or Weight the same was sold, and the Names of the Buyers thereof, and of the Persons for and on behalf of whom such Corn was sold ; and it shall and may be lawful for any such Inspector of Corn Returns to deliver to any Person making or tendering any such Returns a Notice in Writing, requiring him or her to declare and set forth therein where and by whom and in what Manner any such *British* Corn was delivered to the Purchaser or Purchasers thereof ; and every Person to whom any such Notice shall be so delivered shall and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return the several Particulars aforesaid.

Dealers in
Corn to make
Returns to
Corn Inspector.

XX. And be it further enacted, That the Justices of the Peace for the several and respective Counties, Ridings, or Divisions thereof, in which the several Cities and Towns hereinbefore enumerated are situate, other than and except the City of *London*, shall and they are hereby authorized and required, at some Quarter Sessions held within or nearest to each of the said several Cities and Towns, to nominate and appoint some fit and proper Person, residing within or near each and every of the said Cities and Towns respectively, to be the Inspector of Corn Returns for such City or Town, and from time to time, as Occasion may require, upon the Death, Resignation, or Removal of any such Inspector of Corn Returns, to appoint a fit and proper Person to succeed to such his Office ; and it shall be lawful for the said Justices of the Peace, by any Order or Orders to be by them made for that Purpose at any such Quarter Sessions, or at any Adjournment thereof, upon any Misbehaviour or Neglect of Duty of any such Inspector of Corn Returns as aforesaid, or for any other good and sufficient Cause to them appearing, to remove from such his Office any such Officer ; and in case of the

Justices of
the Peace to
appoint Corn
Inspectors in
the other Places
hereinbefore
mentioned.

Sickness,

Sickness, Absence, or temporary Incapacity of any such Inspector of Corn Returns, it shall be lawful for any Two or more of the said Justices, at any Petty Sessions of the Peace to be holden at such City or Town, or within the County, Riding, or Division thereof, in which the same is situate, to nominate and appoint a fit and proper Person to act as and be Inspector of Corn Returns for such City or Town, until the next General Quarter Sessions of the Peace to be holden as aforesaid, and no longer.

In Towns, being Counties of themselves, Mayor and Justices to exercise Powers granted by this Act.

XXI. Provided always, and be it further enacted, That within each and every of the Cities and Towns aforesaid (other than the Cities of *London* and *Oxford*, and Town of *Cambridge*,) being a County of itself, or having an exempt Jurisdiction, and not contributing to the Rates of the County, Riding, or Division in which the same is situate, the Mayor or other Chief Officer, and the Justices of the Peace assembled at the General Quarter Sessions of any such City or Town, or at any Adjournment thereof, shall have, enjoy, and exercise all and every the Powers hereinbefore vested as aforesaid in the Justices of the Peace for the several and respective Counties, and Ridings or Divisions thereof as aforesaid, assembled at their General Quarter Sessions; and such Mayor or other Chief Officer shall, within such last-mentioned Cities and Towns, have, enjoy, and exercise the Powers hereinbefore vested as aforesaid in the Justices of the Peace for the said several and respective Counties, Ridings, or Divisions thereof, assembled at any Petty Sessions; and that within the City of *Oxford* and the Town of *Cambridge*, all and every the Powers and Authorities aforesaid shall be and the same are hereby vested in the Chancellors, Masters, and Scholars, and their Successors, of the Universities of *Oxford* and *Cambridge* respectively, who shall have and enjoy, and are hereby authorized and required to exercise respectively, all and every such Powers and Authorities within the said City of *Oxford* and Town of *Cambridge* respectively.

In Oxford and Cambridge, Powers vested in Chancellors, &c.

Persons having been engaged in Business as Corn Dealers, within a certain Period, not eligible as Inspectors.

XXII. And be it further enacted, That no Person shall be eligible or shall be appointed to the Office of Inspector of Corn Returns under this Act, for any of the Cities and Towns aforesaid, who, within Twelve Calendar Months next preceding the Time of any such Appointment, hath been engaged in Trade or Business as a Miller, Maltster, or Corn Factor, or who during that Period hath, as a Merchant, Clerk, Agent, or otherwise, bought Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof; and if any Person, who shall in manner aforesaid be nominated and appointed to be the Inspector of Corn Returns for any such City or Town, shall, during his Continuance in such Office, engage in Trade or Business as a Miller, Maltster, or Corn Factor, or shall, as a Merchant, Clerk, Agent, or otherwise, buy Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, he shall in manner aforesaid be removed from such his Office, and from and after the Time of such Removal shall become incapable of acting as an Inspector of Corn Returns under this Act.

Inspectors of Corn Returns for Cities and Towns to take

XXIII. And be it further enacted, That every Person so appointed Inspector of Corn Returns for any City or Town, other than the City of *London*, shall, before he enters on the Discharge of

of the Duties of such his Office, take and subscribe before some one Justice of the Peace for the County, Riding, Division, City, or Town within which he shall reside, the Oath, or being one of the People called Quakers, the Affirmation following, (which Oath or Affirmation all such Justices are hereby authorized and required to administer) ; (that is to say,)

an Oath on their Appointment.

‘ I *A. B.* do swear [or affirm], That I will at all Times, as Inspector of Corn Returns for the City [or Town] of make due and true Returns to the Comptroller of Corn Returns appointed by virtue of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [here set forth the Title of this Act], of the Quantities and Prices of *British* Corn in the said City [or Town] of according to the Accounts to be delivered to me in pursuance of the said Act; and that I will in all Things, to the best of my Skill and Judgment, conform myself to the Directions of the said Act.’

Oath.

XXIV. And be it further enacted, That every Nomination and Appointment, so to be made as aforesaid, of any Inspector of Corn Returns for any of the Cities and Towns aforesaid, other than the City of *London*, shall be enrolled at some Sessions of the Peace to be holden in such Cities and Towns respectively, or in the respective Counties, Ridings, or Divisions thereof, in which such Towns are situate, or at some Adjournment of such Sessions, together with a Certificate of the Oath aforesaid having been taken by such Inspector of Corn Returns, such Certificate being signed by the Justice of the Peace before whom such Oath shall have been so taken; and the said Enrolment, or a Copy thereof, certified under the Hand of the Clerk of the Peace for any such City or Town, County, Riding, or Division, shall for all Intents and Purposes he and be deemed and taken to be good and conclusive Evidence of any such Appointment as aforesaid having been duly made.

Appointments of Inspectors for Cities and Towns to be enrolled.

XXV. And be it further enacted, That every Person who shall deal in *British* Corn at or within any such City or Town as aforesaid, or who shall at or within any such City or Town engage in or carry on the Trade or Business of a Corn Factor, Miller, Maltster, Brewer, or Distiller, or who shall be the Owner or Proprietor, or Part Owner or Proprietor, of any Stage Coaches, Waggon, Carts, or other Carriages carrying Goods or Passengers for Hire to and from any such City or Town, and each and every Person who, as a Merchant, Clerk, Agent, or otherwise, shall purchase at any such City or Town any *British* Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, shall, before he or she shall so deal in *British* Corn at any such City or Town, or shall engage in or carry on any such Trade or Business as aforesaid, or shall purchase any *British* Corn for any such Purpose as aforesaid, at or within any such City or Town, make and deliver, in manner hereinafter mentioned, a Declaration in the following words; (that is to say,)

Dealers in Corn in Cities and Towns to make Declaration.

‘ I *A. B.* do declare, That the Returns to be by me made conformably to the Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [here set forth the Title of this Act], of the Quantities and Prices of *British* Corn which hence.

Form of Declaration.

‘ henceforward shall by or for me be bought, shall, to the best
 ‘ of my Knowledge and Belief, contain the whole Quantity, and
 ‘ no more, of the *British* Corn *bond fide* bought for or by me
 ‘ within the Periods to which such Returns respectively shall
 ‘ refer, with the Prices of such Corn, and the Names of the Sellers
 ‘ respectively ; and to the best of my Judgment the said Returns
 ‘ shall in all respects be conformable to the Provisions of the said
 ‘ Act.’

Declaration to
 be delivered to
 the Mayor, &c.
 who shall
 give a Certi-
 ficate thereof to
 the Inspector.

Which Declaration shall be in Writing, and shall be subscribed with the Hand of the Person so making the same, and shall by him or her, or by his or her Agent, be delivered to the Mayor or Chief Magistrate, or to some Justice of the Peace for such City or Town, or for the County, Riding, or Division in which the same is situate, who are hereby required to deliver a Certificate thereof to the Inspector of Corn Returns for any such City or Town as aforesaid, to be by him registered in a Book to be by him provided and kept for that Purpose.

Inspectors
 empowered to
 require such
 Declaration
 from Corn
 Dealers.

XXVI. And be it further enacted, That it shall and may be lawful for any Inspector of Corn Returns for the City of *London*, or for any such other City or Town as aforesaid, to serve upon and deliver to any Person buying or selling Corn in any such City or Town, and who is not within the Terms and Meaning of this present Act specially required to make any such Declaration as aforesaid, a Notice in Writing under the Hand of such Inspector requiring him to make such Declaration as aforesaid; and any Person upon whom such Notice shall be served as aforesaid shall and he is hereby required to comply with such Notice, and to make such Declaration in such and the same Manner in all respects as if he or she had been specially required to make the same by the express Provisions of this present Act.

Corn Dealers to
 make Returns
 in Writing to
 Corn Inspectors
 of the
 Corn bought
 by them.

XXVII. And be it further enacted, That all Persons who are hereinbefore required to make and who shall have made such Declaration as aforesaid, shall and they are hereby required, on the first Market Day which shall be holden in each and every Week within each and every such City or Town as aforesaid at or within which they shall respectively deal in Corn, or engage in or carry on any such Trade or Business as aforesaid, or purchase any Corn for any such Purpose as aforesaid, to return or cause to be returned, to the Inspector of Corn Returns for such City or Town, an Account in Writing, signed with their Names respectively, of the Amount of each and every Parcel of each respective Sort of *British* Corn so by them respectively bought during the Week ending on and including the Day next preceding such first Market Day as aforesaid, with the Price thereof, and by what Weight or Measure the same was so bought by them, with the Names of the Sellers of each of the said Parcels respectively, with the Names of the Person or Persons, if any other than the Person making such Return, for or on account of whom the same was so bought and sold; and it shall and may be lawful for any such Inspector of Corn Returns to deliver, to any Person making or tendering any such Return, a Notice in Writing, requiring him or her to declare and set forth therein where and by whom and in what Manner any such *British* Corn was delivered to him or her; and every Person to whom any such Notice shall be so delivered shall

shall and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return, or in a separate Statement in Writing, the several Particulars aforesaid.

XXVIII. And be it further enacted, That no Inspector of Corn Returns in the City of *London*, nor in any of the Towns aforesaid, shall include, in the Return so to be made by them as aforesaid to the Comptroller of Corn Returns, any Account of Sales or Purchases of Corn, unless such Inspector shall have received satisfactory Proof that the Person or Persons tendering such Account hath made the Declaration hereinbefore required, and hath delivered the same to the Mayor or Chief Magistrate or to some Justice of the Peace of the City or Town for which such Inspector shall be so appointed to act, or to some Justice of the Peace for the County, Riding, or Division in which such City or Town is situate.

XXIX. And be it further enacted, That every such Inspector of Corn Returns for the City of *London*, and for the several other Cities and Towns aforesaid, shall duly and regularly enter, in a Book to be by him provided and kept for that Purpose, the several Accounts of the Quantities and Prices of Corn returned to him by such Persons respectively as aforesaid; and every such Inspector of Corn Returns for the City of *London*, and for the several other Cities and Towns aforesaid, shall in each and every Week return to the Comptroller of Corn Returns an Account of the Weekly Quantities and Prices of the several Sorts of *British* Corn sold in the City or Town for which he is appointed Inspector, according to the Returns so made to him as aforesaid, and in such Form as shall be from time to time prescribed and directed by the said Comptroller of Corn Returns; and the said Returns shall be so made to the said Comptroller by the Inspector of Corn Returns for the City of *London* on *Friday* in each Week, and by the Inspector of Corn Returns for the several other Cities and Towns as aforesaid within Three Days next after the first Market Day holden in each and every Week in any such City or Town.

XXX. And be it further enacted, That the Average Prices of all *British* Corn, by which the Rate and Amount of the said Duties shall be regulated, shall be made up and computed on *Thursday* in each and every Week in manner following; that is to say, the said Comptroller of Corn Returns shall on such *Thursday* in each Week, from the Returns received by him during the Week next preceding, ending on and including the *Saturday* in such preceding Week, add together the Total Quantities of each Sort of *British* Corn respectively appearing by such Returns to have been sold, and the Total Prices for which the same shall thereby appear to have been sold, and shall divide the Amount of such Total Prices respectively by the Amount of such Total Quantities of each Sort of *British* Corn respectively, and the Sum produced thereby shall be added to the Sums in like Manner produced in the Five Weeks immediately preceding the same, and the Amount of such Sums so added shall be divided by Six, and the Sum thereby given shall be deemed and taken to be the aggregate Average Price of each such Sort of *British* Corn respectively, for the Purpose of regulating and ascertaining the Rate and Amount

Inspector not to include Returns until he has ascertained that the Persons making them have taken the Declaration required.

Inspectors to enter Returns made to him in a Book;

and transmit to the Comptroller weekly, an Account of the Quantities and Prices of Corn sold.

Average Prices to be made up and published every Week.

of the said Duties; and the said Comptroller of Corn Returns shall cause such aggregate Weekly Averages to be published in the next succeeding Gazette, and shall on *Thursday* in each Week transmit a Certificate of such aggregate Average Prices of each Sort of *British* Corn to the Collector or other Chief Officer of the Customs at each of the several Ports of the United Kingdom; and the Rate and Amount of the Duties to be paid under the Provisions of this Act shall from time to time be regulated and governed at each of the Ports of the United Kingdom respectively by the aggregate Average Prices of *British* Corn at the Time of the Entry for Home Consumption of any Corn, Grain, Meal, or Flour chargeable with any such Duty, as such aggregate Average Prices shall appear and be stated in the last of such Certificates as aforesaid which shall have been received as aforesaid by the Collector or other Chief Officer of Customs at such Port.

Certificate of Averages to be transmitted to Chief Officers of Customs.

How Quantities of Corn are to be computed.

XXXI. Provided always, and be it further enacted, That in the Returns so to be made as aforesaid to the Comptroller of Corn Returns, and in the Publications so to be made from time to time in the *London Gazette*, and in the Certificate so to be transmitted by the said Comptroller of Corn Returns to such Collectors or other Chief Officers of the Customs as aforesaid, the Quantities of each Sort of *British* Corn respectively shall be computed and set forth by, according, and with reference to the Imperial Standard Gallon, as the same is declared and established by a certain Act passed in the Fifth Year of His Majesty's Reign, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*, as the said Act is amended by a certain other Act passed in the Sixth Year of His Majesty's Reign, 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*.

5 G. 4. c. 74.

6 G. 4. c. 12.

Until sufficient Number of Returns are made, Comptroller may use the present Averages.

XXXII. Provided always, and be it further enacted, That until a sufficient Number of Weekly Returns shall have been received by the said Comptroller of Corn Returns under this Act, to afford such aggregate Average Prices of *British* Corn as aforesaid, the Weekly Average Prices of *British* Corn published by him immediately before the passing of this Act shall by him be used and referred to in making such Calculations as aforesaid, in such and the same Manner as if the same had been made up and taken under and in pursuance of this Act.

What shall be deemed *British* Corn.

XXXIII. Provided always, and be it further enacted, That all Corn or Grain, the Produce of the United Kingdom, shall be deemed and taken to be *British* Corn for the Purposes of this Act.

Provisions of this Act as to making Weekly Returns may be applied to any Town in the United Kingdom.

XXXIV. And be it further enacted, That for the Purpose of ascertaining the Average Price of Corn and Grain sold within the United Kingdom of *Great Britain* and *Ireland*, it shall and may be lawful for His Majesty, by any Order or Orders to be by him made, by and with the Advice of His Privy Council, to direct that the Provisions of this Act, so far as regards the Appointment of Inspectors and the making of Weekly Returns, shall be applicable to any Cities or Towns within the United Kingdom of *Great Britain* and *Ireland* which shall be named in any such Order

Order or Orders in Council: Provided always, that the Returns so received from such Towns shall not be admitted into the Averages made up for the Purpose of regulating the Duties payable upon Foreign Corn, Grain, Meal, or Flour.

XXXV. And be it further enacted, That the Comptrollers of Corn Returns, and each and every Inspector of Corn Returns, or other Person who at or immediately before the Time when this Act shall come into Operation, shall hold any Office or Appointment under and by virtue of the Act so passed as aforesaid in the Seventh and Eighth Year of His Majesty's Reign, or who shall be discharging any Duties required of him by such last-mentioned Act, shall and he is hereby authorized and required forthwith to act in such his Office or Appointment under and by virtue of this present Act, and to discharge the several Duties of and belonging to such his former Office or Appointment, in such and the same Manner and as fully and effectually, to all Intents and Purposes, as if he had been appointed to such his Office or Appointment as aforesaid under and by virtue of this present Act; and that the Person appointed to act as Inspector of Corn Returns for the City of *London*, under the Act so passed as aforesaid in the Seventh and Eighth Year of His Majesty's Reign, shall, without further Appointment, continue to act as such Inspector under this Act, until he shall die or resign such his Office, or be removed therefrom by the Lord Mayor and Aldermen of the City of *London* in manner aforesaid.

The present Comptrollers and Inspectors of Returns to continue in Office.

XXXVI. Provided always, and be it further enacted, That if the said Comptroller of Corn Returns shall at any Time see Cause to believe that any Return so to be made as aforesaid to any such Inspector of Corn Returns for the City of *London*, or for any other such City or Town as aforesaid, is fraudulent or untrue, the said Comptroller shall and he is hereby required, with all convenient Expedition, to lay before the Lords of the said Committee of Privy Council a Statement of the Grounds of such his Belief; and if, upon Consideration of any such Statement, the said Lords of the said Committee shall direct the said Comptroller to omit any such Return in the Computation of such aggregate Weekly Average Price as aforesaid, then and in that Case, but not otherwise, the said Comptroller of Corn Returns shall and he is hereby authorized to omit any such Return in the Computation of such aggregate Weekly Average Price.

If Returns are untrue, Comptroller to lay a Statement thereof before the Committee of Privy Council.

XXXVII. And be it further enacted, That any Corn Factor, Dealer, or other Person, who at or previously to the Time when this present Act shall come into Operation shall have made the Declaration required of him in and by the said Act so passed as aforesaid in the Seventh and Eighth Year of His Majesty's Reign, shall and he or she is hereby required forthwith to make all such Returns to such several Inspectors of Corn Returns as aforesaid, and to perform and do all such Acts, Matters, and Things, and to comply with and observe all such Rules and Regulations, as are hereby required or directed of or in regard to Persons who have made any Declaration required of them in and by the present Act, although he or she may not have actually made such last-mentioned Declaration.

Corn Dealers having made the Declaration previous to this Act shall transmit Returns and comply with the Rules hereby required.

Comptroller to issue Directions respecting Inspection of Books of Inspectors.

Inspector not to permit Books to be perused without such Directions.

Copy of the last Return to be affixed on Market Place on each Market Day.

Treasury to fix Salaries of Comptrollers and Inspectors.

Regulations as to Payment of Salaries.

XXXVIII. And be it further enacted, That the Comptroller of Corn Returns shall and he is hereby authorized from time to time, in pursuance of any Instructions which he shall receive in that Behalf from the Lords of the said Committee of Privy Council, to issue to the several Inspectors of Corn Returns any general or special Directions respecting the Inspection by any Person or Persons of the Books so directed as aforesaid to be kept by every such Inspector of Corn Returns; and no such Inspector as aforesaid shall permit or suffer any Person to inspect any such Book, or to peruse or transcribe any Entry therein, except in compliance with some such general or special Directions from the said Comptroller of Corn Returns as aforesaid.

XXXIX. And be it further enacted, That each and every Inspector of Corn Returns shall and he is hereby required on each and every Market Day to put up or cause to be put up in the Market Place of the City or Town for which he shall be appointed Inspector, or if there shall be no Market Place in such City or Town, then in some other conspicuous Place therein, a Copy of the last Return made by him to the Comptroller of Corn Returns, omitting the Names of the Parties who may have sold and bought the said Corn; and every such Inspector shall also again put up such Account on the Market Day immediately following that on which it shall first have been put up, in case the same shall from Accident or any other Cause have been removed, and shall take due Care that the same shall remain up for public Inspection until a new Account for the ensuing Week shall have been prepared and set up.

XL. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, by any Warrant or Warrants to be for that Purpose from time to time made and issued, to settle and allow such reasonable and moderate Salaries as shall be paid and payable to the said several Inspectors of Corn Returns for the City of *London*, and for the several other Cities and Towns aforesaid, for and in consideration of the Duties so to be performed by them; provided that the Salary so to be allowed to the Inspector of Corn Returns in and for the City of *London* shall not in any One Year exceed the Sum of Three hundred Pounds, in consideration of which Salary he shall and is hereby required to keep and maintain a proper and convenient Apartment or Place of Business at or near to the said Corn Exchange in *Mark Lane*, for transacting the Duties of such his Office, and to defray all incidental Charges and Expences of and attendant upon such his Office: Provided also, that the Salary to be granted to any Inspector of Corn Returns of any other of the Cities and Towns aforesaid shall not exceed Fifty Pounds in any One Year for such Inspector.

XLI. And be it further enacted, That the Salaries aforesaid shall be paid by the Collector or other Chief Officer of the Customs or of the Excise in or for the City or Town for which each and every of the said Inspectors respectively may be so appointed, by Four Quarterly Payments; provided that no such Quarterly Payments aforesaid shall be made, unless the Inspector of Corn Returns, claiming the same, shall first produce and deliver

deliver to such Collector, or other Chief Officer of the Customs or Excise, a Certificate under the Hand of the Comptroller of Corn Returns, certifying that such Inspector hath duly made the Returns required of him by this present Act during the Period in respect of which any such Payment is to be made, and which Certificate such Comptroller is hereby required, on the Application of any such Inspector as aforesaid, to grant, unless any such Inspector shall, without good and sufficient Cause, have neglected or omitted to make such Returns as aforesaid, or some of them: Provided also, that if the Duties of the said Office of Inspector of Corn Returns for the City of *London* shall, during any such Quarter of a Year as aforesaid, have been discharged wholly or in part by a Deputy, the Comptroller of Corn Returns shall in such Certificate as aforesaid specify the Length of Time during which such Deputy hath so acted, and the whole or a proportionate Part, as the Case may be, of any such Quarterly Payment, shall in that Case be paid to the said Deputy; and if the Duties of Inspector of Corn Returns for any other of the Cities and Towns aforesaid shall during any such Quarter of a Year be performed successively by Two or more Persons, the Comptroller of Corn Returns shall in like Manner specify the Length of Time during which each such Person hath so performed the said Duties, and a proportionate Part of any such Quarterly Payment shall in that Case be paid to the several Persons respectively performing the said Duties.

XLII. And be it further enacted, That if any Person who is hereby required to make and deliver the Declaration or Declarations hereinbefore particularly mentioned and set forth, or either of them, shall not make and deliver such Declaration or Declarations at the Time, and in the Form and Manner, and to the Person or Persons, hereinbefore directed and prescribed in that Behalf, every Person so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Calendar Month during which he shall neglect or delay to make and deliver any such Declaration; and if any Person who is hereinbefore required to make any Return to any such Inspector of Corn Returns as aforesaid shall not make such Returns to such Inspector, at the Time and in the Form and Manner hereinbefore directed and prescribed, every such Offender shall for such his Offence forfeit and pay the Sum of Twenty Pounds.

XLIII. And be it further enacted, That all and every the Penalties aforesaid shall and may be prosecuted, sued for, and recovered by and to the Use of any Person who will sue for the same, before any Two Justices of the Peace acting in and for the City, Town, County, Riding, or Division within which the Offence shall have been committed; and upon Conviction of any such Offender before any such Justices of the Peace, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), the Amount of such Penalties and Forfeitures shall be levied, together with the Costs attending the Information and Conviction, to be assessed and allowed by such Justices, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands

Penalty on
Corn Dealers
for not making
Declarations
or Returns.

Recovery and
Application of
Penalties.

and Seals of such Justices (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 to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices of the Peace as aforesaid, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the City, Town, County, Riding, or Division where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Committee of Privy Council may stay Proceedings on Information.

Justices may mitigate Penalties.

Penalty on Witnesses not attending when required.

XLIV. Provided always, and be it enacted, That it shall and may be lawful for the Lords of the said Committee of Privy Council, by any Order to be made by them, and issued under the Hands of One of the Clerks of His Majesty's most Honourable Privy Council, to stay the Proceedings upon any Information before any such Justices of the Peace as aforesaid, for the Penalties aforesaid, or any of them; and that it shall also be lawful for any Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, if he or they shall think proper, to mitigate or reduce the Penalty incurred by such Person, so as such Reduction or Mitigation do not exceed Two Thirds of the Penalty to which such Person would be liable under this Act.

XLV. And be it further enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justices of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or of the Person or Persons accused, shall, after a reasonable Sum of Money for his or her Charges and Expences shall have been paid or been tendered to him or her, refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Neglect, or appearing shall refuse to be examined on Oath and give Evidence before such Justices of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Ten Pounds, to be recovered
in

in the Manner hereinbefore provided for the Recovery of the several Penalties aforesaid.

XLVI. And be it further enacted, That if any Person shall make any false and fraudulent Statement in any such Return as he is hereinbefore directed and required to make, or shall falsely and wilfully include or procure or cause to be included in any such Return any *British* Corn which was not truly and *bonâ fide* sold or bought to, by, or on behalf of the Person or Persons in any such Return mentioned in that Behalf, in the Quantity and for the Price therein stated and set forth, every such Offender shall be and be deemed guilty of a Misdemeanor.

Punishment for making false Returns.

XLVII. And be it further enacted, That nothing in this Act contained shall extend to alter the present Practice of measuring Corn, or any of the Articles aforesaid, to be shipped from or to be landed in the Port of *London*; but that the same shall be measured by the sworn Meters appointed for that Purpose, by whose Certificate the Searchers or other proper Officers of His Majesty's Customs are hereby empowered and required to certify the Quantity of Corn or other Articles as aforesaid so shipped or landed; and that nothing in this Act contained shall extend to lessen or take away the Rights and Privileges of, or the Tolls or Duties due and payable to, the Mayor and Commonalty and Citizens of the City of *London*, or to the Mayor of the said City for the Time being, or to take away the Privileges of any Persons lawfully deriving Title from or under them.

Act not to affect the Practice of measuring or Privileges of the City of London.

XLVIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing by him, her, or them done by virtue or in pursuance of this Act, such Action or Suit shall be commenced within Three Months next after the Matter or Thing done, and shall be laid in the proper County; and 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 at any Trial to be had thereupon; 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 Actions, 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 such Plaintiff or Plaintiffs.

Limitation of Actions.

TABLE of DUTIES to which this Act refers.

If imported from any Foreign Country :		£	s.	d.
WHEAT : —	According to the average Price of Wheat, made up and published in manner required by Law: <i>vide licet</i> ,			
—	Whenever such Price shall be Sixty-two Shillings and under Sixty-three Shillings the Quarter, the Duty shall be for every Quarter	1	4	8
—	Whenever such Price shall be 63s. and under 64s. the Quarter, the Duty shall be for every Quarter	1	9	8

WHEAT:—*continued.*

	£	s.	d.
Whenever such Price shall be 64s. and under 65s. the Quarter, the Duty shall be for every Quarter -	1	2	8
Whenever such Price shall be 65s. and under 66s. the Quarter, the Duty shall be for every Quarter -	1	1	8
Whenever such Price shall be 66s. and under 67s. the Quarter, the Duty shall be for every Quarter -	1	0	8
Whenever such Price shall be 67s. and under 68s. the Quarter, the Duty shall be for every Quarter -	0	18	8
Whenever such Price shall be 68s. and under 69s. the Quarter, the Duty shall be for every Quarter -	0	16	8
Whenever such Price shall be 69s. and under 70s. the Quarter, the Duty shall be for every Quarter -	0	13	8
Whenever such Price shall be 70s. and under 71s. the Quarter, the Duty shall be for every Quarter -	0	10	8
Whenever such Price shall be 71s. and under 72s. the Quarter, the Duty shall be for every Quarter -	0	6	8
Whenever such Price shall be 72s. and under 73s. the Quarter, the Duty shall be for every Quarter -	0	2	8
Whenever such Price shall be at or above Seventy-three Shillings, the Duty shall be for every Quarter -	0	1	0
Whenever such Price shall be under Sixty-two Shillings and not under Sixty-one Shillings, the Duty shall be for every Quarter -	1	5	8
- - - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Sixty-one Shillings, such Duty shall be increased by One Shilling.			

BARLEY:—

Whenever the Average Price of Barley, made up and published in manner required by Law, shall be Thirty-three Shillings and under Thirty-four Shillings the Quarter, the Duty shall be for every Quarter -	0	12	4
- - - - And in respect of every integral Shilling by which such Price shall be above Thirty-three Shillings, such Duty shall be decreased by One Shilling and Sixpence, until such Price shall be Forty-one Shillings.			
Whenever such Price shall be at or above Forty-one Shillings, the Duty shall be for every Quarter -	0	1	0
Whenever such Price shall be under Thirty-three Shillings and not under Thirty-two Shillings, the Duty shall be for every Quarter -	0	13	10
- - - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Thirty-two Shillings, such Duty shall be increased by One Shilling and Sixpence.			

OATS:—

Whenever the Average Price of Oats, made up and published in manner required by Law, shall be Twenty-five Shillings and under Twenty-six Shillings the Quarter, the Duty shall be for every Quarter -	0	9	8
- - - - And in respect of every integral Shilling by which such Price shall be above Twenty-five Shillings, such			

	£	s.	d.
OATS: — continued.			
Duty shall be decreased by One Shilling and Sixpence, until such Price shall be Thirty-one Shillings			
— Whenever such Price shall be at or above Thirty-one Shillings, the Duty shall be for every Quarter	0	1	0
— Whenever such Price shall be under Twenty-five Shillings and not under Twenty-four Shillings, the Duty shall be for every Quarter	0	10	9
- - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Twenty-four Shillings, such Duty shall be increased by One Shilling and Sixpence.			
RYE, PEASE, AND BEANS: —			
— Whenever the Average Price of Rye, or of Pease, or of Beans, made up and published in manner required by Law, shall be Thirty-six Shillings, and under Thirty-seven Shillings the Quarter, the Duty shall be for every Quarter	0	15	6
- - - And in respect of every integral Shilling by which such Price shall be above Thirty-six Shillings, such Duty shall be decreased by One Shilling and Sixpence, until such Price shall be Forty-six Shillings.			
— Whenever such Price shall be at or above Forty-six Shillings, the Duty shall be for every Quarter	0	1	0
— Whenever such Price shall be under Thirty-six Shillings and not under Thirty-five Shillings, the Duty shall be for every Quarter	0	16	9
- - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Thirty-five Shillings, such Duty shall be increased by One Shilling and Sixpence.			
WHEAT MEAL AND FLOUR: —			
— For every Barrel, being One hundred and ninety-six Pounds: — A Duty equal in Amount to the Duty payable on Thirty-eight and a Half Gallons of Wheat.			
OATMEAL: —			
— For every Quantity of One hundred and eighty-one Pounds and a Half: — A Duty equal in Amount to the Duty payable on a Quarter of Oats.			
MAIZE OR INDIAN CORN, BUCK WHEAT, BEER OR BIGG: —			
— For every Quarter: — A Duty equal in Amount to the Duty payable on a Quarter of Barley.			
—			
If the Produce of and imported from any British Possession in North America, or elsewhere out of Europe:			
WHEAT: —			
— For every Quarter	0	5	0
- - - Until the Price of British Wheat, made up and published in manner required by Law, shall be Sixty-seven Shillings per Quarter.			
— Whenever such Price shall be at or above Sixty-seven Shillings, the Duty shall be for every Quarter	0	0	6

	£	s.	d.
BARLEY:—			
— For every Quarter	0	2	6
- - - - Until the Price of British Barley, made up and published in manner required by Law, shall be Thirty-four Shillings per Quarter.			
— Whenever such Price shall be at or above Thirty-four Shillings, the Duty shall be for every Quarter	0	0	6
OATS:—			
— For every Quarter	0	2	0
- - - - Until the Price of British Oats, made up and published in manner required by Law, shall be Twenty-five Shillings per Quarter.			
— Whenever such Price shall be at or above Twenty-five Shillings, the Duty shall be for every Quarter	0	0	6
RYE, PEASE, AND BEANS:—			
— For every Quarter	0	3	0
- - - - Until the Price of British Rye, or of Pease, or of Beans, made up and published in manner required by Law, shall be Forty-one Shillings.			
— Whenever such Price shall be at or above Forty-one Shillings, the Duty shall be for every Quarter	0	0	6
WHEAT MEAL AND FLOUR:—			
— For every Barrel, being One hundred and ninety-six Pounds:— A Duty equal in Amount to the Duty payable on Thirty-eight Gallons and a Half of Wheat.			
OATMEAL:—			
— For every Quantity of One hundred and eighty-one Pounds and a Half:— A Duty equal in Amount to the Duty payable on a Quarter of Oats.			
MAISE OR INDIAN CORN, BUCK WHEAT, BEER OR BIGG:—			
— For every Quarter:— A Duty equal in Amount to the Duty payable on a Quarter of Barley.			

C A P. LXI.

An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses, in *England*.

[15th July 1828.]

‘ **WHEREAS** it is expedient to reduce into One Act the Laws
‘ relative to the licensing, by Justices of the Peace, of
‘ Persons keeping or being about to keep Inns, Alehouses, and
‘ Victualling Houses, to sell exciseable Liquors by Retail, to
‘ be drunk or consumed on the Premises, in that Part of the
‘ United Kingdom called *England*;’ Be it therefore enacted by
the King’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons in
this present Parliament assembled, and by the Authority of the
same, That in every Division of every County and Riding, and
of every Division of the County of *Lincoln*, and in every Hundred
of every County, not being within any such Division, and in every
Liberty, Division of every Liberty, County of a City, County of a
Town,

Town, City, and Town Corporate, in that Part of the United Kingdom called *England*, there shall be annually holden a Special Session of the Justices of the Peace (to be called the General Annual Licensing Meeting), for the Purpose of granting Licences to Persons keeping or being about to keep Inns, Alehouses, and Victualling Houses, to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises therein specified; and that such Meetings shall be holden in the Counties of *Middlesex* and *Surrey* within the First Ten Days of the Month of *March*, and in every other County on some Day between the Twentieth Day of *August* and the Fourteenth Day of *September* inclusive; and that it shall be lawful for the Justices acting in and for such County or Place assembled at such Meeting, or at any Adjournment thereof, and not as hereinafter disqualified from acting, to grant Licences, for the Purposes aforesaid, to such Persons as they the said Justices shall, in the Execution of the Powers herein contained, and in the Exercise of their Discretion, deem fit and proper.

Time of holding such Meetings.

II. And be it further enacted, That in every such Division or Place as aforesaid there shall be holden, Twenty-one Days at the least before each such General Annual Licensing Meeting, a Petty Session of the Justices acting for such County or Place, the Majority of whom then present shall, by a Precept under their Hands, appoint the Day, Hour, and Place upon and in which such General Annual Licensing Meeting for such Division or Place shall be holden; and shall direct such Precept to the High Constable of the Division or Place for which such Meeting is to be holden, requiring him, within Five Days next ensuing that on which he shall have received such Precept, to order the several Petty Constables or other Peace Officers within his Constablewick to affix or cause to be affixed on the Door of the Church or Chapel, and where there shall be no Church or Chapel, on some other public and conspicuous Place within their respective Districts, a Notice of the Day, Hour, and Place at which such Meeting is appointed to be holden, and to give to or to leave at the Dwelling House of each and every Justice acting for such Division or Place, and of each and every Person keeping an Inn, or who shall have given Notice of his Intention to keep an Inn, and to apply for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises, within their respective Districts, a Copy of such Notice.

Time and Place how to be appointed.

Notice of Meetings to be given.

III. And be it further enacted, That it shall be lawful for the Justices acting at the General Annual Licensing Meeting, and they are hereby required, to continue such Meeting by Adjournment, to such Day or Days, and to such Place or Places within the Division or Place for which such Meeting shall be holden, as such Justices may deem most convenient and sufficient for enabling Persons keeping Inns within such Division or Place to apply for such Licence: Provided nevertheless, that the adjourned Meeting to be holden next after such General Annual Licensing Meeting shall not be so holden in or upon any of the Five Days next ensuing that on which such General Annual Licensing Meeting shall have been holden as aforesaid; and that every Adjournment of the said General Annual Licensing Meeting shall be holden within the Month of *March* in the Counties

Adjournment of Meetings.

of

of *Middlesex* and *Surrey*, and of *August* or *September* in every other County.

Special Sessions for transferring Licences to be appointed.

IV. And be it further enacted, That the Justices assembled at the General or Quarter Session which shall be holden at *Michaelmas* next after the passing of this Act, and at the General Annual Licensing Meeting in every subsequent Year, shall appoint not less than Four nor more than Eight Special Sessions, to be holden in the Division or Place for which each such Meeting shall be holden, in the Year next ensuing such General Annual Licensing Meeting, at Periods as near as may be equally distant; at which Special Session it shall be lawful for the Justices then and there assembled, in the Cases and in the Manner and for the Time hereinafter directed, to license such Persons intending to keep Inns theretofore kept by other Persons being about to remove from such Inns, as they the said Justices shall, in the Execution of the Powers herein contained, and in the Exercise of their Discretion, deem fit and proper Persons, under the Provisions hereinafter enacted, to be licensed to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises.

Notice to be given of the Adjournment of the General Annual Licensing Meeting and Special Sessions.

V. And be it further enacted, That whenever the Justices shall have ordered any such Adjournment of the General Annual Licensing Meeting, or shall have appointed such Special Sessions as aforesaid, the Day, Hour, and Place for holding every such adjourned Meeting, and every such Special Session, shall be appointed by Precept of the Majority of the said Justices, directed to the High Constable, requiring Notices, similar in Form to those given at the General Annual Licensing Meeting, to be affixed on the Door of the Church or Chapel, or on some other public and conspicuous Place, and to be served upon the same Parties.

What Justices shall be disqualified from acting.

VI. And be it further enacted, That no Justice who shall be a common Brewer, Distiller, Maker of Malt for Sale, or Retailer of Malt or of any exciseable Liquor, or who shall be concerned in Partnership with any common Brewer, Distiller, Maker of Malt for Sale, or Retailer of Malt or of any exciseable Liquor, shall act in or be present at any General Annual Licensing Meeting, or at any Adjournment thereof, or at any Special Session for granting or transferring Licences under this Act, or shall take part in the Discussion or Adjudication of the Justices upon any Application for a Licence, or upon any Appeal therefrom; and no Justice shall act, upon any of the aforesaid Occasions, in the Case of any House licensed or about to be licensed under this Act, of which such Justice shall be the Owner, or for the Owner of which he shall be Manager or Agent, or of any House being in whole or in part the Property of any common Brewer, Distiller, Maker of Malt for Sale, or Retailer of Malt or of any exciseable Liquor, to whom such Justice shall be, either by Blood or by Marriage, the Father, Son, or Brother, or of whom such Justice shall be the Partner in any other Trade or Calling; and that every Justice who, being hereby disqualified, shall knowingly or wilfully so offend shall for every such Offence forfeit and pay the Sum of One hundred Pounds: Provided always, that nothing herein contained shall extend to disqualify any Justice (not otherwise disqualified, and having no beneficial Interest in the House licensed or about to be licensed under this Act,) from acting on any of the Occasions

Occasions aforesaid, by reason of the legal Estate in such House being vested in him as Trustee for any Person or Persons, or for any charitable or public Use or Purpose whatsoever.

VII. And be it further enacted, That whenever at any of the Meetings to be holden as aforesaid for any Liberty, County of a City, County of a Town, City, or Town Corporate, there shall not be present at least Two Justices acting in and for any such Liberty, County of a City, County of a Town, City, or Town Corporate, who are not disqualified, it shall be lawful for the Justices acting in and for the County or Counties adjoining to such Liberty, County of a City, County of a Town, City, or Town Corporate, and not disqualified from acting, to act within such Liberty or Place, and with the Justice or Justices thereof, not as hereinbefore disqualified, who shall be present at any such Meeting as aforesaid, for the Purpose of granting or transferring Licences under, or of hearing Complaints as to Offences against this Act; any Law, Custom, or Usage to the contrary notwithstanding.

When in Liberties, &c. Two Justices not disqualified do not attend, the County Justices may act.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend to give the Justices of the County, or any Division thereof, any Power or Authority for the putting of the Provisions of this Act in execution within any of the Cinque Ports or either of the Two ancient Towns, or any of the Corporate or other Members or Liberties of the Cinque Ports or Two ancient Towns; but that it shall be lawful for the Justices of and for each of the principal Cinque Ports and Two ancient Towns, and not as hereinbefore disqualified from acting, and none other, to act within and for the same, and the Liberties thereof, not Corporate, respectively, as they have been accustomed, and for them or any of them (not so as last aforesaid disqualified), to act within each of the Corporate Members immediately belonging or subordinate to such principal Cinque Port or ancient Town, with the Justice or Justices of each such Corporate Member (not so as last aforesaid disqualified), for the Purpose of granting or transferring Licences under, or of hearing Complaints as to Offences against, this Act, in all such Cases in which the Justices of the County are hereinbefore empowered or authorized to act with the Justice or Justices of any Liberty, County of a City, County of a Town, City, or Town Corporate.

Powers hereby given to the Justices of the County not to extend to the Cinque Ports.

IX. And be it further enacted, That when (at any of the Meetings aforesaid) any Question touching the granting, withholding, or transferring any Licence, or the Fitness of the Person applying for such Licence, or of the House intended to be kept by such Person, shall arise, such Question shall be determined by the Majority of Justices, not disqualified, who shall be present when such Question shall arise; and every Licence granted under the Authority of this Act shall be signed by the Majority of the Justices, not disqualified, who shall be present when such Licence shall be granted.

Questions respecting Licences to be determined, and Licences to be signed, by the Majority of Justices at the Meeting.

X. And be it further enacted, That every Person intending to apply for a Licence to sell exciseable Liquor by Retail, to be drunk or consumed in any House not theretofore kept as an Inn, shall affix or cause to be affixed a Notice on the Door of such House, and on the Door of the Church or Chapel of the Parish or Place in which such House shall be situate, and where there

Notice of Application for a Licence to keep a House as an Inn, not previously kept as such.

there shall be no Church or Chapel, on some other public and conspicuous Place within such Parish or Place, on Three several *Sundays*, between the First Day of *January* and the last Day of *February* in the Counties of *Middlesex* and *Surrey*, and elsewhere between the First Day of *June* and the last Day of *July*, at some Time between the Hours of Ten in the Forenoon and of Four in the Afternoon, and shall serve a Copy of such Notice upon one of the Overseers of the Poor, and upon one of the Constables or other Peace Officers of the said Parish or Place, within the Month of *February* in the Counties of *Middlesex* and *Surrey*, and elsewhere within the Month of *July*, prior to the General Annual Licensing Meeting; and every such Notice, and the Copies thereof, shall be written in a fair and legible Hand, or printed, and shall be according to the Form in the Schedule hereunto annexed, marked A., and shall be signed by the Party intending to make such Application, or by his Agent thereunto authorized, and shall set forth the Situation of the House in a true and particular Manner, and the Christian and Surname of the Party applying, together with the Place of his Residence, and his Trade or Calling, during the Six Months previous to the Time of serving such Notice, and his Intention to apply for a License to sell exciseable Liquor by Retail, to be drunk or consumed in such House or Premises.

Notice of
Application
to transfer a
Licence.

XI. And be it further enacted, That every Person holding a Licence under the Authority of this Act, or his Heirs, Executors, Administrators, or Assigns, being desirous to transfer such Licence to some other Person, and intending to apply at the Special Session then next ensuing for Permission so to do, shall, Five Days at the least prior to such Special Session, serve a Notice of such his Intention upon one of the Overseers of the Poor, and upon one of the Constables or other Peace Officers of the Parish or Place in which the House kept by the Person so holding such Licence is situate; and every such Notice shall be written in a fair and legible Hand, or printed, and shall be according to the Form in the Schedule hereunto annexed, marked B., and shall be signed by the Party intending to make such Application, or by his Agent thereunto authorized, and shall set forth the Christian and Surname of the Person to whom it is intended that such Licence shall be transferred, together with the Place of his Residence, and his Trade or Calling, during the Six Months previous to the Time of serving such Notice.

Any Person
hindered from
attending any
Licensing
Meeting by
Sickness may
authorize
another Person
to attend for
him.

XII. And be it further enacted, That if any Person intending to apply at the General Annual Licensing Meeting, or at any Adjournment thereof, or at any Special Session, for any Licence to be granted under the Authority of this Act, or for the Transfer of any such Licence, shall be hindered by Sickness or Infirmary, or by any other reasonable Cause, from attending in Person at any such Meeting, it shall be lawful for the Justices there assembled to grant or transfer such Licence to such Person so hindered from attending, and to deliver the same to any Person then present, who shall be duly authorized by the Person so hindered from attending to receive the same, Proof being adduced to the Satisfaction of such Justices, who are hereby empowered to examine upon Oath into the Matter of such Allegation, that such

such Person is hindered from attending by good and sufficient Cause.

XIII. And be it further enacted, That every Licence which shall be granted under the Authority of this Act shall be according to the Form in the Schedule hereunto annexed (marked C.), and shall be in force in the Counties of *Middlesex* and *Surrey* from the Fifth Day of *April*, and elsewhere from the Tenth Day of *October*, after the granting thereof, for One whole Year thence respectively next ensuing, and no longer; and every Licence for the Purposes aforesaid, which shall be granted at any other Time or Place, or in any other Form than that hereby directed, except as hereinafter excepted, shall not entitle any Person to obtain an Excise License for selling exciseable Liquors by Retail, to be drunk or consumed on the Premises of the Person licensed, and shall be utterly void to all Intents and Purposes.

Form of
Licence.

XIV. And be it further enacted, That if any Person duly licensed under this Act shall (before the Expiration of such Licence) die, or shall be, by Sickness or other Infirmary, rendered incapable of keeping an Inn, or shall become Bankrupt, or shall take the Benefit of any Act for the Relief of Insolvent Debtors; or if any Person so licensed, or the Heirs, Executors, Administrators, or Assigns of any Person so licensed, shall remove from or yield up the Possession of the House specified in such Licence; or if the Occupier of any such House, being about to quit the same, shall have wilfully omitted, or shall have neglected to apply, at the General Annual Licensing Meeting, or at any Adjournment thereof, for a Licence to continue to sell exciseable Liquors by Retail, to be drunk or consumed in such House; or if any House, being kept as an Inn by any Person duly licensed as aforesaid, shall be or be about to be pulled down or occupied under the Provisions of any Act for the Improvement of the Highways, or for any other public Purpose; or shall be, by Fire, Tempest, or other unforeseen and unavoidable Calamity, rendered unfit for the Reception of Travellers, and for the other legal Purposes of an Inn; it shall be lawful for the Justices assembled as aforesaid at a Special Session, holden under the Authority of this Act, for the Division or Place in which the House so kept or having been kept shall be situate, in any one of the above-mentioned Cases, and in such Cases only, to grant to the Heirs, Executors, or Administrators of the Person so dying, or to the Assigns of such Person becoming incapable of keeping an Inn, or to the Assignee or Assignees of such Bankrupt or Insolvent, or to any new Tenant or Occupier of any House having so become unoccupied, or to any Person to whom such Heirs, Executors, Administrators, or Assigns shall by Sale or otherwise have *bonâ fide* conveyed or otherwise made over his or their Interest in the Occupation and Keeping of such House, a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in such House, or the Premises thereunto belonging; or to grant to the Person whose House shall as aforesaid have been or shall be about to be pulled down or occupied for the Improvement of the Highways, or for any other public Purpose, or have become unfit for the Reception of Travellers, or for the other legal Purposes of an Inn, and who shall open and keep as an Inn some other fit and convenient House,

Provision for
Death, Change
of Occupancy,
or other Con-
tingency.

a Licence

Duration of
Licence
granted in
event of such
Contingency.
Notices
required.

a Licence to sell exciseable Liquors by Retail, to be drunk or consumed therein: Provided always, that every such Licence shall continue in force only from the Day on which it shall be granted until the Fifth Day of *April*, or the Tenth Day of *October* then next ensuing, as the Case may be: Provided also, that every Person intending to apply, in any of the above-mentioned Cases, at any such Special Session for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in a House or Premises thereunto belonging, in which exciseable Liquors shall not have been sold by Retail, to be drunk or consumed on the Premises, by virtue of a Licence granted at the General Annual Licensing Meeting next before such Special Session, shall, on some one *Sunday* within the Six Weeks next before such Special Session, at some Time between the Hours of Ten in the Forenoon and of Four in the Afternoon, affix or cause to be affixed on the Door of such House, and on the Door of the Church or Chapel of the Parish or Place in which such House shall be situate, and where there shall be no Church or Chapel, on some other public and conspicuous Place within such Parish or Place, such and the like Notice as is hereinbefore directed to be affixed by every Person intending to apply at the General Annual Licensing Meeting for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in a House not theretofore kept as an Inn, and shall in like Manner serve Copies of the said Notice on one of the Overseers of the Poor, and on one of the Constables or other Peace Officers of such Parish or Place.

Fees to be paid
for Licences.

XV. And be it further enacted, That it shall be lawful for the Clerk of the Justices, as well at the General Annual Licensing Meeting as also at any Special Session to be holden under this Act, to demand and receive from every Person to whom a Licence shall be granted under this Act, for the Trouble of such Clerk, and for all Expences connected therewith, the Sums following, and no more; *videlicet*, for the Petty Constable or other Peace Officer, for serving Notices, and for all other Services hereby required of such Petty Constable or other Peace Officer, the Sum of One Shilling; for the Clerk of the Justices, for the Licence, the Sum of Five Shillings; and for preparing the Precepts, to be directed to the High Constable, and Notices to be delivered by the Petty Constable, as required by this Act, the Sum of One Shilling and Sixpence; and every such Clerk, who shall demand or receive from any Person for such respective Fees in this Behalf any greater Sum or any thing of greater Value than the Sums hereinbefore specified, being in the whole the Sum of Seven Shillings and Sixpence, shall for every such Offence, on Conviction before One Justice, forfeit and pay the Sum of Five Pounds.

Penalty for
taking larger
Fees.

Persons dis-
qualified to
hold Licences.

XVI. And be it further enacted, That no Sheriff's Officer, or Officer executing the legal Process of any Court of Justice in any County or Place, shall be capable of receiving or using any Licence under this Act; and that every Licence granted or transferred to any Person exercising any such Office shall be void to all Intents and Purposes.

No Excise
Licence to be
granted, except

XVII. And be it further enacted, That no Licence for the Sale of any exciseable Liquors by Retail, to be drunk or consumed on the Premises of the Person licensed, shall be granted by the
Commis-

Commissioners of Excise, or by any Officer of Excise, to any Person whatsoever, unless such Person shall have previously obtained from the Justices a Licence under this Act, and which said Licence of such Justices shall be retained by such Person after being produced to the Commissioners or Officers of Excise; and every Licence granted by the Commissioners of Excise, or by any Officer of Excise, contrary to this Provision, shall be null and void to all Intents and Purposes.

to a Person licensed under this Act.

XVIII. And be it further enacted, That every Person who shall sell, barter, exchange, or for valuable Consideration otherwise dispose of, any exciseable Liquor by Retail, to be drunk or consumed in his House or Premises, or shall permit or suffer any exciseable Liquor to be sold, bartered, exchanged, or otherwise disposed of for valuable Consideration, by Retail, to be drunk or consumed in his House or Premises, without being duly licensed so to do; and that every Person, being duly licensed, who shall sell, barter, exchange, or for valuable Consideration otherwise dispose of, or shall permit or suffer to be sold, bartered, exchanged, or otherwise disposed of for valuable Consideration, any exciseable Liquor by Retail, to be drunk or consumed in his House or Premises, not being the House or Premises specified in such Licence; shall respectively for every such Offence, on Conviction before One Justice, forfeit and pay any Sum not exceeding Twenty nor less than Five Pounds, together with the Costs of the Conviction: Provided always, That no Penalty for such Sale, Barter, Exchange, or other Disposal of any such Liquor by Retail without Licence, shall be incurred by the Heirs, Executors, Administrators, or Assigns of any Person licensed under this Act, who shall die, become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, before the Expiration of his Licence, so as such Sale, Barter, Exchange, or other Disposal of such Liquor, be made in the House or Premises specified in such Licence, and take place prior to the Special Session then next ensuing, unless such Special Session shall be holden within Fourteen Days next after the Death, Bankruptcy, or Insolvency of the said Person, and in any such Case to the Special Session which shall be holden next after such Special Session aforesaid.

Penalty for selling exciseable Liquors by Retail without Licence.

Proviso in case of Death.

XIX. And be it further enacted, That every Person hereby licensed to sell exciseable Liquors by Retail, to be drunk or consumed in his House or Premises, shall, if required, sell or otherwise dispose of all such Liquors by Retail therein (except in Quantities less than a Half Pint), by the Gallon, Quart, Pint, or Half Pint Measure, sized according to the Standard, and shall also, if required by any Guest or Customer purchasing such Liquor, retail the same in a Vessel sized according to such Standard; and in default thereof he shall for every such Offence forfeit the illegal Measure, and pay a Sum not exceeding Forty Shillings, together with the Costs of the Conviction, to be recovered within Thirty Days next after that on which such Offence was committed, before any One Justice; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Licensed Persons to use Standard Measures in Sale of Liquors.

XX. And be it further enacted, That it shall be lawful for any Two Justices acting for any County or Place where any Riot or Tumult

Houses to be closed by Order of Justices

in Cases of
Riot, &c.

Tumult shall happen or be expected to take place, to order or direct that every Person licensed under this Act, and keeping any House situate within their respective Jurisdictions in or near the Place where such Riot or Tumult shall happen or be expected to take place, shall close his House at any Time which the said Justices shall order or direct; and every such Person who shall keep open his House at or after any Hour at which such Justices shall have so ordered or directed such House to be closed, shall be taken and deemed to have not maintained good Order and Rule therein.

Penalties for
Offences
against Tenor
of Licences.

XXI. And be it further enacted, That every Person licensed under this Act, who shall be convicted before Two Justices, acting in and for the Division or Place in which shall be situate the House kept or theretofore kept by such Person, of any Offence against the Tenor of the Licence to him granted, shall, unless Proof be adduced to the Satisfaction of such Justices, that such Person had been theretofore convicted before Two Justices within the Space of the Three Years next preceding of some Offence against the Tenor of the Licence subsisting at the Time when such last-mentioned Offence was committed, be adjudged by such Justices to be guilty of a First Offence against the Provisions of this Act relative to the Maintenance of good Order and Rule, and to forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of the Conviction; but if Proof shall be adduced to the Satisfaction of such Justices, that such Person had been previously convicted before Two Justices, within the Space of the Three Years next preceding, of One Offence only against the Tenor of the Licence subsisting at the Time when such last-mentioned Offence was committed, such Person shall be adjudged by such Justices to be guilty of a Second Offence against the Provisions of this Act as aforesaid, and to forfeit and pay any Sum not exceeding Ten Pounds, together with the Costs of the Conviction; but if Proof shall be adduced to the Satisfaction of such Justices, that such Person had been previously convicted before Two Justices, within the Space of the Three Years next preceding, of Two separate Offences against the Tenor of the Licences subsisting at the Times when such last-mentioned Offences were committed, it shall be lawful for the said Justices, and they are hereby required, to adjourn the further Consideration of the Charge so made against such Person as aforesaid to the Special Session to be then next holden under this Act for the Division or Place in which shall be situate the House kept by such Person, or to the General Annual Licensing Meeting for the said Division or Place, if such Meeting shall take place before any such Special Session shall be holden; and such Justices shall issue their Summons to the Person so charged, to appear at such Special Session or at such General Annual Licensing Meeting, then and there to answer to the Matter of such Charge; and shall bind the Person who shall make such Charge, and any other Person who shall have any Knowledge of the Circumstances thereof, in a sufficient Recognizance, to appear at such Special Session or at such General Annual Licensing Meeting, then and there to prosecute and to give Evidence upon such Charge; and if Proof shall be adduced to the Satisfaction of the Justices assembled at such Special Ses-

sion or at such General Annual Licensing Meeting, that such Person so charged is guilty of the Offence with which he is so charged, such Person shall be adjudged to be guilty of a Third Offence against the Provisions of this Act as aforesaid, and to forfeit and pay any Sum not exceeding Fifty Pounds, together with the Costs of the Conviction: Provided always, that if at any Time before the Hearing of any such last-mentioned Charge, the Justices assembled as aforesaid shall in their Discretion think fit to direct that the Hearing of such Charge shall be adjourned to the General or Quarter Session of the Peace then next ensuing, there to be enquired of by a Jury, or if the Person so charged shall, in Writing under his Hand, request the said Justices to direct that the Hearing of such Charge shall be so adjourned as aforesaid, the said Justices are hereby required to direct that the Hearing of such Charge shall be so adjourned, provided that the Person who shall have made such Request shall, before such Justices so assembled, forthwith enter into a Recognizance, with Two sufficient Sureties, personally to appear at the said General or Quarter Session, and to try such Charge, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and the said Justices are hereby required to bind in a Recognizance to appear at such General or Quarter Sessions as aforesaid, then and there to give Evidence against the Person so charged, the Person who shall make such a Charge, and any other Person who shall have any Knowledge of the Circumstances thereof; and it shall be lawful for the said Court of General or Quarter Session to direct a Jury then and there duly impannelled to be sworn to enquire of the Offence so charged to have been committed, and upon their Verdict of "Guilty," to adjudge such Person to be guilty of a Third Offence against the Provisions of this Act as aforesaid, and such Verdict and Adjudication shall be final to all Intents and Purposes; and to punish such Offender by Fine, not exceeding the Sum of One hundred Pounds, or to adjudge the Licence granted to and held by or on behalf of such Offender to be forfeited and void, or to punish such Offender by such Fine as aforesaid, and to adjudge such Licence to be forfeited and void, and if such Licence shall be adjudged to be forfeited and void, it shall thenceforth be void accordingly; and every Excise Licence for selling any excisable Liquors by Retail, then held by or on behalf of such Offender, shall also be void; and if the Licence of such Offender shall be so adjudged to be void, such Offender shall, from and after such last-mentioned Adjudication, be deemed and taken to be incapable of selling excisable Liquors by Retail in any Inn kept by him for the Space of Three Years, to be computed from the Time of such Adjudication; and any Licence granted to such Person during such Term shall be void to all Intents and Purposes: Provided also, that the Court may, upon sufficient Cause shown, adjourn the Hearing of such Charge to the then next General or Quarter Session of the Peace, when the same shall be finally determined.

XXII. And be it further enacted, That in every Case in which the Justices assembled at any Special Session or at any General Annual Licensing Meeting shall direct that the Charge against

3d Offence.

Hearing of the Case may be adjourned to the Quarter Session.

Penalty on Verdict of "Guilty."

Quarter Sessions may adjourn the Hearing.

Proceedings at the Session in certain Cases to be carried on

by the Petty
Constable.

any Person licensed under this Act shall be adjourned to the General or Quarter Session, it shall be lawful for such Justices, if no other fit and proper Person shall appear to prosecute such Charge, and to carry on such Proceedings as may be necessary to obtain at such Session an Adjudication thereon, to order that the Constable or other Peace Officer of the Parish or Place in which shall be situate the House kept by the Person so charged, shall carry on all Proceedings necessary to obtain such Adjudication as aforesaid, and to bind such Constable or other Peace Officer in a sufficient Recognizance so to do; and it shall be lawful for the Justices before whom such Charge shall have been heard, to order the Treasurer of the County or Place in and for which such Justices shall then act, to pay to such Constable or other Peace Officer, and to the Witness or Witnesses on his Behalf, such Sum or Sums of Money as to the Court shall appear to be sufficient to reimburse such Constable or other Peace Officer, and such Witness or Witnesses respectively, the Expences that he or they shall have been severally put to in and about such Prosecution; which Order the Clerk of the Peace is hereby directed and required forthwith to make out and to deliver to such Constable or other Peace Officer, or to such Witness or Witnesses; and the said Treasurer is hereby authorized and required, upon Sight of such Order, forthwith to pay to such Constable or other Peace Officer, or other Person authorized to receive the same, such Money as aforesaid; and the said Treasurer shall be allowed the same in his Accounts.

Expences of
Prosecution
to be charged on
County Rates.

Penalty on
Witnesses
not attending.

XXIII. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice touching any of the Matters aforesaid, either on the Part of the Complainant or of the Person accused, and shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Justice, or who appearing shall refuse to be examined on Oath or Affirmation and give Evidence, every such Person shall on Conviction before such Justice forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalties on
Justices how to
be recovered
and applied.

XXIV. And be it further enacted, That every Penalty and Forfeiture imposed by this Act upon any Justice may be sued for and recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and one Moiety of every such Penalty or Forfeiture shall be paid to the Use of His Majesty, His Heirs and Successors, and the other Moiety to him who shall sue for the same.

Other Penalties
how to be re-
covered.

XXV. And be it further enacted, That in every Case in which, under the Authority of this Act, any Justice shall adjudge that any Offender shall pay or cause to be paid any Penalty, and such Offender shall refuse or neglect forthwith, or within such Period as such Justice shall appoint, to pay such Penalty and any Costs which shall have been duly assessed and ascertained by such Justice, it shall be lawful for such Justice, if he shall think fit, to issue his Warrant, and to levy the Amount of such Penalty and Costs by Distress and Sale of the Goods and Chattels of such Offender, together with the Costs of such Distress and Sale; and

in every such Case such Offender, if in Custody at the Time that such Warrant shall be so issued, shall be forthwith discharged ; but if it shall appear to such Justice that the Goods and Chattels of such Offender are not sufficient whereon to levy such Distress, together with the Costs of such Distress and Sale, it shall be lawful for such Justice to commit the Offender to the Common Gaol or to the House of Correction of the County or Place for which such Justice shall be then acting, for any Term not exceeding One Calendar Month, if the Penalty shall not be above Five Pounds ; for any Term not exceeding Three Calendar Months, if the Penalty shall be above Five Pounds, and shall not be more than Ten Pounds ; and for any Term not exceeding Six Calendar Months, if the Penalty shall be above Ten Pounds : Provided nevertheless, that whenever such Offender shall have been committed to the Common Gaol or House of Correction, in consequence of his not having duly paid such Penalty and Costs, such Offender shall, if he pay or cause to be paid to the Gaoler or Keeper of the House of Correction, or to whomsoever such Justice shall have appointed, the Penalty imposed, and Costs, together with all the Costs of the Apprehension of him, and of the Conveyance of him to the said Gaol or House of Correction, at any Time previous to the Expiration of the Time for which such Offender shall so have been committed, be forthwith discharged.

XXVI. And be it further enacted, That it shall be lawful for any Justice, before whom any Penalty shall be recovered under the Provisions of this Act, to award, if he shall think fit, any Portion of the same, not in any Case exceeding One Moiety thereof, to the Use of the Prosecutor, and the Remainder to the Treasurer of the County or Place for which such Justice shall then act ; and the said Treasurer shall place the same to the Credit of such County or Place, and shall duly account for the same.

XXVII. And be it further enacted, That any Person who shall think himself aggrieved by any Act of any Justice, done in or concerning the Execution of this Act, may appeal against such Act to the next General or Quarter Sessions of the Peace holden for the County or Place wherein the Cause of such Complaint shall have arisen, unless such Session shall be holden within Twelve Days next after such Act shall have been done, and in that Case to the next subsequent Session holden as aforesaid, and not afterwards, provided that such Person shall give to such Justice Notice in Writing of his Intention to appeal, and of the Cause and Matter thereof, within Five Days next after such Act shall have been done, and Seven Days at the least before such Session, and shall within such Five Days enter into a Recognizance, with Two sufficient Sureties, before a Justice acting in and for such County or Place as aforesaid, conditioned to appear at the said Session, 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 being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody for any Offence in reference to which the Act intended to be appealed against shall have been done ; and the Court at such Session shall hear and determine the Matter of such Appeal, and shall make such Order

How Penalties
are to be
applied.

Appeal may be
made to the
Quarter
Sessions.

therein, with or without Costs, as to the said Court shall seem meet; and in case the Act appealed against shall be the Refusal to grant or to transfer any Licence, and the Judgment under which such Act was done be reversed, it shall be lawful for the said Court to grant or to transfer such Licence, in the same Manner as if such Licence had been granted at the General Annual Licensing Meeting, or had been transferred at a Special Session; and the Judgment of the said Court shall be final and conclusive to all Intents and Purposes; and in case of the Dismissal of such Appeal, or of the Affirmance of the Judgment on which such Act was done, and which was appealed against, the said Court shall adjudge and order the said Judgment to be carried into Execution, and Costs awarded to be paid, and shall if necessary issue Process for enforcing such Order; provided that no Justice shall act in the Hearing or Determination of any Appeal to the General or Quarter Sessions as aforesaid from any Act done by him in or concerning the Execution of this Act: Provided also, that when any Cause of Complaint shall have arisen within any Liberty, County of a City, County of a Town, City, or Town Corporate, it shall be lawful for the Person who shall think himself so as aforesaid aggrieved to appeal against any such Act as aforesaid, if he shall think fit, to the Quarter Sessions of the County within or adjoining to which such Liberty or Place shall be situate, subject to all the Provisions hereinbefore contained.

Judgment of
the Quarter
Sessions to be
final.

Justices to bind
Parties to ap-
pear to give
Evidence at
Quarter
Session.

XXVIII. And be it further enacted, That when any Person shall have given Notice of his Intention to appeal as aforesaid, and shall have entered into Recognizance as hereinbefore directed, it shall be lawful for the Justice before whom such Recognizance shall have been entered into to summon any Person whose Evidence shall appear to him to be material, and to require such Person to be bound in Recognizance to appear at the said General or Quarter Session, and to give Evidence in such Appeal; and in case any such Person as aforesaid shall neglect or refuse to obey such Summons, or shall refuse to enter into such Recognizance, it shall be lawful for such Justice as aforesaid to issue his Warrant to apprehend such Person so neglecting or refusing to obey such Summons, and to bring him before such Justice, and, if such Person shall continue to refuse to enter into such Recognizance, to commit him to the common Gaol or House of Correction of the County or Place for which such Justice shall be then acting, there to remain until he shall enter into such Recognizance, or shall be otherwise discharged by due Course of Law.

Court to ad-
judge Costs in
certain Cases.

XXIX. And be it further enacted, That in every Case where Notice of Appeal against the Judgment of any Justice in or concerning the Execution of this Act shall have been given, and such Appeal shall have been dismissed, or the Judgment so appealed against shall have been affirmed, or such Appeal shall have been abandoned, it shall be lawful for the Court to whom such Appeal shall have been made or intended to be made, and such Court is hereby required, to adjudge and order that the Party so having appealed, or given Notice of his Intention to appeal, shall pay to the Justice to whom such Notice shall have been given, or to whomsoever he shall appoint, such Sum, by way of Costs, as shall in the Opinion of such Court be sufficient to indemnify such
Justice

Justice from all Cost and Charge whatsoever to which such Justice may have been put in consequence of his having had served upon him Notice of the Intention of such Party to appeal; and if such Party shall refuse or neglect forthwith to pay such Sum, it shall be lawful for the said Court to adjudge and order that the Party so refusing or neglecting shall be committed to the Common Gaol or House of Correction, there to remain until such Sum be paid; and that in every Case in which the Judgment so appealed against shall be reversed, it shall be lawful for such Court, if it shall think fit, to adjudge and order that the Treasurer of the County or Place in and for which such Justice whose Judgment shall have been so reversed shall have acted on the Occasion when he shall have given such Judgment, shall pay to such Justice, or to whomsoever he shall appoint, such Sum as shall, in the Opinion of such Court, be sufficient to indemnify such Justice from all Costs and Charges whatsoever, to which such Justice may have been so put; and the said Treasurer is hereby authorized to pay the same, which shall be allowed to him in his Accounts.

XXX. And be it further enacted, That every Action against any Justice, Constable, or other Person, for or on account of any Matter or Thing whatsoever done or commanded by him in the Execution of his Duty or Office under this Act, shall be commenced within Three Calendar Months after the Cause of Action or Complaint shall have arisen, and not afterwards; and if any Person shall be sued for any Matter or Thing which he shall have done in the Execution of this Act, he may plead the General Issue, and give the Special Matter in Evidence.

Actions against Justices, &c.

XXXI. And be it further enacted, That every Conviction under this Act shall be on the Oath or Oaths of One or more credible Witness or Witnesses; and that any Justice, not as hereinbefore disqualified, and acting in and for the County or Place in which the Offence complained of shall have been committed, is hereby authorized to administer the same.

Conviction to be on Oath of Witnesses.

XXXII. And in order to prevent frivolous and vexatious Appeals, be it further enacted, That a Conviction in the Form or to the Effect following, *mutatis mutandis*, as the Case may be, 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; that is to say,

Form of Conviction.

‘ to wit. } BE it remembered, That on this Day
 ‘ of in the Year A. B. of
 ‘ was duly convicted before of His Majesty’s Justices
 ‘ of the Peace for the of for that [here state
 ‘ the Offence, and the Time and Place when committed], whereby
 ‘ the said A. B. has forfeited the Sum of this being
 ‘ adjudged to be the First [or Second, or Third] Offence [as the
 ‘ Case shall happen to be], against the Provisions of an Act to
 ‘ regulate the granting of Licences to Keepers of Inns, Alehouses,
 ‘ and Victualling Houses, in England, besides the Costs of this
 ‘ Conviction, which the said Justices do hereby assess at
 ‘ the Sum of pursuant to the Statute in such Case made
 ‘ and provided. Given under Hand and Seal the Day and
 ‘ Year above written.’

Convictions to be returned to the Quarter Session, and filed of Record.

XXXIII. And be it further enacted, That every Justice before whom any such Conviction shall have been made shall return the same, or cause it to be returned, to the next General or Quarter Session of the Peace holden for the County or Place wherein the Offence shall have been committed; and it shall be then and there delivered to the Clerk of the Peace, or other Person acting as such, to be by him filed or enrolled amongst the Records of the said Court; and the Certificate of the Clerk of the Peace of such Conviction, which he is hereby required to grant on Demand upon Payment of a Fee of One Shilling, shall be legal Evidence of every such Conviction.

Writ of Certiorari not to be allowed.

XXXIV. And be it further enacted, That no Conviction under this Act, nor any Adjudication made on Appeal therefrom, shall be quashed for want of Form, or be removed, by Writ of Certiorari or otherwise, into any of His Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and that there be a good and valid Conviction to sustain the same.

Commencement of this Act.

XXXV. And be it further enacted, That this Act shall commence on the Tenth Day of *October* next ensuing the passing thereof; and that from and after the Commencement of this Act, an Act passed in the Fifth and Sixth Years of the Reign of King *Edward* the Sixth, intituled *An Act for Keepers of Alehouses and Tippling Houses to be bound by Recognizances*; and an Act passed in the First Year of the Reign of King *James* the First, intituled *An Act to restrain the inordinate haunting and tippling in Inns, Alehouses, and other Victualling Houses*; and Two Acts passed in the Fourth Year of the same Reign, the one intituled *An Act to restrain the Utterance of Beer and Ale to Alehouse Keepers and Tipplers not licensed*; and the other intituled *An Act for repressing the odious and loathsome Sin of Drunkenness*; and an Act passed in the Seventh Year of the same Reign, intituled *An Act for Reformation of Alehouse Keepers*; and so much of an Act passed in the Twenty-first Year of the same Reign, intituled *An Act for the better repressing of Drunkenness, and restraining the inordinate haunting of Inns, Alehouses, and other Victualling Houses*, as provides, that any Person being an Alehouse Keeper, and who shall be convicted of any Offence against the said Act, shall be disabled from keeping an Alehouse for Three Years; and an Act passed in the First Year of the Reign of King *Charles* the First, intituled *An Act for the further Restraint of tippling in Inns, Alehouses, and other Victualling Houses*; and an Act passed in the Third Year of the same Reign, intituled *An Act for better suppressing of unlicensed Alehouse Keepers*; and so much of an Act passed in the Ninth Year of the Reign of King *George* the Second, for laying a Duty upon the retailers of Spirituous Liquors, and for licensing the Retailers thereof, as relates to the licensing of such Retailers, and to the Conviction of Persons selling Liquors by Retail without a Licence, and to the summoning of Excise Officers, for the more easy Discovery of such Offenders; and so much of an Act passed in the Twenty-fourth Year of the same Reign, for granting an additional Duty upon Spirituous Liquors, and other Purposes, as relates to the Fees of Justices Clerks; and so much of an Act passed

Repeal of 5 & 6 Ed. 6. c. 25.

1 Jac. 1. c. 9.

4 Jac. 1. c. 4 & 5.

7 Jac. 1. c. 10.

21 Jac. 1. c. 7.

1 Car. 1. c. 4.

3 Car. 1. c. 3.

9 G. 2. c. 23. s. 14, 15, 20.

24 G. 2. c. 40. s. 24.

26 G. 2. c. 13. s. 12.

- passed in the Twenty-sixth Year of the same Reign, for preventing the fraudulent Removal of Tobacco, and other Purposes, as prevents Justices of the Peace in certain Cases from granting Licences; and the Whole of another Act passed in the same Year, intituled *An Act for regulating the Manner of licensing Alehouses in the Part of Great Britain called England, and for the more easy convicting Persons selling Ale and other Liquors without Licence*; and so much of an Act passed in the Twenty-eighth Year of the same Reign, as explains a Clause in the last-mentioned Act; and so much of an Act passed in the Twenty-ninth Year of the same Reign, intituled *An Act for granting to His Majesty a Duty upon Licences for retailing Beer, Ale, and other exciseable Liquors, and for establishing a Method for granting such Licences in Scotland, and for allowing such Licences to be granted at a Petty Session in England, in a certain Case therein mentioned*, as relates to continuing and renewing Licences; and so much of an Act passed in the Thirtieth Year of the same Reign, for (among other Purposes) preventing Gaming in Public Houses by Journeymen, Labourers, Servants, and Apprentices, as imposes a Penalty on the Keepers of Public Houses for suffering Gaming; and so much of an Act passed in the Fifth Year of the Reign of King George the Third, intituled *An Act for altering the Stamp Duties upon Admissions into Corporations or Companies, and for further securing and improving the Stamp Duties in Great Britain*, as requires Retailers of exciseable Liquors to exhibit their Licences, and Clerks of the Peace to deliver Lists of Persons licensed, and altering the Punishment of such Retailers selling without a Licence; and the Whole of an Act passed in the Thirty-second Year of the same Reign, intituled *An Act to amend so much of Two Acts made in the Twenty-sixth and Twenty-ninth Years of the Reign of His late Majesty King George the Second, as relates to the licensing of Alehouse Keepers and Victuallers, and for better regulating Alehouses and the Manner of granting such Licences in future, and also of granting Licences to Persons selling Wines to be drunk in their Houses*; and so much of an Act passed in the Thirty-eighth Year of the same Reign, intituled *An Act to amend several Laws of Excise relating to Coachmakers, Auctioneers, Beer and Cider exported, Certificates and Debentures, Stamps on Hides and Skins, Drawbacks on Wines and Sweetens, and Ale and Beer Licences*, as exempts from the foregoing Penalty Persons selling Beer or Ale above certain Quantities; and the Whole of an Act passed in the Thirty-ninth Year of the same Reign, intituled *An Act for ascertaining the Rate of Duty to be paid for Retail Spirit Licences, and for authorizing the Justices of the Peace for any County to grant Licences to sell Ale, Beer, or other Liquors by Retail, in Cities and Places where a sufficient Number of Magistrates cannot be found qualified to grant such Licences*; and so much of an Act passed in the Forty-eighth Year of the same Reign, intituled *An Act to repeal the Stamp Duties on Licences granted by Justices of the Peace for selling Ale, Beer, and other exciseable Liquors by Retail, and for granting other Duties in lieu thereof*, as relates to the Form of Justices Licences, and to Justices Clerks Fees; and so much of an Act passed in the Fourth Year of His present Majesty's Reign, intituled *An Act for altering the Time for holding General Annual*
- 26 G. 2. c. 31.
28 G. 2. c. 19.
a. 2.
29 G. 2. c. 12.
a. 23, 24.
30 G. 2. c. 24.
a. 14.
5 G. 3. c. 46.
a. 20, 21, 22.
32 G. 3. c. 59.
38 G. 3. c. 54.
a. 13.
39 G. 3. c. 86.
48 G. 3. c. 143.
a. 7. 10.
4 G. 4. c. cxxy.
s. 1—6.

Annual Meetings for licensing Alehouses within the County of Middlesex, and for authorising the Justices of the Peace for the said County to remunerate High Constables, as alters the Time for holding such Meetings, and for giving Notices of applying for Licences for Houses not before licensed, shall be and the same are hereby repealed; except only such Parts of any of the said Acts as repeal any former Acts or Parts of Acts, and except also, that all Licences granted and Recognizances entered into under the said Acts hereby repealed, or any of them, or under an Act passed in the Third Year of His present Majesty's Reign, intituled An Act for amending the Laws for regulating the Manner of licensing Alehouses in that Part of the United Kingdom called England, and for the more effectually preventing Disorders therein, shall remain in full force and virtue until the End of the Terms for which such Licences and Recognizances respectively have been or shall be granted or entered into; and all Offences against the Tenor of the said Licences, or in Breach of the Conditions of such Recognizances, and all Offences committed against the said recited Acts, or any of them, before the Commencement of this Act, shall and may be prosecuted, heard, determined, and punished, as if this Act had not been made; and all such Offences committed after the Commencement of this Act shall be prosecuted, heard, determined, and punished under the Provisions of this Act.

Except such Parts of Acts as repeal former Acts, and except as to subsisting Licences and Recognizances.
3 G. 4. c. 77.

Act not to affect the Two Universities; nor to alter Time of licensing in London;

XXXVI. 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 the Powers of the Chancellors or Vice-Chancellors of the same, as by Law possessed under the respective Charters of the said Universities, or otherwise; or the Master, Wardens, Freemen, and Commonalty of the Vintners of the City of *London*, but not to extend to those Freemen of the said Company of Vintners who have obtained the same by Redemption only; nor to alter the Time of granting Licences for keeping Inns in the City of *London*: Provided also, that nothing in this Act contained shall alter any Law relating to the Revenue of Excise, except so far as the same is hereby expressly altered and otherwise provided for; nor to prohibit any Person from selling Beer in Booths or other Places at the Time and within the Limits of the Ground or Place in or upon which is holden any lawful Fair, in like Manner as such Person was authorized to do before the passing of this Act.

nor any Law of Excise; nor to prohibit the Sale of Beer at Fairs in certain Cases.

Rules for the Interpretation of this Act.

XXXVII. And in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "Justice" shall be deemed to mean Justice of the Peace; and that the Words "Treasurer of the County or Place" shall be deemed to include any Officer acting in such Capacity, or charged with the Receipt and Expenditure of Monies from and out of which the Cost† of Public Prosecutions have been usually defrayed; that the Words "Peace Officer" shall be deemed to include any Petty Constable, Tithingman, Headborough, Beadle, or Bailiff; that the Words "Parish Officer" shall be deemed to include any Churchwarden, Chapelwarden, or Overseer of the Poor; and that the said Words "Justice," "Treasurer of the County

† Sic.

“ County or Place,” “ Peace Officer,” “ Parish Officer,” and the Words “ High Constable,” and the Words “ Petty Constable,” and the Words “ Overseer of the Poor,” and the Words, “ Clerk of “ Justices,” shall each be deemed to include any Person acting as such, and any Number of Justices, Treasurers, Peace Officers, Parish Officers, High Constables, Petty Constables, Overseers of the Poor, and Clerks of Justices ; and that the Word “ Person,” and the Word “ Party,” shall be deemed to include any Number of Persons and Parties ; and that the Meaning of the aforesaid several Words shall not be restricted, although the same may be subsequently referred to in the Singular Number and Masculine Gender only ; and that the Word “ Notice,” and the Word “ Licence,” and the Word “ Adjournment,” and the Word “ Day,” and the Word “ Time,” and the Word “ House,” and the Word “ Place,” shall each be deemed to include any Number of Notices, Licences, Adjournments, Days, Times, Houses, or Places ; and that the Word “ County,” and the Words “ County or Place,” shall be deemed severally to include any County, Riding, Division of the County of *Lincoln*, Hundred, Division of a County, Liberty, Division of a Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate ; and the Words “ Division or Place” shall be deemed to include any Division of a County or Riding, Liberty, Division of a Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate ; and that the Words “ Parish or Place” shall be deemed to include any Township, Hamlet, Tithing, Vill, Extra-parochial Place, or any Place maintaining its own Poor ; and that the Word “ Inn” shall be deemed to include any Inn, Alehouse, or Victualling House ; and that the Word “ Inn, Alehouse, or Victualling “ House” shall be deemed to include all Houses in which shall be sold by Retail any exciseable Liquor, to be drunk or consumed on the Premises ; and that the Words “ exciseable Liquor” shall be deemed to include any Ale, Beer, or other fermented Malt Liquor, Sweets, Cyder, Perry, Wine, or other Spirituous Liquor which now is or hereafter may be charged with Duty either by Customs or Excise ; and that the Word “ Penalty” shall be deemed to include any Fine, Penalty, or Forfeiture of a Pecuniary Nature ; and that the Meaning of the said several Words shall not be restricted, although the same may be subsequently referred to in the Singular Number only.

SCHEDULES to which this Act refers.

A.

NOTICE to be affixed on the Door of the House, and of the Church or Chapel, or on other conspicuous Place, when it is intended to apply for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in a House not then kept as an Inn, Alehouse, or Victualling House.

To the Overseers of the Poor, and the Constables of the Parish of _____, and to all whom it may concern :

I *A. B.* [*state the Trade or Occupation*], now residing at _____ in the Parish of _____ in the County of _____

and

and for Six Months last past having resided at _____ in the
 Parish of _____ [or in the several Parishes of _____]
 in the County [or in the Counties of _____], do hereby
 give Notice, That [if Application is intended to be made to a Special
 Session, here state the Cause for such Application] it is my Inten-
 tion to apply at the General Annual Licensing Meeting [or at
 the Special Session] to be holden at _____ on the
 Day of _____ next ensuing, for a Licence to sell exciseable
 Liquors by Retail, to be drunk or consumed in the House or Pre-
 mises thereunto belonging, situate at [here describe the House
 intended to be opened, specifying the Situation of it, the Person of
 whom rented, the present or late Occupier, whether kept or used as
 an Inn, Alehouse, or Victualling House within the Three Years pre-
 ceding; and if so, by whom and under what Sign]; and which I
 intend to keep as an Inn, Alehouse, or Victualling House.
 Given under my Hand this _____ Day of _____ One thousand
 eight hundred and _____

N. B.—A Copy of this Notice to be served upon one
 of the Overseers of the Poor, and upon one of the Con-
 stables or other Peace Officers of the Parish in which is
 situate the House intended to be opened.

B.

NOTICE of the Intention of a Licensed Victualler to apply
 at the Special Session for Permission to transfer such Li-
 cence to some other Person.

To the Overseers of the Poor and the Constables of the Parish
 of _____ in the County of _____, and to
 all whom it may concern:

I *A. B.* [or We, the Executors, &c. &c. of the late *A. B.*] Vic-
 tualler, being authorized by virtue of the Licence granted
 to me [or him, or her] at the General Annual Licensing Meeting
 [or Special Session] held at _____ on the _____ Day
 of _____ One thousand eight hundred and _____ to sell
 exciseable Liquor by Retail, to be drunk or consumed in the
 House or Premises thereunto belonging, situate at [here describe
 the Situation of the House], and commonly known by the Sign of
 the _____, do hereby give Notice, That it is my [or our]
 Intention to apply at the Special Session to be holden at
 in the County of _____ on _____ Day of
 One thousand eight hundred and _____ for Permission to
 transfer the above-mentioned Licence to *C. D.* [state his Trade or
 Occupation] now residing at _____ in the Parish of
 in the County of _____ and for Six Months last past having
 resided at _____ [or in the several Parishes of _____]
 in the County of _____ [or Counties of _____],
 that the said *C. D.* intending to keep as an Inn, Alehouse, or Vic-
 tualling House, the said House so as aforesaid kept by me [or
 us] may sell exciseable Liquors by Retail, to be drunk or con-
 sumed in the said House, or Premises thereunto belonging.

Given

Given under my Hand this Day of One
 thousand eight hundred and .

N. B. — A Copy of this Notice to be served upon one of the Overseers of the Poor, and upon one of the Constables or other Peace Officers of the Parish in which is situate the House kept by the Person whose Notice it is.

C.

FORM OF LICENCE.

AT the General Annual Licensing Meeting [*or an Adjournment of the General Annual Licensing Meeting, or at a Special Petty Session*] of His Majesty's Justices of the Peace acting for the Division [*or Liberty, &c., as the Case may be*] of in the County of holden at on the Day of in the Year One thousand eight hundred and , for the Purpose of granting Licences to Persons keeping Inns, Alehouses, and Victualling Houses, to sell exciseable Liquors by Retail, to be drunk or consumed on their Premises, we, being of His Majesty's Justices of the Peace acting for the said County [*or Liberty, &c. &c. as the Case may be*], and being the Majority of those assembled at the said Session, do hereby authorize and empower *A. L.* now dwelling at in the Parish of and keeping [*or intending to keep*] an Inn, Alehouse, or Victualling House at the Sign of the in the of in the Division and County aforesaid, to sell by Retail therein, and in the Premises thereunto belonging, all such exciseable Liquors as the said *A. L.* shall be licensed and empowered to sell under the Authority and Permission of any Excise Licence, and to permit all such Liquors to be drunk or consumed in his said House or in the Premises thereunto belonging; provided that he [*or she*] do not fraudulently dilute or adulterate the same, or sell the same knowing them to have been fraudulently diluted or adulterated; and do not use in selling thereof any Weights or Measures that are not of the legal Standard; and do not wilfully or knowingly permit Drunkenness or other disorderly Conduct in his [*or her*] House or Premises; and do not knowingly suffer any unlawful Games or any Gaming whatsoever therein; and do not knowingly permit or suffer Persons of notoriously bad Character to assemble and meet together therein; and do not keep open his or her House except for the Reception of Travellers, nor permit or suffer any Beer or other exciseable Liquor to be conveyed from or out of His [*or her*] Premises, during the usual Hours of the Morning and Afternoon Divine Service in the Church or Chapel of the Parish or Place in which his [*or her*] House is situated, on Sundays, Christmas Day, or Good Friday, but do maintain good Order and Rule therein; and this Licence shall continue in force from the Day of next until the Day of then next ensuing, and no longer: Provided, that the said *A. L.* shall not in the meantime become a Sheriff's Officer, or Officer executing the Process of any Court of Justice, in

in either of which Cases this Licence shall be void. Given under our Hands and Seals, on the Day and at the Place first above written.

C A P. LXII.

An Act for the Regulation of the Linen and Hempen Manufactures of *Ireland*. [15th July 1828.]

6 G. 4. c. 122.

‘ **W**HEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the Linen and Hempen Manufactures of Ireland*; and it is expedient that the said Act should be repealed, and that the Powers required by the said Act to be executed by or under the Authority of the Trustees for encouraging the said Manufactures should cease and determine, and that other Regulations should be made for encouraging and protecting the *Linen Manufacture of Ireland*;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said recited Act shall be and the same is hereby repealed; except so far as the said Act repeals the Whole or any Part of any other Acts, and except as to Matters and Things done and performed under the Authority of the said Act at any Time before the Commencement of this Act.

Repealed.

All Appointments of Trustees, and of the Authorities and Salaries of their Officers and Servants, revoked.

II. And be it further enacted, That from and after the Commencement of this Act all and singular the Appointments of Trustees for encouraging the said Manufactures, whether made before or since the passing of the said recited Act, shall cease and determine, and shall be and the same are hereby declared to be null and void; and that all Appointments made by the said Trustees of Officers and Servants, or Persons employed or deputed by such Officers and Servants to assist them in their respective Duties, save as hereafter mentioned, shall also cease and determine, and shall be and the same are hereby declared to be null and void; and that all and singular the several Powers, Authorities, and Duties assigned to the said Officers and Servants, or other Persons so employed or deputed by them, under and by virtue of the said recited Act, together with all Salaries, Allowances, or other Emoluments payable to the said Officers, Servants, or other Persons, under the Authority of any Appointment or Appointments made by the said Trustees, save as hereinafter mentioned, shall cease and determine.

All Flax sold in Fair or Market to be of equal Cleanness and Quality, under Penalty not exceeding 1s. per Stone.

III. And be it further enacted, That all Flax of the Growth of *Ireland*, sold in open Fair or Market, and all Flax sold by Sample in Fair or Market, shall be of equal Cleanness and Quality throughout each Parcel, upon Pain that any Person selling 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 which shall not be of equal Cleanness and Quality throughout each Parcel; and in all Cases of Fraud or false Representation in the Sale of Flax, whether the same shall have been sold in open Fair or Market, or otherwise sold, and in

all Cases of Fraud or Neglect by Persons employed by the Owners of Flax in cleaning and preparing the same for Sale, whether such Flax shall have been afterwards sold in open Fair or Market, or otherwise sold, the Person selling such Flax, or the Owner thereof at the Time of Sale, or the Persons so employed to clean such Flax, shall forfeit a Sum not exceeding One Shilling for every Stone of such Flax so sold as aforesaid.

IV. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace, or Chief Magistrate of any Town in *Ireland*, before whom any Complaint shall be made in respect to Flax for not being of equal Cleanness and Fineness throughout, or on account of any Fraud having been practised in the Sale thereof, in all Cases where it shall seem to him or them to be expedient or necessary, and such Justice or Justices or Magistrate is and are hereby required, to summon before him or them Three Persons skilled in Flax, and to swear such Persons well and truly to examine the Flax which shall be the Subject of Complaint, and a true Verdict to give, whether such Flax be of equal Cleanness and Quality throughout, or whether it has been fraudulently made up, or whether there has been any Fraud or false Representation in the Sale thereof, or whether there has been any Fraud or Neglect in the cleaning or preparing of such Flax for Sale, and their Opinion thereupon shall be final and conclusive: Provided always, that nothing in this Act contained shall extend or be construed to extend to, nor shall affect, the Manufacture and Sale of Flax, unless the same be sold in open Fair or Market, or unless in Cases of Neglect in the Preparation of the same for Sale, or of Fraud or false Representation in respect to the Sale thereof.

V. And be it further enacted, That all brown or unbleached or unpurged Linen Yarn of *Irish* Manufacture, sold in open Fair or Market, shall be well and sufficiently spun and made up into Hanks, each Hank to consist of Twelve Cuts, and no more; 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 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 all Yarn of *Irish* Manufacture under the Size or Grist of Two Hanks in the Pound, commonly called Pound Yarn or Head Yarn, shall be reeled according to the above Regulations, and such coarser Description may be made up and sold in Half Hanks of Six Cuts, and no less; and in case any Person or Persons shall sell in open Fair or Market any Yarn which shall not be conformable to the above Regulations respectively affecting the same, or which shall be deficient in Quality, Length, or Count, the Person or Persons selling such Yarn, or the Owner or Owners thereof at the

Magistrates may cause Flax to be examined.

Not to extend to Flax unless sold in open Market or in case of Fraud.

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

Penalty for selling Yarn not conformable hereto.

the Time of Sale, shall forfeit a Sum after the Rate of not less than Two-pence nor more than Four-pence for every Hank of such Yarn so sold as aforesaid ; and that in all Cases of Fraud or false Representation in the Sale of Linen Yarn, whether such Yarn shall have been sold in open Fair or Market, or otherwise sold, the Person or Persons selling such Yarn, or the Owner or Owners thereof, shall forfeit a Sum after the Rate of Four-pence for every Hank of such Yarn so sold as aforesaid : Provided always, that nothing hereinbefore 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.

Penalty in case of Fraud.

Magistrates may cause Yarn to be examined.

VI. And be it further enacted, That it shall be lawful for any Justice or Justices, or the Chief Magistrate of any Town, before whom a Complaint shall be made in respect to Yarn not conformable to the Regulations contained in this Act, or on account of any Fraud having been practised in the Sale thereof, in all Cases where it shall seem to him or them to be expedient and necessary, and such Justice or Justices or Magistrate is and are hereby required, to summon before them Three Persons skilled in Yarn, and to swear such Persons well and truly to examine the Yarn which is the Subject of such Complaint, and a true Verdict to give, whether such Yarn is conformable to the Regulations hereinbefore contained, or whether it be deficient in Quality, Length, or Count, or whether it is Mill-spun Yarn, or whether there has been any Fraud or false Representation in the Sale thereof, and their Opinion thereupon shall be final and conclusive.

Places and Hours of Sale of Linen Yarn.

VII. And be it further enacted, That all Linen Yarn which shall be sold or bought in any Fair or Market shall be sold or bought within the Custom Gaps or Custom Gates of such Fair or Market ; and no Linen Yarn sold or brought to Sale in any Fair or Market shall be sold before the Hour of Eight of the Clock in the Morning on the respective Fair or Market Days ; and any Person who shall sell or offer or contract to sell, or shall buy or offer or contract to buy, in such Fair or Market, otherwise than as aforesaid, shall be subject and liable to a Penalty after the Rate of Two-pence on each Hank of Yarn so sold.

Disputes between Buyers and Sellers of Yarn how to be adjusted.

VIII. ' And Whereas Disputes frequently arise in Fairs or Markets between the Buyers and Sellers of Linen Yarn, in respect ' of Yarn bought or sold or agreed to be bought or sold ; ' Be it enacted, That it shall and may be lawful for the Seller of any Yarn in any Fair or Market, in all Cases where the Buyer of such Yarn shall refuse to pay the Person selling the same the Price agreed upon between them, or for the Buyer of such Yarn, if the Seller shall, without just Cause, refuse to deliver such Yarn to the Person buying the same, on being tendered the Price agreed to be paid for the same, to complain immediately or within Twenty-four Hours after to the next Justice of the Peace, or to the Chief Magistrate of the Town where such Dispute shall have arisen ; and such Justice or Chief Magistrate respectively are hereby required and authorized to summon forthwith the Parties to appear either before such Justice and other Justices of the Peace, or before any Two Justices of the Peace, or before such Chief Magistrate ; and if it shall appear to such Two Justices of the Peace or Chief Magistrate, that the Buyer of such Linen Yarn

Yarn shall, without just and reasonable Cause, refuse or have refused to pay to the Seller of such Yarn the Price first agreed upon between them, it shall and may be lawful for such Justices of the Peace or for such Chief Magistrate, by Warrant under Hand and Seal respectively, to order such Yarn to be returned to the Seller thereof, and by such Warrant to direct any Penalty, not exceeding the Sum of Ten Shillings, to be levied off the Goods and Chattels of the Buyer of such Yarn; and if it shall appear to such Justices of the Peace or to such Chief Magistrate, that the Seller of such Yarn shall, without reasonable Cause, refuse or have refused to deliver up the said Yarn to the Person or Persons to whom he had sold or agreed to sell the same, such Justices of the Peace or Chief Magistrate may, by Warrant under their Hand and Seal respectively, order such Yarn 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 of such Yarn: Provided always, that nothing hereinbefore mentioned shall extend or be construed to extend to, nor shall affect, the Manufacture and Sale of Yarn, unless the same be sold or offered to Sale in open Fair or Market, or unless in Cases of Fraud or false Representation in the Sale thereof.

IX. And be it further enacted, That every Linen Weaver or Linen Manufacturer shall, across each End of every Piece of Linen Cloth woven by him or by his Journeymen or Apprentice, weave or cause to be woven Two coarse Threads or Cords, distant from each other about One Fourth Part of an Inch, and shall also write or cause to be written with Pen and Ink, close to such coarse Threads or Cord on each End, in legible Characters, his Christian Name, Surname, and Place of Residence, and shall also write or mark in Figures, or cause to be written or marked, upon the outside Fold thereof, the Length and Breadth of every such Piece of Linen; and in case any Weaver shall neglect to weave such coarse Threads as aforesaid, or to cause the same to be woven, or to write or cause his Name to be written as aforesaid, or shall neglect to write or mark, or to cause to be written or marked, the Length and Breadth thereon, he shall forfeit a Sum not exceeding Five Shillings for every such Offence; and if the Length or Breadth written or marked on any such Piece of Linen shall be afterwards found by the Purchaser thereof to be less than what was written or marked thereon, upon the said Linen being measured, either by a public Sealmaster or by the Purchaser himself, the Seller or Owner of such Linen shall, upon Complaint and Proof of such Deficiency, forfeit a Sum not exceeding Twenty Shillings for every such Offence, according to the Judgment and Discretion of the Justices or Chief Magistrate before whom any such Complaint shall be made.

X. And be it further enacted, That no Person shall sell, in open Fair or Market, 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,

Not to extend to Yarn unless sold in open Market, or in Cases of Fraud.

Weaver to weave Two coarse Threads, and write his Name and Residence on every Piece of Linen; and also mark the Length and Breadth.

Penalty for Neglect, &c.

Widths of Linen Cloth; Yard-wide.

dred, shall be, when brown, Thirty-six Inches broad at least; and that no Person shall sell, 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, 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, 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, in any public 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, in any public 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, 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.

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

XI. 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; and that every such Piece, excepting such as are generally known by the Name of Omsburghs or Dowlasses, shall be also crisped; and that every Single Piece of such Linen Cloth, not containing more than Twenty-five Yards in Length, shall be in Folds not exceeding Twenty-seven Inches in Length in each Fold; and that every Double Piece of such Linen Cloth, not containing more than Fifty Yards in Length, shall be in Folds not exceeding Thirty-six Inches in Length in each Fold; and that every Double Piece of such Linen Cloth, containing more than Fifty Yards in Length, shall be in Folds not exceeding Forty Inches in each Fold; upon pain that any Person exposing to 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 exposed to Sale as aforesaid.

Linen to be of equal Fineness throughout.

XII. And be it further enacted, That no Person shall, in open Fair or Market, sell any Piece of brown or unbleached plain Linen Cloth which shall be thicker or finer in the Salvage 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 Penalty of Forfeiture of Double the Sum actually paid for such Piece of Linen so sold as aforesaid.

Linen not to be pasted or spouted.

XIII. And be it further enacted, That no Person shall knowingly sell, in open Fair or Market, any Piece of brown or unbleached Linen, any Part whereof shall have been pasted or spouted, so as

to make it look thick, or any Brown Linen dyed or stained, either in the Yarn or Cloth, with any Material which has a Tendency to render the Part so stained or dyed difficult to bleach, upon pain of forfeiting not less than Five Shillings nor more than Ten Shillings for every such Piece so sold as aforesaid.

Penalty.

XIV. And be it further enacted, That it shall be lawful for any Justice or Justices, or Chief Magistrate of a Town, before whom any Complaint shall be made in respect to Linen not conformable to the Regulations contained in this Act, and such Justice or Justices or Magistrate is and are hereby authorized and empowered, in all Cases where it shall seem to them to be expedient and necessary, to summon before him or them Three Persons skilled in the weaving and dressing of Linen, and to swear them well and truly to examine any and every Piece of Linen which is the Subject of Complaint, and a true Verdict to give, whether the same or any of them is thicker or finer in the Salvage than in the Body of such Piece of Linen, and whether it be of equal Fineness and Thickness throughout every Part of such Piece, or whether it be pasted or spouted in manner before described, and their Opinion thereupon shall be final and conclusive.

Upon Complaint that Linen is not made conformable to Regulations, Justices may cause Enquiry to be made.

XV. And be it further enacted, That all Brown Linen which shall be sold or bought in open Fair or Market shall be sold or bought within the Custom Gap or Custom Gates of such Fair or Market; and that no Brown Linen sold or brought to Sale in any Fair or Market shall be sold before Ten of the Clock in the Morning on the respective Fair or Market Days; and if any Person shall sell or offer or contract to sell, or shall buy or offer or contract to buy, in such Fair or Market, otherwise than as aforesaid, every such Seller and Buyer shall be liable to a Penalty of Five Shillings on each Piece of Brown Linen so sold as aforesaid.

Place and Time of Sale of Linen.

XVI. And Whereas Disputes frequently arise in Fairs or Markets between the Buyer and Seller of Linen Cloth, in respect of Cloth bought or sold, or agreed to be bought or sold; For Remedy whereof, be it enacted, That if the Buyer of any such Cloth 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 Cloth to the Person buying the same, on being tendered the Price agreed upon to be paid for the same, it shall be lawful for the Buyer or Seller of such Cloth respectively to complain immediately, or 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 either before such Justice and any other Justice of the Peace, or before any Two Justices of the Peace, or before such Chief Magistrate; and if it shall appear to such Two Justices of the Peace or Chief Magistrate, that the Buyer of such Linen Cloth shall, without just and reasonable Cause, refuse or have refused to pay the Seller of such Cloth the Price first agreed upon between such Buyer and Seller at such Fair or Market, such Justice of the Peace or Magistrate may, by Warrant under Hand and Seal respectively, order such Cloth to be returned to the Seller thereof, and may, by such Warrant,

Disputes between buyer and Seller of Linen in Fairs, how to be adjusted.

Penalty.

direct any Penalty, not exceeding the Sum of Ten Shillings, to be levied off the Goods and Chattels of such Buyer of such Cloth; and if it shall appear to such Justices of the Peace or to such Chief Magistrate, that the Seller of such Cloth shall, without reasonable Cause, refuse or have refused to deliver up such Cloth to the Person or Persons to whom he had sold or agreed to sell the same, such Justice of the Peace or Chief Magistrate may, by Warrant under Hand and Seal, order such Cloth 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 of such Cloth.

Brown Linens not to be subject to Regulations, except sold in open Market.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to, nor shall affect, Brown Linens not sold in open Fair or Market, it being the true Intent and Meaning of this Act that all Persons may manufacture and make up Brown Linens in any Manner they may think proper, and sell the same, without being subject to any of the aforesaid Regulations, unless they sell the same in open Fair or Market.

Sealmasters of Brown Linens formerly appointed to be continued.

XVIII. ' 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 Market, 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 Sealmasters of Brown Linen by the Trustees of the Linen and Hempen Manufacturers, 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 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.

XIX. 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 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 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.

XX. And be it further enacted, That the Committee appointed in any and every County for the Purposes before stated shall and may from time to time, and as often as they shall think fit, meet and assemble together in some convenient Place in such County, to settle and adjust such Matters as shall relate to the Objects of their Appointment; and it shall and may be lawful for such Committee, or any Five or more of them, so soon as they shall deem it necessary, to require every Person acting as a Sealmaster of Brown Linen in or for any Linen Market in such County, to return to such Committee, within a given Time, his Name and Place of Abode, and the Names and Residences of his Sureties; and it shall and may be lawful for the said Committee, or any Five or more of them, to dismiss any Sealmaster who shall refuse or neglect to make such Return within the Time required.

XXI. 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 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; and it shall be lawful for every such Committee, or any Five or more of them, so soon as they shall deem it expedient, to give public Notice to all Persons acting as Brown Linen Sealmasters in their County, under and by virtue of any Appointment formerly made by the Trustees of the Linen and Hempen Manufacturers, that from and after a Day to be named in such Notice no Person shall be permitted to act in their County in that Capacity, who shall not have previously

Committee to require Sealmasters to give in their Name and Place of Abode, as also those of their Sureties.

Committee may remove Sealmasters and appoint others.

Security to be given by Sealmasters for the due Execution of their Office.

thereto entered into a Security to such Committee, or to some Individual to be named by such Committee; and such Security shall stand in place and stead of any Security formerly given or required to be given to the Secretary of the Trustees for encouraging the Linen Manufacture, and shall be for such Sum as such Committee shall think proper; in which said Security Two Sureties, to be approved of by such Committee, shall join and be bound, jointly and severally, for such Sum in the Whole as such Committee shall in every Case think fit to require; and the Condition of every such Security shall be, that such Person so appointed Sealmaster shall duly and diligently execute his Office, and shall not seal, stamp, or lap, nor suffer his Seal or Stamp to be put upon any Linen which is not sound, merchantable, and free from Mildew, Rottenness, or any Fraud or Damage, except such Holes, not exceeding Three in each Piece, as shall be exposed to View, and marked on the Outside thereof; 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 such Committee, or any Five or more of them; 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.

Lord Lieutenant may direct the Committee to report the Grounds upon which they have dismissed any Sealmaster; and cause such Report to be enquired into;

and confirm or revoke such Dismissal.

Committee to prescribe the Forms of Seals or Stamps to be used by Sealmasters.

XXII. 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 which 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 enquired 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 Enquiry, 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.

XXIII. 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 Sealmasters of their respective County, and to alter the same as often as such Committee shall think fit; and

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.

XXIV. 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.

Residence of Sealmasters.

XXV. 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 in every respect conformable to the Directions aforesaid, 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 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.

Duties of Sealmasters.

Their Fees, 1d. for every 25 Yards.

Penalty for Neglect.

XXVI. And be it further enacted, That no Person shall, in open Fair or Market in *Ireland*, sell or expose to Sale, buy or

No Person to sell or buy any unbleached

Linen not sealed.

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.

Sealmasters to measure between Buyer and Seller.

XXVII. 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.

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

XXVIII. 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 Person who shall at 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.

Penalty on Embezzlement.

XXIX. And be it further enacted, That if any Weaver or other Person intrusted with any Linen or Linen Yarn, or Hempen Cloth or Hempen Yarn, or Cotton or Cotton Yarn, or with any Materials or working Tools for manufacturing the same, shall fraudulently sell or embezzle or pawn the same, or any Part thereof, every such Offender, and the Receivers of any such Article knowing the same to have been so fraudulently embezzled, shall forfeit Four Times the Value of the same.

Weavers to fulfil their Agreements.

XXX. And be it further enacted, That every Weaver shall well and sufficiently weave all sound and sufficient Linen 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.

Justices may administer Oaths and take Affidavits.

XXXI. And be it further enacted, That it shall and may be lawful to and for every Justice of the Peace and Chief Magistrate to administer any Oath to, and to take any Affidavit required by Law from, any Person whomsoever, touching or concerning any Matter or Thing in anywise relating to or concerning the Linen Manufacture, or any Branch thereof; and wherever any such Oath is required by Law to be taken, the solemn Affirmation of any Person being a Quaker 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, upon Conviction, suffer such Punishment as Persons convicted of wilful and

Affirmation of a Quaker.

Perjury.

and corrupt Perjury are by the Laws in force in *Ireland* subject to.

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 Value the Sum of Ten Pounds, shall and may be heard and finally determined before Two or more Justices of the Peace, whether acting at Petty Sessions or otherwise, within their Jurisdictions, or before the Chief Magistrate of any Town presiding in his Court in such Town; and it shall be lawful for any One Justice to summon any Party complained of, and any Witness, to appear before such Justice and any other Justice, or before any Two Justices, and for such Chief Magistrate to summon any such Party complained of, and any Witness, to appear before such Magistrate in his Court; and such Justices or Chief Magistrate may determine any such Complaints on the Oath of any Witness or Witnesses, and which Oath such Justices or Chief Magistrate are and is hereby authorized and empowered to administer; and all such Penalties and Sums of Money shall and may be awarded by such Two Justices or Chief Magistrate as are directed to be awarded by this Act in respect of or for the Punishment of the several Offences; and in default of the Payment of any such Penalty or Sum of Money as shall be so awarded by any such Justices or Chief Magistrate upon the Hearing of any such Complaint, it shall and may be lawful for such Justices or Chief Magistrate to issue their or his Warrant to any Constable for the Distress and Sale of the Goods and Chattels of any Person liable to the Payment of any such Penalty or Sum of Money; and in case no sufficient Distress shall be found, then to commit any 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.

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

XXXIII. And be it further enacted, That any Sum of Money which shall be awarded and levied by any such Justices or Chief Magistrate as aforesaid, acting in pursuance of the Provisions and under the Authorities of this Act, shall and may be directed by such Justices 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 Sum of Money 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 Sum of Money shall be paid to the Committee appointed in manner hereinbefore 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 Justices or Chief Magistrate to direct any Portion of any such Sum so levied to be paid to the Party aggrieved, and the remaining Portion of such Sum to be paid to such Committee.

Application of Penalties.

XXXIV. And

Penalties exceeding 10*l.* recoverable by Action.

Venue to be laid in the County.

† *Sic.*

Defendant may plead General Issue.

XXXIV. And be it further enacted, That all Penalties or Forfeitures incurred under any Clause or Article in this Act, exceeding in Value Ten 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, 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.

XXXV. 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 non-suit, or discontinue his, her, or their Action or Suit, the Defendant or Defendants therein shall have Double Costs.

XXXVI. ' And Whereas the Linen and Yarn Halls in the City of *Dublin*, and the Houses, Offices, and Grounds adjoining thereto, and the other Estates and Property, whether Real or Personal, vested by former Acts of Parliament in the Trustees of the Linen and Hempen Manufactures of *Ireland*, were, by the hereinbefore recited and repealed Act of the Sixth Year of the Reign of His present Majesty, continued to be vested in the said Trustees and their Successors; and it is expedient and necessary to divest the said Trustees of their Title to the said Buildings, Houses, Grounds, and other Properties, and to vest the same in the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Purposes hereinafter mentioned;'

Linen and Yarn Halls and Houses, &c. vested in the Lord Lieutenant.

Be it therefore enacted, That the said Linen and Yarn Halls in the City of *Dublin*, and the Houses, Offices, and Grounds adjoining thereto, and all other Estates and Property whatsoever, whether Real or Personal, vested in the said Trustees and their Successors under and by virtue of the said recited Act hereby repealed, shall, from and after the Commencement of this Act, be and the same are hereby vested in the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with Power to such Lord Lieutenant or other Chief Governor or Governors to demand, take, and receive, or cause to be demanded, taken, and received, such Rent or Rents for the same as he or they shall think fit and direct from the Factors or others engaged in the Linen, Yarn, or Cotton Trades of *Ireland*, who shall be allowed to occupy the said Linen and Yarn Halls, or Houses or Grounds thereto adjoining: Provided always, that nothing in this Act contained shall extend or be construed to extend to, or in anywise to affect, any of the Leases hitherto granted by the said Trustees of any Part or Parts of the said Halls or Buildings to any Factors or other Persons, so far as any of the said Leases are

Nothing herein to affect subsisting Leases.

or shall be subsisting; and if any Part or Parts of the said Linen or Yarn Halls, or any of the Houses or Grounds adjoining thereto, not comprised in any subsisting Leases, shall be thought unnecessary for the Purposes of the Linen, Yarn, or Cotton Trades of *Ireland*, by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, and he and they is and are hereby authorized and empowered, to appropriate such Part or Parts thereof to any other public Purposes to which it may seem expedient to apply the same, demanding, taking, and receiving such Rents, for the Use and Occupation thereof, as such Lord Lieutenant or other Chief Governor or Governors shall appoint; and all such Rents shall be applied in like Manner as the Rents now payable under the Leases subsisting at present, towards maintaining the said Buildings in repair and good Condition; and if the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall at any Time see fit and proper Reason for selling and finally disposing of any Part or Parts of such Linen or Yarn Halls, or any of the Houses or Grounds thereto adjoining, not comprised in any subsisting Lease, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* to sell and finally dispose of the same.

XXXVII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint any Number of Persons (being Factors in the said Linen and Yarn Halls, or other Persons,) to act as a Committee in and for the Care and Management of the said Linen and Yarn Halls and Houses, and Grounds and Estates, and from time to time to revoke the Appointment of all or any such Persons, and to appoint others in their room, or not; and it shall be lawful for such Committee to exercise such Powers, and to perform such Duties, as such Lord Lieutenant or other Chief Governor or Governors shall direct and authorize, in respect to the Letting or Sale of such Linen and Yarn Halls and Houses, and Grounds and Estates, or any of them, and to the accounting for the Rents and Produce of such Letting and Sale, and to the applying any Part of such Produce in the repairing and maintaining any of the Houses or Buildings not sold under this Act; and all Monies which shall arise or be received from every Letting or Sale under this Act, and which shall not be applied in maintaining and repairing any of the said Houses or Buildings not so sold, shall, under the Orders and Directions of such Lord Lieutenant or other Chief Governor or Governors, be carried to and made Part of the Consolidated Fund of the United Kingdom arising in *Ireland*.

XXXVIII. And be it further enacted, That this Act, so far as the same imposes any Rule, Regulation, Restraint, Restriction, Fine, Penalty, Forfeiture, or other Punishment, in respect of the manufacturing, dressing, making, or Sale of Flax or of Linen Yarn, or to the weaving, dressing, measuring, stamping, buying, or selling of Linen Cloth, or to the different Breadths prescribed for the several Sorts of Linen Cloth, shall remain and continue in force for Three Years from the Commencement of this Act, and from

Lord Lieutenant may appoint a Committee for the Management of the Linen Halls, &c.

Their Powers.

Term of Act.

from the Expiration of such Three Years until the End of the next Session of Parliament.

Commence-
ment of Act.

XXXIX. And be it further enacted, That this Act shall commence and take effect on and from the Fifth Day of *September* One thousand eight hundred and twenty-eight.

C A P. LXIII.

An Act to amend Two Acts of the Third and Fifth Years of His present Majesty, for the Appointment of Constables in *Ireland*. [15th *July* 1828.]

3 G. 4. c. 108.

5 G. 4. c. 28.
s. 1.

3 G. 4. c. 108.
s. 15.

‘ WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates, in Ireland, in certain Cases*, which said Act was amended and extended to the County of *Dublin* by another Act passed in the Fifth Year of the same Reign : And Whereas the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being is and are by the said Acts authorized and empowered, by Warrant under his or their Hand, to appoint One Chief Constable for each and every or any Barony or Half Barony, or other Division of a Barony, or for any Two or more Baronies lying together and being in the same County in *Ireland*, and also, by Proclamation to be inserted in the *Dublin Gazette*, to require the Magistrates in the Commission of the Peace for any County in *Ireland* to nominate, in the Manner in the said Acts respectively prescribed, such Number of Constables and Sub-Constables in and for such County as shall be specified in such Proclamation, not exceeding in the whole, in any County, a Number after the Rate of Sixteen for each Barony or Half Barony, or other Division of a Barony, within such County, to be stationed in and through the several Baronies and Half Baronies in such Counties ; and it is, amongst other Things, enacted by the said Act of the Third Year of His Majesty’s Reign, that the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being may order and direct that any Person, having been appointed a Constable under the said Act for any County, shall go into and be a Constable in and for any Barony or Baronies or Half Barony, or other Division of a Barony, in such County ; and that any such Constable, or any Number of the Constables or Sub-Constables, appointed under the said Act, for any County, or any Barony or Baronies, or Divisions of a Barony, at any Time or Times, shall go or repair to such Place or Places in any other County or Counties, or in any County of a City or County of a Town, or City and Liberties, or Barony or Baronies, or Division of a Barony, in *Ireland*, as shall be mentioned in such Order ; provided that not more than Two Third Parts of the existing Establishment of Constables for any One County, City, or Town shall be so removed or absent from such County, City, or Town at any one Time : And Whereas it is expedient that such Power of Removal should be extended and enlarged, and that the said Acts should in other respects be amended ;’ Be it therefore enacted by

by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from time to time, when and as often as he or they shall think fit so to do, to order and direct that every or any Chief or other Constable, or that the whole or any Number of Chief or other Constables, or of Sub-Constables, appointed under the said recited Acts or either of them, for any County, or any Barony or Baronies, or Division of a Barony, in any County in *Ireland*, at any Time or Times, shall go and repair to such Place or Places in any other County or Counties, or in any County of a City or County of a Town, or City and Liberties, or Barony or Baronies, or Division of a Barony, in *Ireland*, as shall be mentioned in such Order, and shall remain there for such Length of Time, or remove to or remain at any other Place or Places in the same or any other County, City, or Town, for such Time and Times, and shall return to his or their original County, City, or Town, at such Time and Times respectively as shall be mentioned or directed in or by such Order, or by any other Order or Orders which may from time to time be made by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and that such Chief and other Constables and Sub-Constables, when so removed, shall have the same Rights, Powers, and Authorities, and be subject to the same Rules, Regulations, and Orders, and be in all respects in the same Situation in the County or other Districts to which they shall be so removed, as if they had been originally appointed in and for such County or District.

II. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant under his or their Hand or Hands, from time to time, as shall appear to him or them fitting, to order and direct that any Chief Constable already appointed or hereafter to be appointed shall be and act as a Chief Constable in and for such Part or District of, or in any County, County of a City, or County of a Town, as shall be mentioned and described in such Warrant, whether such Part or District shall or shall not consist of a Barony or Baronies or Half Barony, or other Division of a Barony; and in like Manner from time to time to enlarge, diminish, or alter such Districts, in any way which to him or them shall appear to be expedient; and that such Chief Constables shall, in such their respective Districts for the Time being, have, use, and exercise such and the like Powers, Duties, Rights, and Authorities, and shall be subject to the same and the like Rules, Regulations, Directions, and Liabilities, in all respects, as such Chief Constables now have, use, exercise, or are subject to, or would have used, exercised, or been subject to; with respect to any Barony or Baronies or Half Barony, or Division of a Barony, under the said Acts or either of them.

III. And Whereas Inconvenience has frequently been experienced in consequence of the sudden Resignation of Constables under Circumstances in which their Services have been particularly

Lord Lieutenant may order the Removal of the Chief Constable, and of the whole of the Constables, from one County to another, &c.

Lord Lieutenant may order Chief Constable to act for any Part or District of a County.

Constables shall not resign without Leave of Chief Constable, or One Month's Notice of Resignation.

'cularly required; Be it enacted, That from and after the passing of this Act no Constable or Sub-Constable, who shall have been or shall be appointed under the said recited Acts or either of them, or this Act, shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly authorized so to do, in Writing, by the Chief Constable for the Time being, or unless he shall have given to such Chief Constable One Month's Notice at least of his Intention of so resigning or withdrawing himself; and if any Constable or Sub-Constable shall so resign or withdraw himself, without such previous Permission, or without such Notice as aforesaid, he shall for such Offence forfeit and pay the Sum of Five Pounds, upon Conviction before a Justice of the Peace; and it shall and may be lawful for such Justice, in case such Penalty shall not be paid, to commit such Person to the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months; and all Penalties so to be levied shall be paid to the Paymaster of the County, for the Use of the Establishment.

Accounts of the Number of Constables and of their Salaries to be laid before Grand Juries.

IV. And be it further enacted, That at each Spring and Summer Assize after the passing of this Act, there shall be laid before the Grand Jury of each County, City, or Town, an Account, signed by the Chief Secretary of the Lord Lieutenant, or the Under Secretary, stating respectively the Number of Chief and other Constables serving in such County, City, or Town, and the Sums respectively paid since the preceding Assize for the Salaries and Expences of such Constables, and for the providing or repairing the Arms, the Clothing, and the Accoutrements of the same.

C A P. LXIV.

An Act to extend the Jurisdiction of the Commissioners acting in the Execution of Two Acts for paving and regulating the *Regent's Park*, together with the new Street from thence to *Pall Mall*; and to amend the said Acts.

[15th July 1828.]

5 G. 4. c. 100.

' WHEREAS an Act was passed in the Fifth Year of the
' Reign of His present Majesty, intituled *An Act for more*
' *effectually paving, lighting, watching, cleansing, and regulating*
' *the Regent's Park, together with the New Street from the Regent's*
' *Park to Pall Mall, and the new Streets and Improvements in the*
' *Neighbourhood of Parliament Street and Privy Gardens, and for*
' *maintaining a convenient Sewage for the same; and by the said*
' *Act Commissioners were appointed for paving, lighting, watch-*
' *ing, cleansing, and otherwise regulating and improving the se-*
' *veral Streets, Squares, Circuses, Gardens, Ways, Passages,*
' *Courts, and Places made and laid out, and thereafter to be made*
' *and laid out, within the Limits mentioned and described in the*
' *said Act, and for other Purposes of the said Act: And Whereas*
' *another Act was passed in the Sixth Year of the Reign of His*
' *said Majesty, intituled *An Act for extending the Jurisdiction of**
' *the Commissioners acting in execution of an Act of the Fifth Year*
' *of His present Majesty, for paving and regulating the Regent's*
' *Park, together with the new Street from thence to Pall Mall, and*
' *for*

6 G. 4. c. 38.

‘ for other Purposes relating thereto ; and by the said Act certain
‘ Parts of *New Palace Yard, Margaret Street, and Old Palace*
‘ *Yard* were, as to the paving, lighting, and cleansing thereof,
‘ placed under the Charge and Management of the Commissioners
‘ acting in execution of the said firstly-recited Act : And Whereas
‘ the Commissioners of His Majesty’s Woods, Forests, and Land
‘ Revenues have made and laid out certain Streets, Squares,
‘ Terraces, and Improvements upon Land and Ground belonging
‘ to His Majesty, lately the Scite of *Carlton Palace*, and of the
‘ Gardens thereof, and Houses and Buildings have been erected
‘ upon such Land and Ground, and many more are in Progress ;
‘ and the said Commissioners intend to make and lay out certain
‘ Gardens, Shrubberies, and ornamental Inclosures for the Use of
‘ the Inhabitants of the said Streets, Squares, and Terraces ; and
‘ have also constructed a new Common Sewer, with Drains and
‘ Watercourses communicating with such Common Sewer, for the
‘ more effectual Drainage of the said several Streets, Squares,
‘ Terraces, Gardens, and Improvements, which said Common
‘ Sewer drains into and communicates with the Great Sewer
‘ extending from the *Regent’s Park* to the River *Thames*, by the
‘ said recited Act of the Fifth Year of the Reign of His present
‘ Majesty placed under the Jurisdiction of the Commissioners
‘ acting in execution of such Act : And Whereas the said Com-
‘ missioners of His Majesty’s Woods, Forests, and Land Revenues
‘ have made and laid out, on certain other Ground belonging to
‘ His Majesty, situate on the East Side of *Princes Street*, in the
‘ City of *Westminster*, certain Mews or Stables, and Coach-houses
‘ and Buildings connected therewith, which said Mews or Stables
‘ are called or intended to be called “ *The Westminster Mews* : ”
‘ And Whereas all the said several Streets, Squares, Terraces,
‘ and Improvements, Gardens, Shrubberies, and ornamental In-
‘ closures, together with the said Mews or Stables and Buildings
‘ called the *Westminster Mews*, being made and set out on Land
‘ belonging to His Majesty, it is expedient that the same should,
‘ as to the paving, lighting, watching, watering, cleansing, and
‘ regulating, maintaining, supporting, and keeping in order there-
‘ of, be placed under the Charge and Management of the Com-
‘ missioners acting in execution of the said recited Acts ; and
‘ that the Powers and Authorities which by the said first-recited
‘ Act are vested in the said Commissioners, with respect to the
‘ Sewer and Drains thereby placed under their Jurisdiction, should
‘ be extended to the said new Sewer, and any Drains and Water-
‘ courses communicating therewith : And Whereas *Parliament*
‘ *Street*, or the greater Part thereof, and *Bridge Street*, and the
‘ Terrace or Foot Pavement of *New Palace Yard*, and the Pas-
‘ sages and Places adjoining thereto, are, as to the paving, lighting,
‘ watering, and cleansing thereof, under the Charge and Manage-
‘ ment of the Committee for paving the Parishes of *Saint Mar-*
‘ *garet and Saint John the Evangelist, Westminster* ; and it is
‘ expedient that the said Streets, Terrace, Passages, and Places
‘ should, as to such paving, lighting, watering, and cleansing,
‘ be placed under the Charge and Management of the said Com-
‘ missioners acting in execution of the said recited Acts : And
‘ Whereas the Carriageway of a certain Road called the *Albany*
‘ *Road*,

7 G. 4. c. cxlii.

‘ *Road*, leading from the North Side of the Turnpike Road called the *New Road* to a certain Bridge over the *Regent’s Canal* called the *Collateral Cut Bridge*, is, as to the Maintenance, Repair, and watching thereof, under the Charge and Management of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, appointed under an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of the Metropolis North of the River Thames*; which said Road (with other Roads round the *Regent’s Park* aforesaid) is coloured Purple on the Map or Plan marked No. 1. referred to in the said first-recited Act; and under the Authority of the said Act of the Seventh Year aforesaid certain Tolls are demanded and taken for Horses or other Animals passing through a certain Gate or Bar erected across the said *Albany Road*: And Whereas that Portion of the said *Albany Road* which extends from the North Side of the *New Road* to the *Collateral Cut Bridge* aforesaid being in the Nature of a Street, and not of a Turnpike Road, it is desirable that such Portion of the said Road should be placed under the Charge and Management of the Commissioners acting in execution of the said first and second-recited Acts, and that the said Commissioners of the Metropolis Turnpike Roads North of the *Thames* should be exonerated from such Charge and Management, and that the said Gate or Bar should be removed, and that the Authority to take Toll thereat should cease:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Time being, acting in execution of the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, shall be and they are hereby appointed Commissioners for paving, lighting, watching, cleansing, and otherwise regulating and improving the several Streets, Squares, Terraces, Gardens, Stables, and Places made or laid out, or hereafter to be made or laid out, within the Limits hereinbefore mentioned, and hereinafter more particularly described, and for other the Purposes of this Act.

Appointment of Commissioners.

Streets now under the Care of the Committee for paving the Parishes of St. Margaret and St. John placed under Commissioners for executing this Act.

II. And be it further enacted, That the said Streets called *Parliament Street* and *Bridge Street*, and the Terrace or Foot Pavement of *New Palace Yard*, and the Passages and Places adjoining thereto, which are now, as to the paving, lighting, watering, and cleansing thereof, under the Charge and Management of the Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, shall, from and after the passing of this Act, be and remain, as to such paving, lighting, watering, and cleansing, under the Charge and Management of the said Commissioners for executing this Act, and also be and remain, to all Intents and Purposes, subject to and within the Jurisdiction, Power, and Authority of the said Commissioners, in the same Manner as if the said Streets and Places had been included in and delineated and set out on the Plan marked N° 3. mentioned and

and referred to in the said first-recited Act ; any Act heretofore passed to the contrary in anywise notwithstanding.

III. And be it further enacted, That from and after the First Day of *January* next after the passing of this Act, so much of the said Act of the Seventh Year of the Reign of His present Majesty as authorized the setting up or Continuance of any Toll Gate or Side Gate, and the collecting, levying, and receiving of any Toll or Duty in that Part of the *Albany Road* which extends from the North Side of the New Road to the Western End of the Bridge over the *Regent's Canal* called the Collateral Cut Bridge, shall be and the same is hereby repealed ; and the Commissioners acting in execution of the said last-mentioned Act are hereby authorized and required, within the Space of One Month from and after the said First Day of *January*, to pull down and remove, or cause to be pulled down and removed, the Toll Gate and its Appurtenances, and any Side Gate, set up or continued, under the Authority of the said Act, on or by the Side of such Part of the said *Albany Road* as aforesaid, and to sell and dispose of the Materials thereof, and apply the Proceeds for the several Purposes of the said Act ; and the said Commissioners acting in execution of the said Act shall from and after the said First Day of *January* be exonerated and discharged from the future Care and Management of such Part of the said Road.

IV. And be it further enacted, That such Part of the said Road called the *Albany Road* as is hereinbefore particularly described shall, from and after the said First Day of *January* next after the passing of this Act, be and remain, as to the Maintenance, Support, watching, cleansing, and Regulation thereof, under the Charge and Management of the said Commissioners for executing this Act, and also be and remain, to all Intents and Purposes, subject to and within the Jurisdiction, Power, and Authority of the said Commissioners, in the same Manner as if such Part of the said Road had been included among the Roads the Carriage-ways of which by the said first-recited Act the said Commissioners were authorized and empowered to maintain, support, watch, cleanse, and regulate.

V. And Whereas, for ascertaining the Jurisdiction of the said Commissioners, and defining the Streets, Squares, Terraces, Roads, Stables, Passages, and Places to be paved, maintained, repaired, lighted, watched, watered, cleansed, and regulated, and the Gardens and ornamental Inclosures to be maintained, supported, and kept in order under the Powers and Provisions of this Act, Three separate Maps or Plans have been made, for the Purpose of being deposited in the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, One of which Maps or Plans marked Number Five comprehends and describes the several Streets, Squares, Terraces, Passages, and Places, and the Gardens and ornamental Inclosures, now laid out, and the Ground on which others may be hereafter laid out, on the Scite of *Carlton Palace* and Gardens aforesaid, which, so far as the same are coloured Blue on the said Map or Plan, are to be paved, lighted, watered, cleansed, and regulated, maintained, supported, and kept in order, according to the Directions of this Act, and so far as the same

So much of 7 G. 4. c. cxlii. as authorizes the setting up a Toll Gate on the Albany Road repealed.

Toll Gate may be removed.

Part of the Albany Road shall be placed under the Charge of Commissioners for executing this Act.

are coloured Red on the said Map or Plan are to be under the Control and Superintendence of the said Commissioners, as to the Manner of constructing and ornamenting, and as to the defacing, altering, or using the Houses and other Buildings erected on or at the Sides thereof; and another of the said Maps or Plans marked N^o 6. contains and describes the said Mews or Stables called the *Westminster Mews*, the Interior of which is also to be paved, lighted, watched, cleansed, and regulated according to the Directions of this Act; and the Third Map or Plan marked N^o 7. contains and describes *Parliament Street*, *Bridge Street*, and the Terrace or Foot Pavement of *New Palace Yard*, and the Passages and Places adjoining thereto, which, so far as the same are coloured Blue on the said Map or Plan, are also to be paved, lighted, watered, cleansed, and regulated according to the Directions of this Act, and so far as the same are coloured Red on the said Map or Plan are to be under the Control and Superintendence of the said Commissioners, as to the Manner of constructing and ornamenting, and as to the defacing, altering, or using the Houses and other Buildings erected on or at the Sides thereof; and the Road called the *Albany Road* is delineated and described on the Map or Plan marked N^o 1., referred to in the said first-recited Act, and is thereon (with other Roads round the *Regent's Park*) coloured Purple; and that Part of the said *Albany Road*, which extends from the *New Road* to the Western End of the Bridge over the *Regent's Canal* called the Collateral Cut Bridge, is the remaining Part of the Streets, Roads, and Places to be maintained, repaired, watched, watered, cleansed, and regulated according to the Directions of this Act: Be it therefore enacted, That the said Maps or Plans marked N^{os} 5, 6, and 7., after the same shall have been severally authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall be deposited with and shall remain in the Custody of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and One Copy of each of the said Maps or Plans, signed by the Speaker of the House of Commons, shall be deposited in the Parliament Office, and One other Copy so signed shall be deposited with the Clerk of the Peace for the County of *Middlesex*, within Three Calendar Months after the passing of this Act, to the end that all Persons may at all seasonable Times have Liberty to inspect the same at their Will and Pleasure, paying the Sum of One Shilling for each Inspection, and to take Copies from the said Maps or Plans, or any of them, or from any Part or Parts thereof, paying the Sum of One Shilling for every Copy so taken; and the said Maps or Plans, and the Copies thereof, so signed and authenticated as aforesaid, together with the said Map or Plan marked N^o 1., referred to in the said first-recited Act of the Fifth Year of the Reign of His present Majesty, and the Copies of the said last-mentioned Map or Plan, so signed and authenticated as in the said recited Act is mentioned, shall be received in Evidence in all Proceedings relating to the Jurisdiction of the said Commissioners, and the Execution and Provisions of this Act.

VI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby

Plans for distinguishing Streets placed under the Commissioners to be deposited in the Parliament Office and with Clerk of the Peace for Middlesex.

Commissioners to pave, &c. the Streets

authorized and empowered, to cause the Footways of the said several Streets, Squares, Terraces, Passages, and Places, delineated and set out and coloured Blue on the said Map or Plan marked N^o 5., or of such as shall hereafter be made and laid out on the Ground contained and described and coloured Blue therein, to be paved; and the Carriageways of the same Streets, Squares, Terraces, Passages, and Places, and also of that Part of *Pall Mall* which extends in Front from the Eastern to the Western Side of *Waterloo Place*, and also the Foot and Carriageways of any Street or Passage which may hereafter be made on the Scite of Two Houses respectively numbered 92 and 93. in *Pall Mall*, to be pitched or paved, or to be formed with broken Stone, Granite, Flint, Gravel, or other firm and sufficient Materials, upon such Levels and in such Manner as they shall judge necessary; and such Footways and Carriageways from time to time to be amended and kept in good Repair; and also to cause such Streets, Squares, Terraces, Passages, and Places to be lighted, watered, cleansed, and regulated, and the Sides thereof to be inclosed with Iron or other Rails in such Parts and Places and in such Manner as the said Commissioners shall think proper; and all Obstructions, Encroachments, Nuisances, and Annoyances therein to be removed; and Drains, Sinks, Gutters, or Watercourses to be made, for conveying the Water from the said Streets, Squares, Terraces, Passages, and Places, in such Manner as they shall think proper; and if any Person shall, without the Consent of the said Commissioners, alter the Form or break up the Ground or Pavement of the Carriage or Footway of any of such Streets, Squares, Terraces, Passages, and Places, every Person so offending shall forfeit any Sum not exceeding Ten Pounds for every such Offence, and shall also pay all the Expences of restoring such Ground or Pavement to its former State.

VII. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, for the Time being, and they are hereby authorized and empowered, to inclose, lay out, and form Gardens, Shrubberies, and ornamental Inclosures, for the Use of the Inhabitants and Occupiers of the Houses and Buildings now erecting or hereafter to be erected on the Ground delineated and described in the said Plan marked N^o 5.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to cause the several Gardens, Shrubberies, and ornamental Inclosures delineated and set out on the said Map or Plan marked No. 5., or which shall hereafter be set out on the Ground therein contained and described, to be inclosed with Iron or other Railings, and from time to time to renew such Railings, and to paint and repair the same, and to cause the said Gardens, Shrubberies, and ornamental Inclosures to be maintained and kept in good Order and Condition, for the Use and Accommodation of the Inhabitants of the several Streets, Squares, Terraces, Passages, and Places to which the same Gardens, Shrubberies, and ornamental Inclosures shall be respectively attached, and for that Purpose to appoint and employ proper Persons as Gardeners and Workmen for maintaining and keeping

formed on the Site of Carlton Palace.

Power to lay out Gardens, &c.

Commissioners to inclose and keep Gardens, &c. in good Order.

the same in order; and all such Gardens, Shrubberies, and ornamental Inclosures shall be used and enjoyed by the Inhabitants in the several Streets, Squares, Terraces, Passages, and Places to which the same shall be respectively attached, in such Manner, and according to such Rules, Orders, and Regulations, as the said Commissioners shall from time to time direct and establish.

Rates to be made for keeping the Gardens in order.

IX. And be it further enacted, That Rates or Assessments shall, for the Purpose of supporting, maintaining, and keeping in order the said Gardens, Shrubberies, and ornamental Inclosures set out and delineated on the said Map or Plan marked No. 5., or which shall be hereafter set out on the Ground therein contained and described, be laid or assessed by the said Commissioners for executing this Act, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, or Tenements, in the said Streets, Squares, Terraces, Passages, and Places to which such Gardens, Shrubberies, and ornamental Inclosures shall be respectively attached, in such Sums of Money as the said Commissioners shall order and direct; and separate and distinct Accounts shall be kept of the Monies to arise from such Rates and Assessments, which Monies shall be expended and laid out in the maintaining and keeping in order the Gardens, Shrubberies, and ornamental Inclosures attached to the Street or Streets, Square or Squares, Terrace or Terraces, Place or Places, upon which such Rate or Assessment shall be charged and assessed, and from which the same shall be collected: Provided always, that none of the said Rates or Assessments shall in any one Year exceed the Sum of Two Shillings in the Pound on the yearly Value of such Houses and other Premises.

In case of Dispute, the Commissioners to determine what Streets, &c. any ornamental Inclosures within their Jurisdiction are attached to.

X. Provided also, and be it further enacted, That if any Question shall arise as to what Streets, Squares, Terraces, Passages, and Places the Gardens, Shrubberies, and ornamental Inclosures delineated and described on the said Map or Plan marked No. 5., or which shall hereafter be set out on the Ground therein contained and described, shall be considered as respectively attached to, within the Meaning of this Act, or as to what Streets, Squares, Circuses, Terraces, Courts, Ways, Passages, and Places the Gardens and Terraces at *Richmond Terrace*, mentioned in the said recited Act of the Fifth Year of the Reign of His present Majesty, and the several other Gardens, Shrubberies, and ornamental Inclosures delineated and described on the said Map or Plan marked No. 3., or which shall hereafter be set out on any Part of the Ground therein contained and described, shall be considered as attached to, within the Meaning of the said last-mentioned Act, or as to what Streets, Squares, Circuses, Terraces, Courts, Ways, Passages, or Places any Gardens, Shrubberies, or ornamental Inclosures which may be hereafter placed under the Jurisdiction of the said Commissioners for executing this Act, pursuant to the Provision for that Purpose hereinafter contained, shall be considered as respectively attached to, such Question shall be determined by the said Commissioners for executing this Act, and their Determination shall be final.

Commissioners under this Act

XI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized

authorized and empowered, to cause the Interior of the said Mews or Stables called the *Westminster Mews*, delineated and set out on the said Map or Plan marked N° 6., to be paved or pitched, or to be formed with broken Stone, Granite, Flint, Gravel, or other firm and sufficient Materials, upon such Levels and in such Manner as they the said Commissioners shall judge necessary, and to be from time to time amended and kept in repair, and to cause the Interior of the said Mews or Stables to be lighted, watched, watered, cleansed, and regulated, and all Obstructions, Encroachments, Nuisances, and Annoyances therein to be removed, and Drains, Sinks, Gutters, or Watercourses to be made, for conveying the Water from the Interior of the said Mews or Stables; and if any Person shall, without the Consent of the said Commissioners, alter the Form, or break up the Ground or Pavement of the Interior of the said Mews or Stables, every Person so offending shall forfeit any Sum not exceeding Ten Pounds for every such Offence, and shall also pay all the Expences of restoring such Ground or Pavement to its former State.

to pave, &c. the
Westminster
Mews.

XII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and they are hereby authorized and empowered, to inclose the said Mews or Stables, and to erect Iron or other Gates at the Entrance of such Inclosure, and also to build one or more Lodge or Lodges near or adjoining to the said Gates, and to nominate one or more Porter or Porters, with proper and adequate Salaries, to attend the said Gates; and it shall be the Duty of the said Porters to attend the said Gates, and allow Persons, Carriages, and Horses going to or from the Stables and Coach-houses within the said Mews, to pass into or out of the said Gates, and to prevent the Admission of improper Persons and Vehicles, and to perform such other Duties as shall be required of them by the Commissioners for executing this Act; and such Salaries and Allowances shall be paid and made, by the said Commissioners for executing this Act, to the said Porters, out of the Rates to be levied on the Occupiers of the said Stables and Coach-houses, as to the said Commissioners for executing this Act shall seem proper and adequate; and any such Porters shall from time to time be removed, if the said Commissioners of His Majesty's Woods, Forests, and Land Revenues shall think fit to remove them for any Cause, and other proper Persons shall thereupon be appointed in manner aforesaid in their Stead.

Commissioners
of Woods and
Forests may
inclose the
Mews, erect
Gates and
Lodges at the
Entrance
thereof, and ap-
point Porters to
attend the same.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to cause the Railings of the said Gates, and also the Railing round the said Mews, and all Pumps, Posts, Rails, Easements, and Appurtenances used in common by the Occupiers of the said Mews or Stables, to be from time to time renewed, painted, maintained, and repaired, and the Lodge or Lodges to be so erected as aforesaid to be kept in repair, and to pay all Rates and Taxes which may be assessed or become payable in respect of the said Lodge or Lodges, and to appoint one or more Watchman or Watchmen to be employed in guarding the Interior of the said Mews or Stables.

Commissioners
under this Act
to maintain
Gates, Lodges,
&c. of the
Mews.

Rates to be made for paving, &c. of the Mews.

XIV. And be it further enacted, That Rates or Assessments shall, for the Purpose of paving, repairing, cleansing, lighting, watching, and watering the Interior of the said Mews or Stables called the *Westminster Mews*, and paying the Salaries of Porters to be appointed for the Care of the Gates thereof as aforesaid, and the Expences of renewing, painting, maintaining, and repairing the said Gates and Railings, Easements and Appurtenances, and keeping in repair, and paying the Rates and Taxes which may be payable in respect of the said Lodge or Lodges, be laid and assessed by the said Commissioners for executing this Act, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Stables, Coach-houses, and Buildings within the said Mews, in such Sum and Sums of Money as the said Commissioners shall order and direct; but no such Rate or Assessment shall in any one Year exceed the Sum of Five Shillings in the Pound on the yearly Value of such Stables, Coach-houses, and Buildings.

Powers of the Committee for paving *St. Margaret* and *St. John's* in Streets, &c. to cease.

XV. And be it further enacted, That from and after the passing of this Act all the Duties and Powers of the Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, with respect to the paving, lighting, and cleansing of the Streets and Places which are hereby placed under the Jurisdiction of the Commissioners for executing this Act (which said Streets and Places are delineated and set out and coloured Blue on the said Map or Plan marked N^o 7.), and also all Powers and Authorities to levy any Rates or Assessments for those Purposes (save and except as to the Recovery of any Arrears of Rates which may be then due), and also the Property of the said Committee in the Materials of the Pavement, and also in all Lamps, Lamp Irons, Posts, Rails, Fences, and Gates in and upon and belonging to the said Streets and Places, shall cease and be determined.

The last-mentioned Streets to be paved by the Commissioners under this Act.

XVI. And be it further enacted, That so much of the Carriage and Foot Pavement of the last-mentioned Streets and Places as is hereby placed under the Jurisdiction of the Commissioners for executing this Act, and hath heretofore been kept in repair, lighted, and cleansed by the said Committee for paving the said Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, shall, from and after the passing of this Act, be kept in repair, lighted, and cleansed by the said Commissioners for executing this Act.

Construction of Houses in Streets coloured Red on the Plans Nos. 5. and 7. placed under their Control.

XVII. And be it further enacted, That all the Houses, Shops, Warehouses, Buildings, and Tenements, standing or erected on or by the Sides of so much of the several Streets and Places as on the said Maps or Plans, marked N^{os} 5. and 7. respectively, is coloured Red, shall, as to the Manner of constructing, ornamenting, defacing, altering, or using the same, be under the Control and Superintendence of the said Commissioners, and shall be regulated according to the Provisions of this Act.

Part of the Albany Road to be kept in repair by the said Commissioners.

XVIII. And be it further enacted, That so much of the Carriageway of the said Road called the *Albany Road* as is hereby placed under the Jurisdiction of the said Commissioners for executing this Act, and hath heretofore been kept in repair and cleansed by the said Commissioners of the Metropolis Turnpike Road.

Roads North of the *Thames*, shall, from and after the said First Day of *January* next after the passing of this Act, be kept in repair, lighted, and cleansed by the said Commissioners for executing this Act.

XIX. And be it further enacted, That the said Commissioners for executing this Act shall have the same Power of watering the several Streets and Places by this Act placed under their Jurisdiction, or any of them, and of sinking Wells and making Pumps for that Purpose, as by the said recited Act of the Fifth Year of the Reign of His present Majesty is given to them for watering the Streets and Places by that Act placed under their Jurisdiction.

Power to water Streets.

XX. And be it further enacted, That from and after the passing of this Act, the Stone, Granite, and other Materials forming the present Pavement of the several Streets and Places hereby placed under the Jurisdiction of the Commissioners for executing this Act, the Property of which is now vested in the said Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist*, *Westminster*, and also all Lamps, Lamp Irons, Posts, Rails, Fences, and Gates in and upon or belonging to the said several Streets and Places, the Property of which is now vested in the said Committee, shall be the Property of and vested in the said last-mentioned Commissioners; and that from and after the passing of this Act, the Stone, Granite, and other Materials forming the present Pavement of that Part of *Pall Mall* which extends in Front from the Eastern to the Western Side of *Waterloo Place*, the Property of which is now vested in the Committee for paving the Parish of *Saint James*, *Westminster*, shall be the Property of and vested in the said last-mentioned Commissioners; and also that from and after the said First Day of *January* next after the passing of this Act, the Stone, Granite, and other Materials forming the present Pavement of so much of the *Albany Road* as is hereby placed under the Jurisdiction of the said last-mentioned Commissioners, the Property of which is now vested in the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, shall be the Property of and vested in the said Commissioners for executing this Act.

Property of Pavements, &c. vested in the said Commissioners.

XXI. And Whereas such Part only of the Streets and Places by the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty directed to be paved or formed, and repaired, cleansed, and lighted, by the said Commissioners acting in execution of those Acts, as is comprised in the said Maps or Plans numbered 1. and 3. respectively, are watched by the said Commissioners; and it is therefore expedient that a Separate Rate should be made for the Purpose of watching such of the said Streets and Places as are so watched; Be it therefore enacted, That One or more Rate or Rates, Assessment or Assessments, shall, for defraying the Expences of watching the several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places set out or to be set out on the Ground delineated and described on the said Maps or Plans marked Nos 1. and 3., referred to in the said firstly-recited Act, including so much of the said *Albany Road* as is hereby placed under the Jurisdiction of the said Commissioners, be laid and assessed by the

Additional Rates may be made for watching the Streets, &c.

said Commissioners, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Houses, and all Cathedral, Collegiate, and other Churches, Parochial and other Chapels, Places for Religious Worship, Hospitals, Schools, and all Shops, Warehouses, Coach-houses, Stables, Cellars, and Vaults, and all other Buildings or Tenements, public or private, and all Spaces of Ground in or fronting or abutting on such Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places, in such Sum or Sums of Money as the said Commissioners shall order and direct; but so nevertheless as that such Rate or Rates, Assessment or Assessments, do not exceed in the whole in any one Year the Sum of One Shilling in the Pound on the yearly Value of such Houses and Premises, or, in Cases where the Rates or Assessments shall, under the Provisions hereinafter contained, be made according to the Number of Square Yards of Pavement, the Sum of One Shilling for each such Square Yard; and the said Rates or Assessments shall be laid and assessed equally on the Houses and Premises in all the said Streets and Places according to the yearly Value of such Houses and Premises respectively, or, in Cases where the Rates and Assessments shall be made according to the Number of Square Yards of Pavement, then according to the Number of such Square Yards respectively; and the Monies to arise from such Rates and Assessments shall be applied in defraying the Expences of watching the said several Streets and Places.

XXII. And for defraying the Expences of paving or forming, and repairing, cleansing, lighting, and watering, as well the several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places, by the said recited Acts of the Fifth and Sixth Years of the Reign of His Present Majesty respectively directed to be paved or formed, and repaired, cleansed, lighted, and watered, by the said Commissioners acting in execution of those Acts, as also the several Streets, Squares, Terraces, Roads, Passages, and Places (except the said *Westminster Mews*) hereinbefore directed to be paved or formed, and repaired, lighted, cleansed, and watered, by the said Commissioners, and for the Purposes of the other Pavements hereinafter in that Behalf mentioned, and in lieu and stead of the Rates and Assessments by the said recited Acts authorized to be made and collected for paving or repairing, cleansing, lighting, watching, and watering the said several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places; be it further enacted, That One or more Rate or Rates, Assessment or Assessments, shall be laid and assessed by the said Commissioners for executing this Act, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Houses, and all Cathedral, Collegiate, and other Churches, Parochial and other Chapels, Places for Religious Worship, Hospitals and Schools, and all Shops, Warehouses, Coach-houses, Stables, Cellars, and Vaults, and all other Buildings or Tenements, public or private, and all Spaces of Ground in or abutting upon or fronting the Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places set out or to be set out on the Ground delineated and described on the said Map or Plan marked N^o 1., referred to in the said recited Act of the

Rates may be made for paving and watering.

Fifth Year of the Reign of His present Majesty ; and in the Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places delineated and coloured Brown on the said Map or Plan marked N^o 2., referred to in the same Act, and directed to be paved or repaired, cleansed, lighted, and watered, by the said Commissioners ; and in the Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places set out and delineated on the said Map or Plan marked N^o 3., referred to in the same Act ; and in the Streets and Places, and Parts of Streets and Places, which are by the said recited Act of the Sixth Year of the Reign of His present Majesty placed under the Jurisdiction of the said Commissioners ; and in the Streets, Squares, Terraces, Passages, and Places set out or to be set out on the Ground delineated and described on the said Map or Plan marked N^o 5., hereinbefore referred to ; and in the Streets, Passages, and Places delineated and described in the said Map or Plan marked N^o 7., hereinbefore referred to ; and in the said Road called the *Albany Road* ; in such Sum or Sums of Money as the said Commissioners shall order and direct ; but so nevertheless as that such Rate or Rates, Assessment or Assessments, do not exceed in the whole in any one Year the Sum of Two Shillings and Sixpence in the Pound according to the yearly Value of the said Houses and Premises, or in Cases where, under the Provisions hereinafter contained, the Rates or Assessments shall be made according to the Number of Square Yards of Pavement, the Sum of Two Shillings for each such Square Yard.

XXIII. And be it further enacted, That the King's most Excellent Majesty, His Heirs and Successors, as Owner or Owners of any public Building or Buildings which may be situate within the Limits of either of the said recited Acts of the Fifth and Sixth Years of His said Majesty's Reign, or of this Act, shall be liable to be rated and assessed to the several Rates and Assessments for the Purposes of such Acts, in like Manner as the Owners or Proprietors of other Public Buildings within the Limits of the said Acts are liable to be rated and assessed.

XXIV. And be it further enacted, That, subject to the Provisions hereinafter contained for making Assessments in certain Cases according to the Number of Square Yards of Pavement, the said last-mentioned Rates or Assessments shall be laid and assessed equally on the Houses, Cathedral, Collegiate, and other Churches, Parochial and other Chapels, Places for Religious Worship, Hospitals, Schools, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, and Spaces of Ground in, abutting upon, or fronting all the said several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, Places, and Parts of Streets and Places : Provided only, that if any one or more of the said Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, Places, and Parts of Streets, and Places, shall be watered, whilst any other or others of them shall not be watered, such additional Rate may be laid and assessed in such one or more of the said Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, Places, and Parts of Streets and Places, as shall be so watered, beyond the Rate laid and assessed in the other or others of them, as the said Commissioners

His Majesty, as Owner of public Buildings, shall be liable to be rated.

Rates to be assessed equally, except in case any Street shall be watered when others are not.

sioners for executing this Act shall consider equivalent to the Expence of so watering the same.

XXV. ' And Whereas it may be expedient that the paving, maintaining, repairing, and watering of that Portion of *Pall Mall* Eastward from *Waterloo Place*, and of *Cockspur Street* and *Charing Cross Street*, which are respectively under the Charge and Management of the Committee for paving, lighting, and cleansing the Parish of *Saint James Westminster*, and the Committee for paving the Parish of *Saint Martin in the Fields*, should be performed by the Commissioners for executing this Act; ' Be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from time to time, to contract or agree with the said Committees, or with either of them, for the paving, maintaining, repairing, and watering the Carriageway of that Portion of *Pall Mall* Eastward from *Waterloo Place*, and of *Cockspur Street* and *Charing Cross Street*, or any Part or Parts thereof respectively, at such a Price or Sum as may be agreed upon between the said Commissioners and the said Committees, or either of such Committees; and that in the event of any such Contract and Agreement, the Monies to be received by the said Commissioners in respect thereof shall be applied in defraying the Expences of such paving, maintaining, repairing, and watering as aforesaid; and any Surplus or Deficiency of such Monies shall be added to or defrayed out of the Monies to arise from the said last-mentioned Rates and Assessments.

Commissioners under this Act may contract with the Committees of the Parishes for paving, watering, &c. of *Waterloo Place*, *Cockspur Street*, and *Charing Cross*.

Act not to prejudice the Right to recover Arrears of Rates.

XXVI. Provided always, and be it further enacted, That nothing herein contained shall prejudice the Right of the said Commissioners for executing this Act to recover any Arrears which may be or become due in respect of any Rate or Assessment made by them under the Authority of the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, or of either of them.

Powers of recited Act 5 G. 4. c. 100. as to the making and collecting of the several Rates, extended to this Act.

XXVII. And be it further enacted, That all the several Powers and Provisions contained in the said recited Act of the Fifth Year of the Reign of His present Majesty, with reference to the making of the Rates by that Act authorized to be made, and with reference to the Payment thereof, and the Liability to pay the same, and with reference to the Recovery thereof when in arrear, except so far as the same are by this Act expressly altered and repealed, shall be and the same are hereby extended and made applicable to the making of the several Rates by this Act authorized to be made, and to the Payment and Recovery thereof, and to the enabling the said Commissioners to borrow any Sum or Sums of Money on the Security thereof, in the same Manner, to all Intents and Purposes, as if the said Powers and Provisions had been severally hereby repeated and re-enacted with reference thereto.

XXVIII. And to prevent any Question whether the Provision in the said recited Act of the Fifth Year of the Reign of His present Majesty contained, with respect to rating Houses and other Buildings standing at the Corners of Streets crossing the Streets and Places in respect of which Rates are to be made under that Act, is by the preceding Clause extended to Houses and

and other Buildings standing at the Corners of Streets crossing the Streets in which Rates are to be made under this Act, be it further enacted and declared, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, in laying and assessing the said respective Rates hereby authorized to be laid and assessed by them, to include in such Rates, and to rate the Corner or Return Houses, or other Buildings or Tenements standing and erected at the Corners or Angles of any Street, Square, Circus, Terrace, Court, Passage, or Way which shall cross or branch from any of the said Streets, Squares, Terraces, Passages, or Places, in or in respect of which such Rates or Assessments are to be made; and the cleansing of all such Corner or Return Houses, Buildings, or Tenements, shall be performed by the said Commissioners.

XXIX. ' And Whereas several of the Houses, Buildings, and Premises in the Streets, Squares, Terraces, Passages, and Places delineated, described, and coloured Blue on the said Map or Plan marked No. 5., abut respectively in part on Streets, Ways, Courts, Passages, and Places now under the Jurisdiction, Control, and Management of the Committee for paving, cleansing, and lighting the Parish of *Saint James, Westminster*;' Be it further enacted, That the said Commissioners shall from time to time pay a proportionate Part of the several Rates and Assessments to be respectively laid and assessed by virtue of this Act on the said last-mentioned Houses, Buildings, and Premises, unto the said Committee, for or in respect of the paving, cleansing, and lighting such Parts of the several Streets, Ways, Courts, Passages, and Places upon which the said several last-mentioned Houses, Buildings, and Premises, or the Sides or other Parts thereof, abut, such proportionate Part to be from time to time fixed by the said Commissioners.

XXX. And be it further enacted, That so much of the said recited Act of the Fifth Year of the Reign of His present Majesty as provides for and regulates the Rates or Assessments to be made upon such of the Houses and other Buildings mentioned in the said recited Act as shall at the Time of making such Rates or Assessments be empty or unoccupied, and the Amount of Rates or Assessments to be charged upon Premises which shall after the making of such Rates or Assessments become empty or unoccupied, and also the Payment of the said Rates or Assessments, and all Arrears due thereon, and also so much of the same Act as provides, that in all Cases where any Person shall remove from or quit any House, Building, or Tenement which shall be rated or assessed by virtue of the said Act, such Person shall be liable to pay such Rate or Assessment in proportion to the Time that he or she occupied the same, and that in all Cases where any Person shall come into or occupy any House, Building, or Tenement rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, the Person coming into or occupying the same shall not be liable to pay any such Rate or Assessment in respect thereof, for a longer Period than Twelve Months prior to the Commencement of such incoming Tenant's Entrance on the Premises, shall be and the same are hereby repealed.

Corner Houses to be included in the Rate.

Commissioners to pay Part of the Rates for paving, &c. of certain Streets, &c. in the Parish of St. James abutting on the Premises under their Control.

So much of 5 G. 4. c. 100. as regulates the Rates upon empty Houses, and upon Outgoing and Incoming Tenants, repealed.

Empty Houses
to be charged
with Half
Rates.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act to rate and assess the Houses and other Buildings by the said recited Act of the Fifth Year of the Reign of His present Majesty, and by this Act authorized to be rated and assessed, to the full Amounts by the said recited Act and this Act respectively authorized, although the Houses and other Buildings, or some of them, shall at the Time of making such Rates or Assessments be empty or unoccupied; but the Half only of such full Rates or Assessments shall be payable in respect of such of the said Houses and other Buildings as shall be or shall become empty or unoccupied, for such Time as the same respectively shall remain empty or unoccupied; and then and in every such Case such Half of the said full Rates or Assessments, and all Arrears of such Half of the said full Rates or Assessments, computed from the Time such Houses or other Buildings respectively became empty and unoccupied, shall be paid by the Person or Persons for the Time being entitled to such Houses or other Buildings, or by the first or any other Tenant or Occupier thereof; and such Tenant or Tenants, Occupier or Occupiers, shall and may and is and are hereby authorized to deduct and retain the same out of his, her, or their Rent or Rents respectively; and the Person or Persons for the Time being entitled to the Rent of such Houses or other Buildings, immediately payable by the Occupier or Occupiers thereof, is and are hereby required to allow such Deduction, upon Receipt of the Residue of his, her, or their respective Rent or Rents; and the said Tenant or Tenants, Occupier or Occupiers, shall be and is and are hereby acquitted and discharged of and from so much of his, her, or their Rent as the Payments by him, her, or them in that respect shall amount to.

Powers of re-
cited Act re-
lative to the
Recovery of
Rates shall ex-
tend to the
Recovery of
Half Rates.

XXXII. Provided always, and be it further enacted, That the several Powers and Provisions contained in the said recited Act of the Fifth Year of the Reign of His present Majesty, and not hereby repealed, relative to the Rates and Assessments by that Act authorized to be laid and assessed, and to the Recovery thereof, and of the Arrears thereof, shall, so far as the same are applicable, extend and the same are hereby extended to the Half of such Rates or Assessments, and to the Recovery thereof and of all Arrears thereof, in all Cases in which such Half shall be charged and payable under or by virtue of this Act.

How Amount
of Rates in
respect of
Cathedrals,
Churches, &c.
shall be ascer-
tained.

XXXIII. Provided also, and be it further enacted, That the respective Rates or Assessments to be laid and assessed by the said Commissioners under or by virtue of this Act, upon or in respect of any Cathedral, Collegiate, or other Church, Chapel, Place of Religious Worship, Hospital, Public School, or other Public Building, or any Wall or void Space of Ground, instead of being ascertained according to the yearly Value thereof, shall be ascertained according to the Number of Square Yards of Pavement or Ground belonging to such Cathedral, Collegiate, or other Church, Chapel, Place of Worship, Hospital, Public School, or other Public Building, Wall, or void Space of Ground, measuring the same from such Cathedral, Collegiate, or other Church, Chapel, Place of Worship, Hospital, School, Building, Wall, or void Space of Ground, to the Middle of the Street, Square, or
Place

Place on which the same shall respectively abut ; and in making the said Rates and Assessments hereby authorized to be made, the said Commissioners for executing this Act shall determine what Sum shall be assessed in respect of each Square Yard of Pavement or Ground belonging to such Cathedral, Collegiate, or other Churches, Chapels, Places of Worship, Hospitals, Public Schools, or other Public Buildings, Walls, and void Spaces of Ground, such Sums not exceeding in the whole in any one Year the Sums hereinbefore mentioned ; and the Rates or Assessments to be laid and assessed upon or in respect of any Cathedral or Collegiate Church shall be paid by the Dean and Chapter thereof ; and the Rates or Assessments to be laid and assessed upon or in respect of any other Church, or any Chapel, Place of Worship, Hospital, School, or other Public Building, Wall, or void Space of Ground, shall be paid by the Churchwardens, Chapelwardens, Trustees, or Owners or Proprietors thereof respectively ; but so nevertheless, that no such Rate or Assessment shall, by virtue of this Act, be laid or assessed upon or in respect of any Wall or void Space of Ground, unless the same shall abut upon or front some Street or Place to be paved or repaired, cleansed, lighted, or watched by the Commissioners for executing this Act.

XXXIV. Provided also, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House or other Building rated or assessed by the said Commissioners, by virtue of this Act or of the said recited Act of the Fifth Year of the Reign of His present Majesty, which shall be immediately afterwards occupied by some other Person or Persons, such Person or Persons so removing as aforesaid shall be liable to pay the Rates and Assessments so made upon the said House or other Building, in proportion to the Time that he, she, or they occupied the same, in the same Manner as if he, she, or they had remained in the Possession or Occupation of the same ; and that any Person or Persons coming into or occupying any House or other Building rated and assessed by virtue of this Act or of the said recited Act, shall be liable to pay the Rates and Assessments so made upon the said House or other Building, in proportion to the Time that he, she, or they shall occupy the same, in the same Manner as if he, she, or they had been the Occupier or Occupiers thereof at the Time when the same was so rated and assessed as aforesaid, and shall also be liable to pay all Arrears of any Rates and Assessments which shall not be recovered from the last or any other Person or Persons so removing as aforesaid, and which shall have accrued within Six Calendar Months next preceding the Time when such Person or Persons so coming into or occupying any House or other Building as aforesaid shall come into or commence to occupy the same, but not any Arrears which shall have accrued more than Six Calendar Months previously to such Occupation : Provided always, that nothing hereinbefore contained shall extend or be construed or taken to extend to exempt any Tenant or Occupier of any House or other Building liable to be rated by virtue of this Act or of the said recited Act, who, under and by virtue of the Provision hereinbefore contained, shall be liable to be charged with and to pay all Arrears of the Half of any Rates and Assessments made in respect

Recovery of Rates from Out-going and In-coming Tenants.

of any of the said Houses or other Buildings which may be or become empty or unoccupied as aforesaid, from Payment of all such Arrears, whether the same shall have accrued within Six Calendar Months previously to his or their Occupation of such House or Building, or not.

Application of
Rates.

XXXV. And be it further enacted, That the Monies to be collected and received by the said Commissioners for executing this Act, from the Rates or Assessments hereinbefore directed to be laid and assessed by them for defraying the Expences of paving or forming, and repairing, cleansing, lighting, and watering, the several Streets and Places (except the said *Westminster Mews*) by the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty and by this Act respectively directed to be paved or formed, and repaired, cleansed, lighted, and watered, by the said Commissioners, and for the Purpose of other Payments, shall be applied by the said Commissioners, in the first place, in paying and discharging the Expences attending the obtaining and passing of this Act, in the next place, in paying from time to time the Interest of all Principal Monies which have been already borrowed under the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, or either of them, or under Two Acts of the Fifty-third and Fifty-sixth Years of the Reign of His late Majesty King *George* the Third, recited in the said Act of the Fifth Year of the Reign of His present Majesty, or either of them, or which may hereafter be borrowed under the Powers of this Act, and, subject thereto, in defraying the Expences of paving or forming, and repairing, cleansing, lighting, and watering, the several Streets and Places (except the said *Westminster Mews*) by the said recited Acts of the Fifth and Sixth Years aforesaid, and by this Act, respectively directed or authorized to be paved or formed, and repaired, cleansed, lighted, and watered, by the said Commissioners, and in paying off the said Principal Monies already borrowed or hereafter to be borrowed as aforesaid.

Power to
Commissioners
to borrow
Money on
Credit of the
Paving Rates ;

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act to borrow or raise any Sum or Sums of Money, on the Credit of the said last-mentioned Rates or Assessments, for any of the Purposes to which the Monies to arise from the said last-mentioned Rates and Assessments are hereby made applicable ; and all the Powers and Provisions contained in the said recited Act of the Fifth Year of the Reign of His present Majesty, with reference to the borrowing or raising of Money by the said Commissioners on the Credit of the Rates and Assessments to be collected by them under the Authority of that Act, and to the Transfer of the Securities for the same, except so far as the same are hereby altered or repealed, shall be and the same are hereby extended and made applicable to the borrowing and raising of Money by the said Commissioners on the Credit of the said Rates and Assessments on the Credit of which they are hereby authorized to borrow or raise Money, and to the Transfer of the Securities for the same, as fully and effectually, to all Intents and Purposes, as if the said Powers and Provisions had been severally hereby repeated and re-enacted with reference thereto.

XXXVII. Pro-

XXXVII. Provided always, and be it further enacted, That the said Commissioners shall not borrow or raise, under the Authority of this Act, any greater Sum in the whole than the Sum of Fifty thousand Pounds.

but not to any greater Amount than 50,000*l*.

XXXVIII. And be it further enacted, That the said Commissioners for executing this Act shall, at the Time of making out the annual Accounts to be made out in pursuance of the said first-recited Act, cause a like Account of the Monies received and disbursed in the preceding Year, and the Amount of the Arrears of Rates then due under the Authority of this Act, and of the Balances of Cash then in their Hands, arising from the Rates to be assessed under this Act, to be made out; which Account it shall be lawful for all Persons rated or assessed by the said Commissioners, under and by virtue of this Act, to the Rates or Assessments aforesaid, and all Persons interested therein, at all reasonable Times to inspect.

Accounts to be made up.

XXXIX. And be it further enacted, That the Expence of maintaining and repairing the Lodge erected, or any Lodge or Lodges to be erected, under the Authority of the said recited Act of the Fifth Year of the Reign of His present Majesty, at the Entrance to *Richmond Terrace*, shall be defrayed, and all Rates and Taxes payable in respect of such Lodges shall be paid, by the said Commissioners for executing this Act, out of the Monies to arise from the Rates to be made under the said Act, for supporting and keeping in order the Gardens and Terraces at the same Terrace.

Lodges at Richmond Terrace to be maintained by Commissioners.

XL. ' And Whereas it is expedient that Porticoes, Arcades, Colonnades, or other covered Ways, should be allowed to extend over the Footways of some of the said Streets, Squares, Terraces, Passages, Roads, and Places within the Limits of this Act and of the said recited Act of the Sixth Year of the Reign of His present Majesty, and that Bow Windows, Shop Windows, Alcoves, Balconies, and other ornamental Projections should be allowed to be advanced to the Fronts of Areas; provided such Porticoes, Arcades, Colonnades, or other covered Ways, Bow Windows, Shop Windows, Alcoves, Balconies, and other ornamental Projections, be made of Brick, Stone, Metal, or other incombustible Materials: ' Be it therefore further enacted, That it shall and may be lawful for the said Commissioners for executing this Act to authorize and permit the continuing, and the building or erecting and making, of any Porticoes, Arcades, Colonnades, and other covered Ways, projecting from any Buildings or Houses which shall or may be built in or on any of the Streets, Squares, Terraces, Passages, Roads, and Places, and Parts of Streets and Places, by the said recited Act of the Sixth Year aforesaid, or by this Act, placed under the Jurisdiction of the said Commissioners, extending over any Footways of the said Streets, Squares, Terraces, Passages, Roads, and Places; provided the same do not obstruct or incommode the Foot Passengers, and that the Footways under the same be at least Nine Feet broad in the clear between the Columns, Piers, or other Supports of such Porticoes, Arcades, Colonnades, or other covered Ways, and the Railing of the Areas of the Houses or other Buildings before or at the Sides of which the same are placed; and provided such Colonnades, Arcades, Porticoes, and covered Ways be built of Brick, Stone,

Porticoes and Colonnades, &c. may be authorized by the Commissioners.

or Metal, or Stucco or Cement laid on Brick or Stone, except Joists and Bearers which form the Covering over the said Footways, which may be of Wood covered with Plaster or Stucco or other unflammable Composition; and so as that all such Porticoes, Colonnades, Arcades, and other covered Ways be made in such Manner, and upon such Plans, and of such Dimensions, as shall be ordered and directed by the said Commissioners in that Behalf; and the same may, by the Authority of the said Commissioners, project and extend, either from the Front or the Side of such Houses and Buildings, or from the Back or any other Part thereof, as the said Commissioners shall authorize and direct, and notwithstanding the same may project into any Street or Place not within the Limits hereinbefore described; any thing in an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, or any other Act or Acts, to the contrary notwithstanding.

57 G.S. c.29.

For allowing
Balconies,
Virandas, &c.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act to authorize and permit the erecting or making, or continuing or suffering to remain, the Fronts or Sides or other Parts of any Houses or Buildings in any of the said Streets, Squares, Terraces, Passages, Roads, and Places, and Parts of Streets and Places, in such Manner as that the Fronts, Sides, or other Parts of some of the said Houses or Buildings may recede behind or advance before other Houses, and with Bow Windows, Virandas, Alcoves, Balconies, Pilasters, Columns, and Shop Windows, and other Projections, attached to such Houses or Buildings, either in the Fronts thereof or at the Sides or Back Part thereof, as the said Commissioners shall authorize, notwithstanding the same may extend into or project over any Street or Place not within the Limits of the said recited Act of the Sixth Year aforesaid, or of this Act; provided that no Front, Side, or Back of any such House or Building, or any such Bow Window, Viranda, Alcove, Balcony, Pilaster, Column, Shop Window, or other Projection, advance beyond the Area of the House or Building to which it shall belong; and that the same be built of Brick, Stone, Metal, or Stucco or other Cement laid on Brick or Stone, except Shop Windows, with their Shutters and Decorations, which may be of Wood; any thing in the said Act of the Fifty-seventh Year of His late Majesty's Reign, or any other Act or Acts, to the contrary notwithstanding.

Penalties for
making or using
Keys for the
Gardens, &c.
without Per-
mission of the
Commissioners.

XLII. And be it further enacted, That if any Person or Persons shall make, or cause or procure to be made, any Key or Keys for the Purpose of opening any Lock or Locks affixed on or to any of the Gates of the Gardens, Shrubberies, or ornamental Inclosures formed or laid out, or hereafter to be formed or laid out, and hereby placed under the Jurisdiction of the said Commissioners for executing this Act, without the Permission in Writing of the said Commissioners, or of any Garden, Shrubbery, or ornamental Inclosure formed or laid out, or hereafter to be formed or laid out, in the *Regent's Park*, and under the Jurisdiction of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, without the Permission in Writing of the said last-men-
tioned

tioned Commissioners, or shall sell or cause or procure to be sold any such Key or Keys to any Person or Persons whomsoever, or shall knowingly use any Key or Keys so unlawfully made or sold in opening any Lock or Locks as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds; and the said Commissioners for executing this Act, or the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or any of them respectively, or the Gardener or Keeper of any of the said Gardens, Shrubberies, and ornamental Inclosures, appointed by such Commissioners, together with any Person or Persons whom they or he may call to their or his Assistance, are and is hereby authorized and empowered to seize, detain, and keep any such Key or Keys as aforesaid, and to cause the Person or Persons so making or selling, or causing or procuring to be made or sold, or so using such Key or Keys as aforesaid, to be summoned before some Justice of the Peace for the County of *Middlesex*, to be dealt with according to Law.

XLIII. And be it further enacted, That if any Person shall wilfully commit any Spoil, Waste, Damage, Depredation, Annoyance, Disorder, or Nuisance in, to, upon, or about any of the Paths, Walks, Grass-plots, or Shrubberies of any of the said Gardens, Shrubberies, or ornamental Inclosures, or the Avenues or Approaches thereto, or shall, by riotous, disorderly, or wilful Misbehaviour, molest or interrupt the free Passage of any Person using or passing along the same, then and in every such Case the Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and such Offender shall and may be apprehended by any Gardener or Keeper of any of the said Gardens, Shrubberies, or ornamental Inclosures, or by any other Person or Persons whom he or they may call to his or their Assistance; and it shall be lawful for the Person or Persons so apprehending such Offender to carry such Offender before some Justice of the Peace for the County of *Middlesex*, to be dealt with according to Law.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, adjudged, deemed, or taken to alter the Inheritance or Property of any of the said Gardens, Shrubberies, or ornamental Inclosures set out and delineated on the said Map or Plan marked N^o 5., but the Inheritance and Property thereof shall remain in and belong to His Majesty, His Heirs, Successors, and Assigns, in such and the same Manner as if this Act had not been passed.

XLV. And be it further enacted, That it shall and may be lawful for the Commissioners for executing this Act to erect and set up Watchboxes within the Areas or inclosed Fronts of any Houses, Buildings, or Tenements situate in any of the Streets, Squares, Roads, or Places watched by them under the Authority of the said recited Act of the Fifth Year of the Reign of His present Majesty, or of this Act, and to make any Gate or Gates to communicate with such Watchboxes: Provided always, that when such Watchboxes are erected and set up within any Areas or Fronts which are or shall be inclosed from the Foot or other Pavement, the said Commissioners shall cause Gates to be made to

Penalty on Persons committing any Damage or Nuisance, or behaving disorderly in the Gardens or Pleasure Grounds.

Inheritance or Property of Gardens not to be altered.

Power to erect Watchboxes within the Areas of Houses, &c.

communicate with such Watchboxes, and shall keep the same Gates continually locked during such Time as the Watchmen for whose Use the said Watchboxes shall be made shall not be upon Duty.

Commissioners to regulate the Stands of Coaches, &c.

XLVI. And be it further enacted, That the Commissioners for executing this Act may from time to time direct and regulate such Stands for Stage Coaches, or for Hackney Coaches or Chariots, or Carriages on Two Wheels, plying for Hire within the Limits of the said recited Acts or of this Act, as the said Commissioners shall in their Discretion think proper.

No Hackney Coaches to be permitted to ply within the Limits of this Act, except in Places directed by the Commissioners.

XLVII. And be it further enacted, That from and after the Expiration of One Calendar Month next after the passing of this Act it shall not be lawful for any Person to stand or ply for Hire with any Stage Coach, or Hackney Coach or Chariot, or any Carriage on Two Wheels, in any of the Streets, Squares, Roads, or Places by the said recited Acts or by this Act placed under the Jurisdiction of the Commissioners for executing this Act, except in such Places as may be directed by the said Commissioners; and that if any Person shall stand or ply for Hire, with any such Coach, Chariot, or Carriage, within the Limits aforesaid (except as aforesaid), the Party so offending shall, on the Conviction thereof, by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County of *Middlesex*, or before the Commissioners acting under or by virtue of the several Acts for the licensing and regulating of Hackney Coaches and Chairs in the Cities of *London* and *Westminster*, forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings for every such Offence; one Moiety of which Penalty shall be paid to the Informer (who it is hereby declared shall not be an incompetent Witness by reason of his Interest in such Moiety of the Penalty), and the other Moiety to the Use of the King's most Excellent Majesty, His Heirs and Successors; and if such Offender shall not pay the said Penalty immediately on Conviction, he shall be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month, unless such Penalty shall be sooner paid: Provided always, that all such Offences shall be prosecuted within Seven Days after the same shall be committed.

Powers of recited Act 5 G. 4. c. 100. generally extended to this Act, except as hereby altered.

XLVIII. And be it further enacted, That besides the several Powers and Provisions of the said recited Act of the Fifth Year of the Reign of His present Majesty, hereinbefore particularly referred to, all and every other the Clauses, Powers, Provisions, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained, (save and except such Parts of the same Act as are hereby altered or otherwise provided for) shall be and are hereby declared to be in full Force and Effect, and shall extend to, and be used, exercised, applied, enforced, and put in execution, to all Intents and Purposes, as to this Act, and the several Matters and Things herein contained, for paving, repairing, lighting, watching, watering, cleansing, and regulating, maintaining and supporting, the several Streets and Places, Gardens and Inclosures, hereby placed under the Jurisdiction of the said Commissioners for executing this Act, and for carrying the several Purposes

Purposes of this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same had been severally and separately repeated and re-enacted in the Body of this Act, and made Part thereof, with reference to the Streets, Squares, Terraces, Roads, Places, Gardens, and Inclosures hereby placed under the Jurisdiction of the said Commissioners.

XLIX. And be it further enacted, That the said Commissioners for executing this Act shall be and they are hereby appointed Commissioners of Sewers for maintaining and keeping in repair, and they are hereby authorized and empowered to maintain and keep in repair, the aforesaid new Common Sewer, and also the other Drains and Watercourses communicating therewith, made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and also such other Sewers, Drains, and Watercourses as may be necessary for supplying a proper or more effectual Drainage to all or any of the said Streets, Squares, Terraces, Passages, and Places set out and delineated on the said Map or Plan marked N^o 5., or which may be hereafter set out on the Ground therein contained and described, and the Houses and Buildings erected thereon; and it shall be lawful for the said Commissioners for executing this Act, and they are thereby authorized and empowered, to make and form any Drains, Watercourses, or Communications from any Part or Parts of the Ground delineated and described on the said Map or Plan marked N^o 5., or from any Houses or Buildings erected or to be erected within the Limits therein described, and also from any of the Streets, Squares, Terraces, Passages, and Places within the said Limits, to carry off or drain the Water from all or any of the said Houses, Buildings, Streets, Squares, Terraces, Passages, and Places, into the said new Common Sewer, and also to make such additional Sewers, Drains, and Watercourses as the said last-mentioned Commissioners shall judge necessary for affording a proper and effectual Drainage to any of the said Houses, Buildings, Streets, Squares, Terraces, Passages, and Places within the Limits aforesaid, as are not drained by the said new Common Sewer; and for those Purposes, or any of them, to stop up, divert, or alter any Sewers, Drains, Tunnels, or Watercourses which may be found in making such new Sewers, Drains, Watercourses, and Communications, or which it may in the Judgment of the said last-mentioned Commissioners be expedient or necessary to stop up, divert, or alter.

L. And be it further enacted, That from and after the passing of this Act the said new Common Sewer, with all the Drains, Watercourses, and Communications made or to be made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, together with all the Sewers, Drains, and Watercourses which shall be hereafter made by the said Commissioners for executing this Act, shall be under the sole Management, Survey, Control, and Direction of the said Commissioners for executing this Act, and of no other Person or Persons, in such and the like Manner, to all Intents and Purposes, as if the same had been expressly directed by any of the existing Statutes, or any Commission of Sewers, to be under their Survey and Authority;

Commissioners to maintain the new Common Sewer and the Drains, &c.

New Sewer and Drains, &c. placed under the Control of the Commissioners.

and the said Commissioners shall have all and every the same Powers, Jurisdiction, and Authorities in relation thereto, to all Intents and Purposes, in as full, ample, and extensive a Manner, as are by the said first-recited Act vested in them with respect to the said Principal or Common Sewer thereby placed under their Jurisdiction, Power, and Authority.

Sewer Rates.

LI. And be it further enacted, That in order to defray the Expences of making, maintaining, supporting, and keeping in repair such Sewers, Drains, Watercourses, and Communications as aforesaid, it shall and may be lawful for the said Commissioners for executing this Act to make any Rate or Rates, Assessment or Assessments, by an equal Pound Rate, from time to time, as they shall see Occasion, upon all Houses, Buildings, Lands, or Tenements which shall be drained by means of the said Sewers, Drains, Watercourses, and Communications, and by any Precept or Warrant under the Hands of any Three or more of them to authorize and empower any Person or Persons to collect the same Rates and Assessments from time to time, and out of the same to make or allow to every such Collector a reasonable Compensation or Salary for his Trouble; which said Rates shall be levied and recovered in the same Manner, and under the same Powers and Authorities, as any other Rate raised and assessed under the Authority of this Act.

Person rated to Sewers by the Commissioners not to be subject to any other Sewer Rate.

LII. Provided always, and be it further enacted, That no Person paying to the Sewers Rate or Assessment raised and collected by the said Commissioners under the Authority of this Act shall, during the Continuance of the Payment of such Rate or Assessment, be subject or liable to the Payment of any other Sewers Rate or Assessment in respect of the Premises for which he or she shall have been rated or assessed under or by virtue of this Act.

Commissioners of Sewers not to rate certain Houses.

LIII. And be it further enacted, That nothing in the said recited Act of the Fifth Year of the Reign of His present Majesty or in this Act contained shall authorize or empower the Commissioners of Sewers, under the existing or any future Commission, to assess and collect Rates within their respective Districts from the Owners, Proprietors, or Occupiers of any Houses, Buildings, or Lands in any of the Streets or Places made and laid out, or hereafter to be made and laid out, within the Limits of the Map or Plan marked No. 5. hereinbefore referred to.

No Sewer to be altered without Concurrence of Commissioners of Sewers.

LIV. Provided always, and be it further enacted, That no Sewer, Drain, Tunnel, or Watercourse which the said Commissioners for executing this Act may judge it necessary to stop up, divert, or alter, shall be stopped up, diverted, altered, or interfered with, otherwise than with the Concurrence and to the Satisfaction of the Commissioners of Sewers for the Time being for the District or Place drained by such Sewer, Drain, Tunnel, or Watercourse.

The Jurisdiction of the Commissioners under this Act may be extended to any Streets, Gardens, &c. to be

LV. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer, for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, by any Writing under the Hand of the said Lord High Treasurer, or under the Hands of the said Commissioners, or any Three of them, or for the Commissioners of

of His Majesty's Woods, Forests, and Land Revenues for the Time being, by any Writing under their Hands, or the Hands of any Two of them, to direct and appoint that any Street or Streets, Square or Squares, Circus or Circuses, Terrace or Terraces, Way or Ways, Court or Courts, Passage or Passages, Place or Places, Road or Roads, Drive or Drives, Garden or Gardens, Shrubbery or Shrubberies, ornamental Inclosure or Inclosures, which may hereafter be built, formed, made, or set out on any Part of *Saint James's Park*, or on any other Land or Ground belonging to His Majesty, and adjoining or near thereto, shall be under the Jurisdiction of the Commissioners for executing this Act; and from and after the Time or Times specified for that Purpose in such Direction or Appointment, the Premises therein mentioned shall be under the Jurisdiction of the said Commissioners for executing this Act, and shall be paved, lighted, watched, watered, cleansed, and regulated, maintained, supported, and kept in order, according to the Subject Matter thereof, under the same Powers, Authorities, and Provisions, to all Intents and Purposes, as are contained in the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, and in this Act, with respect to the several Streets and Places thereby placed under the Jurisdiction of the said Commissioners; and the said Commissioners shall and they are hereby authorized and empowered to exercise and put in force all the same Powers, Authorities, and Provisions, and to raise Rates, and do all other necessary Matters and Things for paving, lighting, watching, watering, cleansing, and regulating, maintaining, supporting, and keeping in order, all such Streets, Squares, Circuses, Terraces, Courts, Ways, Passages, and Places, Roads, Drives, Gardens, Shrubberies, and ornamental Inclosures, hereafter to be placed under their Jurisdiction as aforesaid, in the same Manner as is in the said Acts and in this Act directed with respect to Premises of the same Description, by such Acts placed under the Jurisdiction of the said Commissioners, as fully, amply, and effectually as if the Premises so to be placed under their Jurisdiction were already set out, formed, and established, and were delineated and described on the said Map or Plan marked No. 5.; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury, or Commissioners of His Majesty's Woods, Forests, and Land Revenues, as the Case may be, shall cause Three several Maps or Plans of any Premises which may be so placed by him or them under the Jurisdiction of the Commissioners for executing this Act, to be made, and to be authenticated by the Signature of the said Lord High Treasurer, or of the said Commissioners of His Majesty's Treasury, or of any Three of them, or of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or of any Two of them; and one of such Maps or Plans shall be deposited with and shall remain in the Custody of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and one other of them shall be deposited in the Parliament Office, and the remaining one shall be deposited with the Clerk of the Peace for the County of *Middlesex*, within Three Calendar Months after the said Premises shall have been so placed under the Jurisdiction of the said Commissioners for executing this Act, to the end that all Persons

hereafter
formed in
St. James's
Park.

Plans of the
Premises placed
under their
Jurisdiction to
be deposited
with the Clerk
of the Peace,
&c. and be
open to Inspec-
tion.

may at all reasonable Times have Liberty to inspect the same, at their Will and Pleasure, paying the Sum of One Shilling for each Inspection, and to take Copies from the said Maps or Plans, or any of them, or from any Part or Parts thereof, paying the Sum of One Shilling for every Copy so taken; and the said Maps or Plans shall be received in Evidence in all Proceedings relating to the Jurisdiction of the said Commissioners, and the Execution and Provisions of this Act.

LVI. ' And Whereas a public Passage or Court called *Chidley Court*, running from the East End of *Pall Mall*, in the Parish of *Saint James*, within the said Liberty of *Westminster*, to *Lower Warwick Street* within the same Liberty, was, in or about the Year One thousand eight hundred and eight, by the Permission of the Committee for paving, cleansing, and lighting the said Parish, stopped up, in consequence of various Nuisances having been committed therein, and the same is continued to be stopped up to the present Time; but Doubts having arisen whether the said Committee had Power to permit the same to be continued to be so stopped up, and it being desirable that the said Court, and the Soil and Freehold thereof, should be vested in His Majesty, freed and discharged from all public or other Rights of passing or re-passing-over the same; Be it therefore further enacted, That the said Court or Place called *Chidley Court* shall henceforth for ever hereafter cease to be a public Court, Way, or Passage, and that the Soil and Freehold of the said Court or Place shall remain and continue at all Times hereafter vested in His Majesty, His Heirs or Successors, freed and discharged from all public and private Right of passing or re-passing over and along the same.

Chidley Court, in the Parish of St. James, shall cease to be a public Passage, and the Freehold thereof vested in His Majesty.

C A P. LXV.

An Act to restrain the Negotiation, in *England*, of Promissory Notes and Bills under a limited Sum, issued in *Scotland* or *Ireland*.
[15th July 1828.]

' WHEREAS an Act was passed in the Seventh Year of His present Majesty's Reign, intituled *An Act to limit, and after a certain Period to prohibit, the issuing of Promissory Notes under a limited Sum* in *England*; and Doubts may arise how far the Provisions of the said Act may be effectual to restrain the circulating in *England* of certain Notes, Drafts, or Undertakings made or issued in *Scotland* or *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 if any Body Politic or Corporate, or Person or Persons, shall, after the Fifth Day of *April* One thousand eight hundred and twenty-nine, by any Art, Device, or Means whatsoever, publish, utter, negotiate, or transfer, in any Part of *England*, any Promissory or other Note, Draft, Engagement, or Undertaking in Writing, made payable on Demand to the Bearer thereof, and being negotiable or transferrable, for the Payment of any Sum of Money less than Five Pounds, or on which less than the Sum of Five Pounds shall remain undischarged,

7 G. 4. c. 6.

After 5th April 1829, no Corporation or Person shall utter in *England* Notes or Bills under 5l. which have been made or issued in *Scotland* or *Ireland*,

charged, which shall have been made or issued, or shall purport to have been made or issued, in *Scotland or Ireland*, or elsewhere out of *England*, wheresoever the same shall or may be payable, every such Body Politic or Corporate, or Person or Persons, so publishing, uttering, negotiating, or transferring any such Note, Bill, Draft, Engagement, or Undertaking, in any Part of *England*, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of the Justice of the Peace who shall hear and determine such Offence. under Penalty of 20*l*.

II. And be it further enacted, That the Penalties which may be incurred under the Provisions of this Act shall and may be recovered in a summary Way, by Information on Complaint, before a Justice or Justices of the Peace, and shall be levied and applied in the Manner directed by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange under a limited Sum in England*, with respect to the Penalties by the said last-mentioned Act imposed; and all and every the Clauses and Provisions in the said last-mentioned Act contained, relating to the Recovery and Application of the Penalties thereby imposed, shall be applied and put in execution for the Recovery and Application of the Penalties by this Act imposed, as fully and effectually, to all Intents and Purposes, as if such Clauses and Provisions had been herein repeated and expressly re-enacted. Mode of recovering Penalties.
48 G. 3. c. 88.

III. Provided always, and be it enacted, That it shall and may be lawful for the Lord High Treasurer, or for the Commissioners of His Majesty's Treasury, or any Three or more of them, to order and direct that the Whole or any Part of any Penalty which shall be incurred under this Act shall and may be remitted, or mitigated or abated to such Amount, and in such Manner and upon such Conditions as to such Lord High Treasurer or Commissioners of the Treasury may seem fit and proper. The Treasury may order a Remission or Mitigation of Penalties.

IV. Provided always, and be it further enacted, That nothing herein contained shall extend to any Draft or Order drawn by any Person or Persons on his, her, or their Banker or Bankers, or on any Person or Persons acting as such Banker or Bankers, for the Payment of Money held by such Banker or Bankers, Person or Persons, to the Use of the Person or Persons by whom such Draft or Order shall be drawn. Not to extend to Drafts on Bankers for the Use of the Drawer.

C A P. LXVI.

An Act for repealing the Laws now in force relating to the Discovery of the Longitude at Sea. [15th July 1828.]

‘ WHEREAS by an Act made in the Fifty-eighth Year of the
 ‘ Reign of His late Majesty King *George the Third*, intituled
 ‘ *An Act for more effectually discovering the Longitude at Sea, and* 58 G. 3. c. 20.
 ‘ *encouraging Attempts to find a Northern Passage between the*
 ‘ *Atlantic and Pacific Oceans, and to approach the Northern Pole,*
 ‘ *divers Acts therein recited, and Parts of other Acts therein*
 ‘ *mentioned, are repealed, and various other Regulations and*
 ‘ *Provisions are enacted, for the Appointment of Commissioners*
 C c 4 for

‘ for the Discovery of the Longitude, and for other Purposes therein specified : And Whereas another Act was passed in the Second Year of the Reign of His present Majesty, for amending the said Act of the Fifty-eighth Year of His late Majesty : And Whereas it is deemed expedient to annul and repeal all the Powers and Authorities given by the said Acts ;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two recited Acts, and all other Acts now in force relating to the Appointment or to the Authorities and Powers of Commissioners, or to the Payment of any Reward, for the Discovery of the Longitude at Sea, or for any Invention or Proposal relating to the same, except so far as hereinafter is provided, shall be and the same are hereby repealed : Provided always, that nothing herein contained shall extend, or be held or deemed to extend, to revive any former Acts or Parts of Acts which by the said recited Act of the Fifty-eighth Year of His late Majesty are repealed : Provided also, that nothing herein contained shall extend to abrogate or make void any Enactment now in force for the Payment to the Commander or Commanders, Officers, Seamen, and Marines, of any Ship or Ships of His Majesty, or to the Owner or Owners of any Ship or Vessel belonging to His Majesty’s Subjects, of any Reward or Rewards for the Discovery of a Northern Passage, or for approaching or attempting to approach the North Pole ; provided such Ships shall have sailed from any Part of the United Kingdom before the passing of this Act.

II. ‘ And Whereas the Publication of the Nautical Almanack, constructed by proper Persons for the finding of the Longitude at Sea, is of great Importance to the Safety of Ships and Persons, and highly conducive to the general Interests of Commerce and Navigation ;’ Be it therefore enacted, That it shall and may be lawful to and for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, for the Time being, to cause such Nautical Almanacks, or other useful Table or Tables, which he or they shall from time to time judge necessary and useful in order to facilitate the Method of discovering the Longitude at Sea, to be constructed, printed, published, and vended, free of all Stamp Duty whatever, in the same Manner as the Commissioners under the said Act of the Fifty-eighth Year of His late Majesty’s Reign might or could do ; and that every Person who, without the special Licence and Authority of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified under the Hand of the Secretary of the Admiralty for the Time being, shall print, publish, or vend, or cause to be printed, published, or vended, any such Almanack or Almanacks, or other Table or Tables, shall, for every Copy of such Almanack or Table so printed, published, or vended, forfeit and pay the Sum of Twenty Pounds, to be recovered, with Costs of Suit, by any Person to be authorized for that Purpose by the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral

Recited Acts, and all other Acts relating to rewards for Discovery of the Longitude at Sea, repealed.

Proviso as to Rewards for the Discovery of a Northern Passage.

Lord High Admiral may authorize the Publication of the Nautical Almanack.

Penalty for publishing said Almanack without such Authority.

Admiral aforesaid (such Authority to be signified under the Hand of the Secretary of the Admiralty as aforesaid), by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*; and that the Proceeds of the said Penalty, when recovered, shall be paid and applied to the Use of the Royal Hospital for Seamen at *Greenwich*.

C A P. LXVII.

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, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine.

[19th July 1828.]

[This Act is the same (except as to Dates) as 7 & 8 G. 4. c. 50.]

C A P. LXVIII.

An Act to amend an Act of the Fifth Year of His present Majesty, for amending the Laws of Excise relating to Retail Brewers.

[19th July 1828.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to repeal the Duties on Licences to brew and to retail Beer, Spirituous Liquors, and Foreign Wine, and to grant other Duties in lieu thereof, and amend the Laws of Excise relating to such Duties, and to Brewers and Retailers of Beer*, it is enacted, that no licensed Brewer of Beer for Sale, who shall also be duly licensed to retail such Beer under this Act, shall sell, deliver, or send out at or from his, her, or their Brewery, or the Premises belonging thereto, or entered as aforesaid in the said Act, or to any of his, her, or their Customers, any Beer in any Quantity less than a whole Barrel, except between the Hours of Six of the Clock in the Morning and Nine of the Clock in the Evening, or shall sell, deliver, or send out any Beer during the usual Hours of Divine Service on *Sundays*, upon pain of forfeiting for each and every such Offence the Sum of Twenty Pounds: And Whereas it is expedient that the Time during which such Brewers shall be allowed to sell Beer should be extended; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any such Brewer as in the said Act is in that Behalf mentioned to sell Beer by Retail as aforesaid, at or from his, her, or their Brewery, or other Premises entered by such Brewer for that Purpose as in the said Act is provided, between the Hours of Four of the Clock in the Morning and Ten of the Clock in the Evening, subject nevertheless in all other respects

5 G. 4. c. 54.

Brewers licensed under the recited Act may sell Beer between the Hours of Four in the Morning and Ten in the Evening.

respects to the several Rules, Regulations, and Restrictions by and in the said Act enacted and contained.

C A P. LXIX.

An Act for the more effectual Prevention of Persons going armed by Night for the Destruction of Game.

[19th July 1828.]

57 G. 3. c. 90.

‘ WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for Prevention of Persons going armed by Night for the Destruction of Game; and for repealing an Act made in the last Session of Parliament, relating to Rogues and Vagabonds*: And Whereas the Practice of going out by Night for the Purpose of destroying Game has nevertheless very much increased of late Years, and has in very many Instances led to the Commission of Murder, and of other grievous Offences; and it is expedient to repeal the said recited Act, and to make more effectual Provisions than now by Law exist for repressing such Practice:’ May it please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, except so far as the same repeals any other Acts; and if any Person shall, after the passing of this Act, by Night, unlawfully take or destroy any Game or Rabbits in any Land, whether open or inclosed, or shall by Night unlawfully enter or be in any Land, whether open or inclosed, with any Gun, Net, Engine, or other Instrument, for the Purpose of taking or destroying Game, such Offender shall, upon Conviction thereof before Two Justices of the Peace, be committed for the First Offence to the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months, there to be kept to hard Labour, and at the Expiration of such Period shall find Sureties by Recognizance, or in *Scotland* by Bond of Caution, himself in Ten Pounds, and Two Sureties in Five Pounds each, or One Surety in Ten Pounds, for his not so offending again for the Space of One Year next following; and in case of not finding such Sureties, shall be further imprisoned and kept to hard Labour for the Space of Six Calendar Months, unless such Sureties are sooner found; and in case such Person shall so offend a Second Time, and shall be thereof convicted before Two Justices of the Peace, he shall be committed to the Common Gaol or House of Correction for any Period not exceeding Six Calendar Months, there to be kept to hard Labour, and at the Expiration of such Period shall find Sureties by Recognizance, or Bond as aforesaid, himself in Twenty Pounds, and Two Sureties in Ten Pounds each, or One Surety in Twenty Pounds, for his not so offending again for the Space of Two Years next following; and in case of not finding such Sureties, shall be further imprisoned and kept to hard Labour for the Space of One Year, unless such Sureties are sooner found; and in case such Person shall so offend a Third Time, he shall be guilty of a Misdemeanor,

Recited Act repealed.

Persons taking or destroying Game by Night to be committed for the 1st Offence, for 3 Months, and kept to hard Labour, and to find Sureties;

2d Offence, 6 Months, and kept to hard Labour, and to find Sureties;

3d Offence, to be liable to Transportation.

demeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond Seas for Seven Years, or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction for any Term not exceeding Two Years; and in *Scotland*, if any Person shall so offend a First, Second, or Third Time, he shall be liable to be punished in like Manner as is hereby provided in each Case.

II. And be it enacted, That where any Person shall be found upon any Land committing any such Offence as is hereinbefore mentioned, it shall be lawful for the Owner or Occupier of such Land, or for any Person having a Right or reputed Right of Free Warren or Free Chase thereon, or for the Lord of the Manor or reputed Manor wherein such Land may be situate, and also for any Gamekeeper or Servant of any of the Persons herein mentioned, or any Person assisting such Gamekeeper or Servant, to seize and apprehend such Offender upon such Land, or in case of Pursuit being made, in any other Place to which he may have escaped therefrom, and to deliver him, as soon as may be, into the Custody of a Peace Officer, in order to his being conveyed before Two Justices of the Peace; and in case such Offender shall assault or offer any Violence with any Gun, Crossbow, Fire Arms, Bludgeon, Stick, Club, or any other offensive Weapon whatsoever, towards any Person hereby authorized to seize and apprehend him, he shall, whether it be his First, Second, or any other Offence, be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond Seas for Seven Years, or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction for any Term not exceeding Two Years; and in *Scotland*, whenever any Person shall so offend, he shall be liable to be punished in like Manner.

Owners or Occupiers of Land, Lords of Manors, or their Servants, may apprehend Offenders.

Offenders assaulting or offering Violence deemed guilty of Misdemeanor, and liable to be transported for Seven Years, or imprisoned for Two Years.

III. And be it further enacted, That where any Person shall be charged on the Oath of a credible Witness, or in *Scotland* on the Application of the Procurator Fiscal of Court, before any Justice of the Peace, with any Offence punishable upon summary Conviction by virtue of this Act, the Justice may issue his Warrant for apprehending such Person, and bringing him before Two Justices of the Peace, to be dealt with according to Law.

Power to issue a Warrant for Apprehension of Offenders.

IV. And be it enacted, That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Six Calendar Months after the Commission of the Offence; and the Prosecution for every Offence punishable upon Indictment, or otherwise than upon summary Conviction, by virtue of this Act, shall be commenced within Twelve Calendar Months after the Commission of such Offence.

Limitation of Time for Proceedings under this Act.

V. 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 Form of Words to the same Effect, as the Case may require; (that is to say,)

Form of Conviction.

‘ **B**E it remembered, That on the _____ Day of _____ in
 ‘ the Year of our Lord _____ at _____ in the County
 ‘ of _____ [or Riding, Division, Liberty, City, &c. as the
 ‘ Case

‘ *Case may be*], *A. O.* is convicted before us [*naming the Justices*],
 ‘ Two of His Majesty’s Justices of the Peace for the said County,
 ‘ [*or Riding, &c.*] for that he the said *A. O.* did [*specify the*
 ‘ *Offence, and the Time and Place when and where the same was*
 ‘ *committed, as the Case may be, and on a Second Conviction state*
 ‘ *the First Conviction*]; and we the said Justices adjudge the
 ‘ said *A. O.* for his said Offence to be imprisoned in the
 ‘ and there kept to hard Labour for the Period of and
 ‘ at the Expiration of such Period to find Sureties, by Recogni-
 ‘ zance, or Bond of Caution in *Scotland*, himself in the Sum of
 ‘ Ten Pounds, and Two Sureties in the Sum of Five Pounds each,
 ‘ or One Surety in the Sum of Ten Pounds, conditioned that he
 ‘ the said *A. O.* shall not so offend again for the Space of One
 ‘ Year next following; and we further adjudge the said *A. O.*, in
 ‘ case he shall not find such Sureties as aforesaid, to be further
 ‘ imprisoned and kept to hard Labour for the Space of Six Cal-
 ‘endar Months, unless such Sureties shall be sooner found.
 ‘ Given under our Hands, the Day and Year first above men-
 ‘ tioned.’

Appeal.

VI. And be it further enacted, That any Person who shall think himself aggrieved by any such summary Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden, not less than Twelve Days after the Day of such Conviction, for the County, Riding, or Division 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 within such Three Days enter into a Recognizance, or Bond of Caution in *Scotland*, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be awarded by the Court; and upon such Notice being given, and such Recognizance or Bond being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Session 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.

VII. And be it further enacted, That no such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari, or otherwise, into any of His Majesty’s Superior Courts of Record, or in *Scotland* by Advocation or Suspension into any Superior Court; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

VIII. And

VIII. And be it enacted, That on every Conviction under this Act for a First or Second Offence the convicting Justices shall return the same to the next Quarter Sessions for the County, Riding, Division, City, or Place wherein such Offence shall have been committed ; and the Record of such Conviction, or any Copy thereof, shall be evidence in any Prosecution to be instituted against the Party thereby convicted for a Second or Third Offence ; and the Clerk of the Peace shall immediately on such Return make or cause to be made a Memorandum of such Conviction in a Register to be kept by him of the Names and Places of Abode of the Persons so convicted, and shall state whether such Conviction be the First or Second Conviction of the offending Party.

Convictions to be returned to the Quarter Sessions and registered, and may be given in Evidence.

IX. And be it enacted, That if any Persons, to the Number of Three or more together, shall by Night unlawfully enter or be in any Land, whether open or inclosed, for the Purpose of taking or destroying Game or Rabbits, any of such Persons being armed with any Gun, Crossbow, Fire Arms, Bludgeon, or any other Offensive Weapon, each and every of such Persons shall be guilty of a Misdemeanor, and being convicted thereof before the Justices of Gaol Delivery, or of the Court of Great Sessions of the County or Place in which the Offence shall be committed, shall be liable, at the Discretion of the Court, to be transported beyond Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned and kept to hard Labour for any Term not exceeding Three Years ; and in *Scotland* any Person so offending shall be liable to be punished in like Manner.

Three Persons, armed, entering Land for the Purpose of taking, &c. Game, &c., a Misdemeanor.

X. And be it enacted, That in *Scotland* the Sheriff of the County within which the Offence shall have been committed shall have a cumulative Jurisdiction with the Justices of the Peace in regard to the same ; and the Conviction in *Scotland* may be proved in the same Manner as a Conviction in any other Case according to the Law of *Scotland*.

Jurisdiction of Sheriffs in Scotland.

Proving of Convictions.

XI. And be it enacted, That in all Cases in *Scotland* of a Third Offence, or in other Cases in *Scotland* where a Sentence of Transportation may, by the Provisions of this Act, be pronounced, the Offender shall be tried before the High Court or Circuit Court of Justiciary.

Third Offences, &c. to be tried in certain Courts.

XII. Provided always, and be it enacted, That for the Purposes of this Act the Night shall be considered and is hereby declared to commence at the Expiration of the first Hour after Sunset, and to conclude at the Beginning of the last Hour before Sunrise.

What considered Night.

XIII. And be it enacted, That for the Purposes of this Act the Word "Game" shall be deemed to include Hares, Pheasants, Partridges, Grouse, Heath or Moor Game, Black Game, and Bustards.

What Game.

C A P. LXX.

An Act to alter and enlarge the Powers of an Act passed in the Seventh Year of the Reign of His present Majesty, for extending to *Charing Cross*, the *Strand*, and Places adjacent, the Powers of an Act for making a more convenient Communication from *Mary-le-bone Park*, and for enabling the Commissioners of His Majesty's Woods, Forests, and Land Revenues to grant Leases of the Scite of *Carlton Palace*; and for other Purposes relating thereto.

[19th July 1828.]

7 G. 4. c. 77.

‘ WHEREAS by an Act passed in the Seventh Year of the
 ‘ Reign of His present Majesty, intituled *An Act to extend*
 ‘ *to Charing Cross, the Strand, and Places adjacent, the Powers of*
 ‘ *an Act for making a more convenient Communication from Mary-*
 ‘ *le-bone Park, and to enable the Commissioners of His Majesty's*
 ‘ *Woods, Forests, and Land Revenues to grant Leases of the*
 ‘ *Scite of Carlton Palace*, it was amongst other Things enacted,
 ‘ that it should be lawful for the Commissioners for executing
 ‘ that Act, by and with the Consent and Approbation in Writing
 ‘ of the Lord High Treasurer, or of the Commissioners for exe-
 ‘ cuting the Office of Lord High Treasurer, or any Three or more
 ‘ of them, absolutely to sell and dispose of all or any Part of the
 ‘ Houses, Buildings, Lands, Tenements, and Hereditaments of
 ‘ or belonging to His Majesty, His Heirs or Successors, in the
 ‘ Lines of the Streets and Places respectively to be erected and
 ‘ built, altered, repaired, and improved, under or by virtue of the
 ‘ now-reciting Act, or which should be purchased or acquired as
 ‘ therein mentioned, and should not be wanted for the Purposes
 ‘ of the now-reciting Act; and also to convey in exchange, with
 ‘ such Consent and Approbation as aforesaid, all or any Part of
 ‘ the Houses, Buildings, Lands, Tenements, or Hereditaments
 ‘ of or belonging to His Majesty, His Heirs or Successors, situate
 ‘ within any or either of the Parishes through which the said
 ‘ Streets and Places respectively to be erected and built, altered,
 ‘ stopped up, repaired, or improved, under or by virtue of the
 ‘ now-reciting Act, extend, or which should have been purchased
 ‘ and taken in exchange under the Authority of the now-reciting
 ‘ Act, and which should not be wanted for the Purposes of the
 ‘ said Act, in lieu of and in exchange for any other Houses,
 ‘ Buildings, Lands, Tenements, and Hereditaments which should
 ‘ be wanted for the Purposes of that Act, or with a View to the
 ‘ Acquisition by Exchange of any other Houses, Buildings, Lands,
 ‘ Tenements, and Hereditaments which might be required for
 ‘ the immediate Purposes of the said Act: And Whereas it is
 ‘ expedient, the better to effectuate the Purposes of the said in-
 ‘ part recited Act, that the said recited Power of Sale and Ex-
 ‘ change thereby given to the Commissioners for executing the
 ‘ said Act should be altered and enlarged:’ May it therefore
 please Your Majesty that it may be enacted; and be it enacted
 by the King's most excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this

this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners acting in execution of the said in part recited Act, by and with the Consent and Approbation in Writing of the Lord High Treasurer, or of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, absolutely to sell and dispose of all or any Part of the Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to His Majesty, His Heirs or Successors, situate, lying, and being in any or either of the several Parishes and Places within the Bills of Mortality, or any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased or acquired under the Powers of the said in part recited Act or of this Act (and shall not be wanted for the Purposes of the said recited Act); and also to convey in exchange, with such Consent and Approbation as aforesaid, all or any Part of the said Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to His Majesty, His Heirs or Successors, situate, lying, and being in any or either of the several Parishes and Places within the Bills of Mortality aforesaid, or which shall have been purchased or taken in exchange under the Powers of the said in part recited Act or of this Act, and which shall not be wanted for the Purposes of the said in part recited Act, in lieu of and in exchange for any other Houses, Buildings, Lands, Tenements, or Hereditaments which shall be wanted for the Purposes of the said in part recited Act, or which it shall be deemed expedient to obtain with a View to the Acquisition by Exchange of any other Houses, Buildings, Lands, Tenements, and Hereditaments which may be required for the immediate Purposes of the said in part recited Act.

II. And be it further enacted, That it shall be lawful for the said Commissioners acting in execution of the said in part recited Act to agree, on behalf of His Majesty, His Heirs or Successors, for the Receipt or Payment of any Sum of Money for equalizing any Exchange to be made under the Authority of the said last-mentioned Act or of this Act.

III. And be it further enacted, That all Conveyances and Exchanges which shall be made, under the Authority of this Act, by the said Commissioners for executing the said in part recited Act, of any Houses, Buildings, Lands, Tenements, or Hereditaments hereby authorized to be sold or conveyed in exchange, may be made according to the Forms set forth in the Schedule annexed to an Act passed in the Fifty-third Year of the Reign of His late Majesty King George the Third, intituled *An Act for making a more convenient Communication from Mary-le-bone Park and the Northern Parts of the Metropolis in the Parish of Saint Mary-le-bone to Charing Cross within the Liberty of Westminster and for making a more convenient Sewage for the same, or as near thereto as the Circumstances of the Case will admit*; and all such Conveyances and Exchanges shall be good, valid, and effectual, any Provisions, Restrictions, or Clauses contained in any Act or Acts relating to His Majesty's Land Revenue, or to any Property under the Management of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or any Practice, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Commissioners empowered to sell Houses, &c. belonging to His Majesty, within the Bills of Mortality;

or to exchange them for Houses, &c. required for Purposes of recited Act.

Commissioners may agree for Receipt of Money for equalising an Exchange.

Conveyances and Exchanges to be in the Form prescribed by

53 G. 3. c. 121.

Powers of recited Act, with respect to Sales and Exchanges, extended to this Act.

So much of 7 G. 4. as relates to Removal of Remains of Persons from Graves, &c. repealed.

IV. And be it further enacted, That all the Powers and Provisions contained in the said in part recited Act of the Seventh Year of the Reign of His present Majesty, with respect to Sales and Exchanges under the Authority of that Act, shall be and the same are hereby extended to Sales and Exchanges under the Authority of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been hereby specially repeated and re-enacted with reference to the said Sales and Exchanges under the Authority of this Act.

V. And Whereas it was by the said in part recited Act of the Seventh Year of the Reign of His present Majesty, amongst other Things, further enacted, that it should be lawful for the said Commissioners acting in the Execution of the said Act to take or use, for the Purposes of the said Act, so much of the Burial Ground in the Parish of *Saint Martin-in-the-Fields* as lay on the South Side of the Church as might be required for the Purpose, and the Ground so taken, and the Fee Simple and Inheritance thereof, should be and were thereby vested in the King's Majesty, His Heirs and Successors, for the Purposes of the said Act; and it was further enacted, that whenever it should be necessary, in pursuance and execution of the said in part recited Act, to open or disturb any Grave or Graves, or any Burial Vault or Vaults, in the said present Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church aforesaid, it should be lawful for the Heirs, Executors, Administrators, Relations, or Friends of any Person or Persons who should have been interred or deposited in such Grave or Graves, Vault or Vaults, with the Consent of the Vicar and Churchwardens of the said Parish, or the major Part of them, to remove and carry away the Remains of any such Person or Persons, and place the same in such new Burial Ground as therein mentioned, or any other Churchyard or consecrated Ground, in such Manner as the Lord Bishop of *London* for the Time being, or such Person as he might appoint, should direct; and that the Expences of such removing, carrying away, and placing (not exceeding in any one Case the Sum of Ten Pounds) should be paid, by the said Commissioners acting in the Execution of the said in part recited Act, out of the Monies to be applied for the Purposes of the said Act; and that the Remains of such Person or Persons as should have been interred or deposited in the Graves or Vaults so to be opened and disturbed as aforesaid, which should not be removed or carried away as aforesaid, should (except such Graves or Vaults should be finally closed up), at the Expence of the said Commissioners acting in the Execution of the said Act, to be paid out of the Monies to be raised by virtue of the said Act, be removed from such Graves or Vaults into and be interred in such new Burial Ground as aforesaid, in such Manner as the Lord Bishop of *London* for the Time being, or such Person or Persons as he should appoint, should direct: And Whereas in order to facilitate the Removal of the Remains of the various Persons who have been interred or deposited in the Graves or Vaults of the present Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church aforesaid, it is expedient

'expedient, and would be of great Saving to the Public, if the said Powers given by the said in part recited Act for the Removal of such Remains as aforesaid were repealed, and such new Provisions made in respect thereof as hereinafter is mentioned;' Be it therefore enacted, That from and after the passing of this Act so much of the said in part-recited Act as relates to the Removal of the Remains of the various Persons who have been interred or deposited in the Graves or Vaults of the said Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church as aforesaid, shall be and the same is hereby repealed.

VI. And be it further enacted, That whenever, at any Time after the passing of this Act, it shall be necessary, in pursuance and execution of the said in part-recited Act, to open or disturb any Grave or Graves, or any Burial Vault or Vaults, in the said Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church aforesaid, it shall be lawful for the said Commissioners acting in the Execution of the said recited Act, with the Consent of the Vicar and Churchwardens for the Time being of the said Parish of *Saint Martin-in-the-Fields*, or the major Part of them, to remove and carry away the Remains of any such Person or Persons as shall have been interred or deposited in such Grave or Graves, Vault or Vaults, and place the same either in such new Burial Ground as by the said in part recited Act the said Commissioners are empowered and required to provide, or in any other Churchyard or consecrated Ground, in such Manner as the Lord Bishop of *London* for the Time being, or such Person or Persons as he may appoint, shall direct; and that the Expences of such removing, carrying away, and placing, (not exceeding in any one Case the Sum of Ten Pounds) shall be paid by the said Commissioners acting in the Execution of the said in part-recited Act, out of the Monies to be applied for the Purposes of the said Act.

Commissioners
empowered to
remove
Remains of
Persons from
the Burial
Ground of
St. Martin's.

VII. 'And Whereas by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intitled *An Act to enable the Commissioners of His Majesty's Woods, Forests, and Land Revenues to contract for the Purchase and Surrender of Crown Leases, and to sell His Majesty's Interest in the Thornhill Estate in the Parish of Stallbridge in the County of Dorset, and in certain small Parcels of Land belonging to His Majesty's Subjects within the Royal Forests; and to remove Doubts as to Estates of the Crown, sold by Order of the said Commissioners, being exempted from the Auction Duty; it was (amongst other Things) enacted, that it should be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, by and with the Approbation and Consent of the Lord High Treasurer or any Three or more of the Lords Commissioners of His Majesty's Treasury for the Time being, to contract and agree with any Body or Bodies Politic or Corporate, or any Person or Persons, holding any Houses, Buildings, Lands, or Hereditaments belonging to the Crown, for any Term or Terms of Years, under any Letters Patent, Lease, Demise, or Grant from His Majesty or any of His Royal Predecessors, for the Purchase of any such Term, or the Sur-*

For removing
Doubts as to
the Power of
Commissioners
of Woods and
Forests to
contract with
any Persons
holding
Houses, &c.
belonging to
the Crown by
Lease, for the
Purchase of
such Lease.

1 & 2 G. 4. c. 52.

render of any such Terms, and such Letters Patent, Lease, or Grant, whether the Possession of the Houses, Buildings, Lands, or Hereditaments comprised in any such Term or Terms, Letters Patent, Lease, or Grant, were wanted for the Public Service, or should or might be required with a view to the making any Alterations or Improvements therein, or in any other Houses, Buildings, or Hereditaments belonging to the Crown, near or contiguous thereto, or for any other Purpose, if the same should, by any Three or more of the Commissioners of His Majesty's Treasury for the Time being, be deemed eligible to be purchased or bought up for any such Purpose, and to pay the Price or Consideration agreed to be paid for the same out of any Money which had arisen or which might thereafter arise from the Sale of any Property belonging to the Crown, under the Management or Control of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues; and in the said Act are contained various Provisions with respect to such Purchases and Surrenders: And Whereas Doubts have been entertained whether the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues were by the said Act authorized to contract and agree for the Purchase or Surrender of any Lease granted by His present Majesty; and also, whether Leases of Houses, Buildings, Lands, or Hereditaments belonging to His Majesty, executed by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Authority of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to improve the Land Revenues of the Crown, and of His Majesty's Duchy of Lancaster, and for making Provisions and Regulations for the better Management thereof*, were Leases from His Majesty within the true Intent and Meaning of the said Act; and it is desirable that such Doubts should be removed; Be it therefore further enacted and declared, That the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues were by the said Act empowered from time to time or at any Time, with such Approbation and Consent as therein mentioned, to contract and agree with any Body or Bodies Politic or Corporate, or any Person or Persons, holding at the Time of any such Contract or Agreement being entered into any Houses, Buildings, Lands, or Hereditaments belonging to the Crown, for any Term or Terms of Years, under any Letters Patent, Lease, Demise, or Grant from the King for the Time being of the United Kingdom, or any of His Royal Predecessors, or under any Demise from the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, under the said recited Act of the First and Second Years aforesaid, for the Purchase or Surrender of any such Term or Terms.

VIII. And Whereas it is expedient that the Powers and Provisions contained in the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty, with respect to the Purchase or Surrender of any Term or Terms of Years in any of the Possessions of the Crown, should be repealed, and the Powers and Provisions hereinafter contained be substituted for the same; Be it therefore further enacted, That so much of the

So much of
Act 55 G. 3.

said

said last-recited Act as relates to the Purchase or Surrender of any Term or Terms of Years in any Houses, Buildings, Lands, or Hereditaments belonging to the Crown, shall be and the same is hereby repealed.

IX. Provided nevertheless, and be it further enacted, That the Repeal of so much of the said last-mentioned Act as is hereby repealed shall not annul or prejudice any Purchase, Contract, Agreement, or other Act, Matter, or Thing, which at the Time of passing this Act shall have been made, done, or entered into under and by virtue of the said Act, but the same shall remain as good, valid, and effectual, to all Intents and Purposes, as if the said Act had not been hereby in any Manner repealed; and any Contract which may have been entered into before the Commencement of this present Act, under and by virtue of the said Act, which shall not have been fully performed or completed, may and shall be proceeded with, performed, and completed under the Provisions of the said Act, in the same Manner as if the same had not been hereby in any Manner repealed, unless the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall think it more expedient to proceed with, perform, and complete the same under the Provisions of this Act; and in that Case the same shall and may be proceeded with, performed, and completed under the Provisions of this Act.

X. Provided also, and be it further enacted, That the Repeal of so much of the said last-mentioned Act as is hereby repealed shall not prejudice or affect the Right of any Person or Persons, or Body or Bodies Politic or Corporate, to any Purchase Money which may have been paid or agreed to be paid for the Purchase or Surrender of any Term or Terms of Years under the Powers and Provisions of the said Act.

XI. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, or any Two of them, at any Time to purchase of and from any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, any Lease or Term of Years which may for the Time being be subsisting of and in any Part or Parts of the Possessions and Land Revenues of the Crown, and to enter into such Contracts and Agreements for that Purpose as to the said Commissioners shall seem proper.

XII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and for all Trustees and Executors for the Time being, possessed of or entitled to any Lease already granted or hereafter to be granted of any Part of the Possessions and Land Revenues of the Crown, and for all Tenants for any Interest short of an absolute Interest in any such Lease, and for the Guardians or Guardian or Committees or Committee of any Person interested in any such Lease, who shall be an Infant, Lunatic, Idiot, or otherwise incapable of acting for himself or herself, to contract and agree with the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, for the Sale to them, on behalf of His Majesty, His Heirs or Successors, of such Lease, and to assign, transfer, or surrender the same accordingly; and every such Contract, Agreement, Assignment, Transfer, and Surrender

as relates to
Purchase of
Terms in
Houses, &c.
repealed.

Repeal not to
prejudice
Purchases, &c.
already made,

nor to affect
any Right to
Purchase
Money.

Commissioners
of Woods, &c.
may buy in
Crown Leases.

Incapacitated
Persons em-
powered to sell.

shall be as good, valid, and effectual in Law, to all Intents and Purposes whatsoever, as if the same were made by a Person absolutely entitled to such Lease, and under no Disability or Incapacity.

Application
of Purchase
Money for
Leases.

XIII. And be it further enacted, That where any Money shall, under the Provisions of the said recited Act of the Fifty-fifth Year aforesaid, have been agreed to be paid or shall hereafter be agreed to be paid for the Purchase of any such Lease as aforesaid, which is or shall be held by or in Trust for any Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons under any Disability or Incapacity, or not having Power to sell the same, except under the Provisions for that Purpose contained in the said recited Act or under the Provision hereinbefore contained, such Money shall, in case the same shall amount to the Sum of Fifty Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to the Account of such Accountant General, *ex parte* the Commissioners of His Majesty's Woods, Forests, and Land Revenues, without Fee or Reward; and such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way or otherwise, as to the said Court shall seem fit, in such Manner as the said Court shall think just and equitable, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Lease; and in the meantime and until the same shall be so applied, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled under such Lease to the Possession or to the Receipt of the Rents and Profits of the Hereditaments therein comprized; but such Money, in case the same shall not amount to the Sum of Fifty Pounds, shall be applied in such Manner as the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall think fit, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Lease.

Persons in
Possession
to be deemed
entitled, until
the contrary is
shewn.

XIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer pursuant to the Directions of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Hereditaments comprized in the Lease so purchased, or surrendered as aforesaid at the Time of such Purchase, shall be deemed to have been lawfully entitled to such Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer;

Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession or Receipt was wrongful, and that some other Person or Persons was or were lawfully entitled to such Lease.

XV. And be it further enacted, That in every Case in which any subsisting Lease of any Part of the said Possessions and Land Revenues of the Crown hath been agreed to be purchased by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Provisions of the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty, or shall be agreed to be purchased by them under the Provisions of this Act, it shall be lawful for the said Commissioners either to cause the same to be surrendered to His Majesty, His Heirs or Successors, in order that the Residue of the Term for which such Lease shall have been granted may merge in the Inheritance and become extinguished, or to cause the same to be assigned to any Person or Persons as a Trustee or Trustees for His Majesty, His Heirs and Successors, in order that the same may be kept on foot distinct from the Inheritance.

Leases purchased may be either merged or kept on foot.

XVI. And Whereas by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable Henry Hall Viscount Gage, and the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*, it was enacted, for the providing Funds for the Payment of the Purchase Monies of the Estates, Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments to be purchased under the Authority of that Act, that it should be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, from time to time to contract and agree with any Person or Persons, Body or Bodies Politic or Corporate, for the Sale of and absolutely to make sale and dispose of any Part or Parts of the Possessions or Land Revenues of the Crown within the Ordering and Survey of the Exchequer in *England*, which did or should consist of any Royalties, Honours, Hundreds, Manors, Lordships, or Franchises, or any Rights, Members, or Appurtenances thereof, or thereto belonging or appertaining, or any Fines, Issues, Amerciaments, Profits, Dues, or Monies arising therefrom, or incident to or receivable in respect thereof, or any Messuages, Lands, Tithes, Rents, Mines, Minerals, Collieries, Woods, Wood Grounds, Fens, Marshes, Waste Lands, or any other Tenements or Hereditaments whatsoever, or any other Revenues of or belonging to the Crown within the Ordering and Survey aforesaid, which should in their Judgment be desirable to be sold for the best Prices or Considerations in Money which the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues should, under the Direction and with the Approbation of the Lord High Treasurer, or Commissioners of the Treasury for the Time being, or any Three or more of them, be able to procure for the same:

For removing Doubts as to the Authority of the Commissioners of Woods and Forests to contract and agree for the Sale of any subsisting Lease of Crown Lands purchased by them under recited Act of 55 G. 3.

Commissioners of Woods, &c. empowered to sell any such Leases.

Mode of carrying Sales into Effect.

‘ And Whereas Doubts have been suggested whether the said Commissioners of His Majesty’s Woods, Forests, and Land Revenues were by the said Act authorized to contract and agree for the Sale of any subsisting Lease, or any Part or Parts of the Possessions and Land Revenues of the Crown, which might have been purchased or agreed to be purchased by them under the Powers and Provisions of the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty ; and it is desirable, for the Benefit and Security of Parties who have purchased or agreed to purchase Leases from the said Commissioners under the Provisions of the said Act of the Fifty-seventh Year aforesaid, that such Doubts should be removed ;’ Be it therefore further enacted and declared, That the Commissioners for the Time being of His Majesty’s Woods, Forests, and Land Revenues were by the said Act of the Fifty-seventh Year aforesaid authorized and empowered to contract and agree for the Sale of and absolutely to make sale and dispose of any subsisting Lease of and in any Part or Parts of the said Possessions and Land Revenues of the Crown, which at the Time of such Contract or Sale had been purchased or agreed to be purchased by the said Commissioners under the Powers and Provisions of the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty.

XVII. ‘ And Whereas it is expedient to make fuller Provisions than those contained in the said recited Act of the Fifty-seventh Year of the Reign of His late Majesty, for the future Sale and Disposal of Leases purchased or to be purchased by the Commissioners of His Majesty’s Woods, Forests, and Land Revenues, under the Powers of the said recited Act of the Fifty-fifth Year aforesaid or of this Act ;’ Be it therefore further enacted, That it shall be lawful for the said Commissioners for the Time being of His Majesty’s Woods, Forests, and Land Revenues, and they are hereby authorized and empowered, when they shall deem it necessary or expedient so to do, to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Sale of and absolutely to make sale and dispose of, for such Sum or Sums of Money as to them shall appear a sufficient Consideration for the same, any Lease which shall have been purchased under the Provisions of the said recited Act of the Fifty-fifth Year aforesaid or of this Act, and shall have been assigned to a Trustee or Trustees for His Majesty, His Heirs or Successors, and kept on foot distinct from the Inheritance.

XVIII. And be it further enacted, That whenever the Commissioners for the Time being of His Majesty’s Woods, Forests, and Land Revenues shall have contracted and agreed with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Sale to him, her, or them of any subsisting Lease of any Part or Parts of the said Possessions and Land Revenues of the Crown, which shall have been purchased or agreed to be purchased by the said Commissioners under the Authority of the said recited Act of the Fifty-fifth Year aforesaid, or of this Act, the Purchaser or Purchasers of such Lease shall cause the Purchase Money to be paid into the Bank of *England*, and the Cashiers of the Bank of *England* shall, upon Production of any Note, signed by the said Commissioners, specifying the Sum to

be so paid in, and that it is to be paid in to their Account, accept and receive the same, and carry the same to the Account of the Public Monies of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, being "The Woods and Forests Fund," and give a Receipt for the same without Fee or Reward; and the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall, on the Production of the Receipt of the Cashiers or One of the Cashiers of the Bank of *England* for the same, cause the Trustee or Trustees in whom the said Lease shall be then vested to assign the same to the Purchaser or Purchasers, or as he or they shall direct; and every such Assignment shall be good, valid, and effectual, and the Parties claiming under such Assignment shall hold the Lease thereby assigned discharged from any Trust for His Majesty, His Heirs or Successors; and the said Commissioners, or any Two of them, shall in and by such Assignment, or by any separate Instrument, at the Option of such Purchaser or Purchasers, acknowledge the Payment of the Purchase Money.

XIX. Provided always, and be it further enacted, that no Purchase or Sale of any Lease of any Part of the Possessions and Land Revenues of the Crown shall be made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Powers of this Act, without the previous Authority of the Lord High Treasurer, or Commissioners of His Majesty's Treasury, or any Three or more of them for the Time being, to be signified by some Warrant under his or their Hand or Hands.

Sales to be made under Warrant from the Treasury.

XX. Provided also, and be it further enacted, That no Purchaser of any Lease of any Part of the Possessions and Land Revenues of the Crown, which has been agreed to be sold by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Authority or supposed Authority of the said recited Act of the Fifty-seventh Year aforesaid, or which shall be sold or agreed to be sold by the said Commissioners under the Authority or supposed Authority of this Act, shall be bound to enquire whether such Lease shall have been properly purchased, pursuant to the Provisions and Intent of the said recited Act of the Fifty-fifth Year aforesaid, or of this Act, or not, or whether the same shall have been properly sold or agreed to be sold by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or not, or whether the said Commissioners shall have been duly authorized by a Warrant from the Lord High Treasurer, or the Commissioners of the Treasury, or any Three or more of them for the Time being, to purchase or sell the same, nor shall any such Purchaser be bound to see to the Application of the Purchase Money for the same, or answerable for any Misapplication or Non-application thereof; but every Assignment which shall be made of any subsisting Lease of any Part or Parts of the Possessions and Land Revenues of the Crown, under the Authority or supposed Authority of the said recited Act of the Fifty-seventh Year aforesaid, or of this Act, with the Privity of the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, or any Two of them, shall, so far as regards the Parties claiming under such Assignment, be good, valid, and effectual to all Intents and Purposes whatsoever, and

Assignments of such Leases declared valid, and the Purchasers exonerated.

the Receipt of the said Commissioners, or any Two of them, for the Purchase Money for any such Lease, shall be a good and sufficient Discharge to the Party or Parties paying the same, and his, her, or their Executors, Administrators, or Assigns.

Application
of Purchase
Monies.

XXI. And be it further enacted, That the Purchase Monies to be paid for the Purchase, by the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, of any Lease of any Houses, Buildings, Lands, or Hereditaments, which has been agreed to be purchased under the Provisions of the said recited Act of the Fifty-fifth Year aforesaid, or shall hereafter be purchased under the Authority of this Act, shall be paid by them out of any Monies in their Hands, arising from the said Possessions and Land Revenues of the Crown; and that the Purchase Monies to be paid in manner hereinbefore mentioned for the Purchase from the said Commissioners of any Lease which has been agreed to be sold by them under the Provisions of the said recited Act of the Fifty-seventh Year aforesaid, or may be sold by them under the Authority of this Act, shall be applied to the same Purposes as the Monies arising from the Sales under the said recited Act of the Fifty-seventh Year aforesaid are by that Act directed to be applied to.

All Deeds, &c.
under this Act
to be exempt
from Stamp
Duty.

XXII. And be it further enacted, That no Conveyance, Surrender, Assignment, Covenant, Agreement, Contract, Receipt, or other Deed or Instrument which shall be executed, entered into, made, or given for the Purpose of carrying into Effect any Purchase, Sale, or Exchange under the Authority of this Act, or in any Manner relating thereto, shall be subject or liable to any *ad valorem* or other 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 and specifically charged therewith in and by such future Act or Acts.

Deeds to be
enrolled in
the Office of
Auditor of
Land Revenues.

XXIII. And be it further enacted, That all Deeds, Assignments, or Instruments, whereby any Lease which hath been or shall be purchased or sold by the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, for or on behalf of His Majesty, His Heirs or Successors, under the Authority of this Act, or of either of the before-recited Acts of the Fifty-fifth and Fifty-seventh Years aforesaid, shall be assigned to His Majesty, His Heirs or Successors, or to any Person or Persons in Trust for him or them, or to the Purchaser or Purchasers from the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, of any such Lease, shall, within Six Months after the Date of every such Instrument or Deed, be enrolled in the Office of the Auditor or Auditors, or the acting Deputy performing the Duty of Auditor, of His Majesty's Land Revenues for the District within which the Premises comprised therein shall be situate (or if such Premises shall be situate within more than One of the Districts for which Auditors of the Land Revenue of the Crown in *England* and *Wales* were heretofore appointed, then in the Office of the Auditor or Auditors, or acting Deputy or Deputies, for any one of such Districts), upon Payment of the usual Fees for such Enrolment; and such Auditor or Auditors, or Deputy or Deputies, shall write a Certificate on every such Instrument or Deed, and therein men-

tion the Time on which such respective Instruments or Deeds shall be so enrolled; and that the said Auditor or Auditors, or Deputy or Deputies, shall sign the said Certificate, and a Minute or Docket thereof shall be entered and preserved in the Office of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues; and every such Deed, Assignment, or other Instrument, when so enrolled and entered, shall, without any Enrolment thereof in any Court or Courts of Law or Equity, or any other Enrolment or Registry thereof, be as good and available in Law, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same had been or was enrolled in any of His Majesty's Courts of Record at *Westminster*, or as if a Memorial had been entered or registered in the Office appointed for registering Deeds and other Assurances of Lands and Tenements in the County or Counties in which the same Estates, or any of them, are situate; any Act, Law, Practice, or Usage to the contrary in anywise notwithstanding.

XXIV. And be it further enacted, That where any Contract, Mortgage, or other Security, Conveyance, Lease, Deed, or other Instrument whatsoever, made and executed under or by virtue of the Authority of this Act, or of the said Act passed in the Fifty-third Year of the Reign of His said late Majesty King George the Third, intituled *An Act for making a more convenient Communication from Mary-le-bone Park and the Northern Parts of the Metropolis in the Parish of Saint Mary-le-bone to Charing Cross within the Liberty of Westminster, and for making a more convenient Sewage for the same*, or either of the before-recited Acts of the Fifty-fifth and Fifty-seventh Years aforesaid, or any other Act or Acts of Parliament relating to the Land Revenue of the Crown, shall have been enrolled in the Office of the Auditor or Auditors, or the acting Deputy or Deputies performing the Duty of Auditor, of His Majesty's Land Revenues for the District within which the Premises comprised therein shall be situate, as directed by such several Acts, and a Certificate on such Instrument or Deed shall have been written, specifying therein the Time at which such respective Instruments shall have been so enrolled, and the said Auditor or Auditors or Deputy or Deputies shall have signed the said Certificate, such Certificate shall be taken and allowed as Evidence of such respective Enrolments in all Courts of Record whatsoever.

XXV. Provided always, and be it further enacted, that the said Auditor or Auditors, or the acting Deputy or Deputies performing the Duty of Auditors, of His Majesty's Land Revenues as aforesaid, shall, and he and they is and are hereby required to enrol every Contract, Mortgage, or other Security, Conveyance, Lease, Deed, or other Instrument whatsoever, which are by this Act, or by the said hereinbefore mentioned Acts of the Fifty-third, Fifty-fifth, and Fifty-seventh Years of the Reign of His late Majesty as aforesaid, or by any other Act or Acts relating to the Land Revenue of the Crown, directed to be enrolled in the Office or Offices of such Auditor or Auditors, or acting Deputy or Deputies, in order of Time as the same several Contracts, Mortgages, or other Security, Conveyance, Lease, Deed, or other Instrument whatsoever, shall be brought to the Office or Offices

Certificate of
Enrolment of
Deeds, &c.
shall be received
in Evidence.

53 G. 3. c. 121.

Auditor of
Land Revenues
to enrol Deeds,
&c. in the
Order in which
they are re-
ceived.

of the said Auditor or Auditors, or acting Deputy or Deputies, and in the same Order as the same shall be by him or them respectively received.

C A P. LXXI.

An Act to empower the Deputy Warden of the Cinque Ports and Lieutenant of *Dovor Castle* to act for the Lord Warden of the Cinque Ports and Constable of *Dovor Castle* during the Indisposition of the present Lord Warden.

[19th July 1828.]

‘ **W**HEREAS the Right Honourable *Robert Banks* Earl of *Liverpool*, the Lord Warden of the Cinque Ports and Constable of *Dovor Castle*, is rendered incapable by Indisposition from attending to the Performance of the Duties of his said 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 from and after the passing of this Act it shall and may be lawful for the Deputy Warden of the Cinque Ports and Lieutenant of *Dovor Castle* for the Time being to act for the said Lord Warden, and he is hereby authorized and empowered to do, sign, and execute all Acts, Deeds, Matters, and Things appertaining to the Office of Lord Warden of the Cinque Ports and Constable of *Dovor Castle* during such Indisposition of the said Right Honourable *Robert Banks* Earl of *Liverpool*.

Deputy Warden of the Cinque Ports authorized to execute the Office of Lord Warden during the Indisposition of E. Liverpool.

Public Act.

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

C A P. LXXII.

An Act to extend the Provisions of the *East India Mutiny Act* to the *Bombay Marine*.

[19th July 1828.]

4 G. 4. c. 81.

‘ **W**HEREAS in the Fourth Year of the Reign of His present Majesty an Act was passed, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and to authorize Soldiers and Sailors in the East Indies to send and receive Letters at a reduced Rate of Postage*: And Whereas the said Company, for the Safety and Protection of the Territories under their Government, in addition to their Land Forces, maintain a Marine Establishment called “The *Bombay Marine*;” and it is expedient that Discipline should be enforced therein in the Manner provided by the said Act in respect to the other Forces of the said Company; and it is intended that the Officers of the said *Bombay Marine* should hereafter be commissioned, and the Seamen should be enlisted, as Officers and Soldiers respectively of the said Company’s army:’ 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

Authority of the same, That the Provisions of the said Act, and the Rules and Articles of War made and to be made by virtue thereof, shall extend and be applied to the Service of the *Bombay* Marine; and that all Persons in the Service of the said Company belonging to the said *Bombay* Marine, who shall be commissioned or in pay as Officers, or enlisted or in pay as Non-commissioned Officers or Soldiers respectively, in the said Company's Army, shall be, to all Intents and Purposes, liable to the Provisions of the said Act, and to the same Rules and Articles of War, and the same Penalties, as the Officers and Soldiers of the said Company's other Forces.

Provisions of recited Act, and the Articles of War made by virtue thereof, to extend to the *Bombay* Marine.

II. And be it further enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and twenty-nine.

Commencement of Act.

C A P. LXXIII.

An Act to provide for the Relief of Insolvent Debtors in the *East Indies*, until the First Day of *March* One thousand eight hundred and thirty-three. [19th *July* 1828.]

WHEREAS divers good Laws have of late Years been established within the United Kingdom of *Great Britain* and *Ireland* for the Relief of Insolvent Debtors, and it is right that Relief be given also to Insolvent Debtors in some Parts of the *East Indies*; 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 *March* One thousand eight hundred and twenty-nine, there shall be holden, within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, separate Courts for the Relief of Insolvent Debtors, which shall be Courts of Record, and shall be styled "The Courts for the Relief of Insolvent Debtors;" and that His Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, shall from time to time appoint such of their Officers, or if the Officers of such Supreme Courts shall be found insufficient, such additional Persons as may be necessary to transact the Business of such Courts, and to act as Common Assignees, Examiners, and Ministerial Officers of such Courts; and it shall be lawful for the said Courts for the Relief of Insolvent Debtors to administer Oaths, and examine Parties and Witnesses upon Oath or solemn Affirmation; and the said Courts, within and throughout the *British* Territories under the Government of the United Company of Merchants of *England* trading to the *East Indies*, shall have the like Powers of issuing Commissions to take Evidence, and of enforcing the Attendance of Witnesses and the Production of Books, Papers, and Writings, and of summoning, examining, and enforcing the Attendance of any Insolvent Debtor, or his Wife, or any other Person who may be able to give Information respecting the Debts, Estates, or Effects of any such Insolvent Debtor, as are now possessed by the said Supreme Court, or as are possessed by Commissioners of Bankrupt, in case of Bankruptcy, for the Purpose of summoning, examining, and enforcing the Attendance

Courts for the Relief of Insolvent Debtors shall be held at *Calcutta*, *Madras*, and *Bombay*.

Powers of the said Courts.

6 G. 4. c. 16.

tendance of Bankrupts and their Wives, and other Persons, under and by virtue of an Act passed in the Sixth Year of the Reign of His present Majesty, and intituled *An Act to amend the Laws relating to Bankrupts*; and the said Courts for the Relief of Insolvent Debtors shall also have the Power of fining in a summary Way, or of committing to the Common Gaol, all Persons guilty of Contempt of Court, and of fining in a summary Way and of removing any of their Officers who shall be guilty of Negligence or Misconduct; but the said Courts for the Relief of Insolvent Debtors shall not have the Power of awarding Costs against any Person, except in Cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by some Rule which shall be made by the said Supreme Courts respectively, for the Purposes and in the Manner hereinafter stated: Provided always, that the said Courts for the Relief of Insolvent Debtors shall not summon or examine any Native of the *East Indies*, otherwise than by Commission, in any Case in which such summoning or Examination shall appear to the said Court to be repugnant to the Customs and Usages of the Country.

Practice of the
Court.

II. And be it further enacted, That a Court for the Relief of Insolvent Debtors shall be holden once a Month at least throughout the Year, and oftener if need be, in *Calcutta*, and as often as may be found necessary within the Towns of *Madras* and *Bombay*, by any one Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for the said Courts for the Relief of Insolvent Debtors to adjourn from time to time as they may think fit, and for the said Courts, and the said Supreme Courts respectively, to be sitting at one and the same Time, and severally to act and proceed in the Exercise of their respective Powers; and every Advocate or Attorney of the said Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, shall be admitted to practise in the Way of his Profession in the said Courts for the Relief of Insolvent Debtors respectively, and no other Persons shall practise as Advocates or Attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have Power from time to time to establish Rules to regulate the Proceedings of the Courts for the Relief of Insolvent Debtors to be holden within their respective Jurisdictions, and especially to prescribe in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases, besides those mentioned in this Act, Costs may be awarded; and shall prepare, and cause to be sealed with their respective Seals, a sufficient and proper List of Fees to be charged and received by the Officers of the Courts for the Relief of Insolvent Debtors, and shall certify under their respective Seals, and transmit to the President of the Board of Commissioners for the Affairs of *India*, Copies of such Rules and Lists of Fees, to be laid before His Majesty for His Royal Approbation, Correction, or Revision, and other Copies of the same shall at all Times be fixed in conspicuous Places in the Courts for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer or Attorney of such last-mentioned Courts on any Pretence whatsoever, except such as shall be specified in such Lists.

III. And

III. And be it further enacted, That any Person who shall be interested in any Petition for Relief which shall be presented by any Insolvent Person to any of the said Courts for the Relief of Insolvent Debtors, or in any Petition which shall be presented against any Trader to any of the said Courts, praying an Adjudication of Insolvency as hereinafter mentioned, or in any Proceeding of any of the said Courts respecting any such Petition, upon depositing with the proper Officer of the Court a Sum of Money of which the Amount shall be fixed by the Court, may require that the whole of the Evidence relating to any Proceeding in which he has an Interest may be taken down in Writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case the Party who shall have so required such Evidence to be taken down in Writing shall not within One Calendar Month thereafter present his or her Petition of Appeal as is hereinafter directed, it shall be lawful for the Court in which such Evidence shall have been so taken down in Writing as aforesaid to pay the reasonable Costs and Expences thereof out of the Money which shall have been so deposited as aforesaid, returning the Overplus, if any, to the Person who shall have deposited the same.

Parties interested may require Evidence to be taken down in Writing.

IV. And be it further enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Adjudication, Order, or Proceeding of any such Court for the Relief of Insolvent Debtors, to present, within One Calendar Month thereafter, a Petition to the Supreme Court of Judicature of the Presidency where such Court for the Relief of Insolvent Debtors shall be holden, or if such Supreme Court of Judicature shall not be sitting, then to present such Petition to One of the Judges thereof; and it shall be lawful for the Court or Judge to which or to whom any such Petition shall be presented to order that the whole of the Evidence, if any, which shall have been so taken down in Writing as aforesaid, and the Minutes and Records of the Proceedings of which Complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall enquire into the Matter of the Petition and of such Proceedings and Evidence, and shall make such Order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what Manner the Costs of such Petition, and of the Proceedings which shall have been had thereon, and of the taking down of any such Evidence in Writing, and of the Proceedings of which Complaint shall have been made, shall be paid; and such Order shall be final and conclusive as to all Parties, and shall be compulsory and binding upon the Court in which such Proceedings so complained of shall have been had.

Parties aggrieved may petition the Supreme Court, &c.

V. And be it further enacted, That after the Time hereinbefore appointed for this Act to take effect, any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, for Debt, Damage, Cost, or Money which such Person is solely, or jointly with any other or others, liable to pay, or for Contempt of any Court whatsoever, by the Nonpayment of Money only, may, at any Time within Fourteen Days next after the Commencement of the actual Custody of such Debtor, or afterwards, if the Court shall in any Case think it

Persons imprisoned for Debts may petition the Court for the Relief of Insolvents.

it reasonable and proper to permit the same, apply by Petition to the Court for the Relief of Insolvent Debtors within the Presidency where such Insolvent Debtor shall then be; and in such Petition there shall be stated the Place wherein the Prisoner shall be then confined, the Time when he or she shall have been first charged in Custody, and the Parties by whom, and the Reasons and the Amount for which, he or she shall at the Time of presenting such Petition be detained; and the said Petition shall be subscribed by the Prisoner with his Name or Mark, and shall forthwith be filed in the Court to which it shall be presented; and if any Persons so imprisoned as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by Petition, in such Manner as is hereinbefore mentioned.

Insolvent Persons who can deliver up Property to the Amount of Half their Debts, and of a certain Value, may petition without being in Prison.

VI. And be it further enacted, That if any Person or Persons being so indebted as aforesaid, and who shall reside within the Jurisdiction of either of the said Supreme Courts at *Calcutta*, *Madras*, or *Bombay*, shall find that he, she, or they is or are in insolvent Circumstances, but that he, she, or they has or have some Estate and Effects of the Amount of Half his, her, or their Debts, of which instant Possession might be given to an Assignee, it shall be lawful for such Person or Persons, without being in Prison, to apply, jointly or severally, as the Case may be, by Petition to the Court for the Relief of Insolvent Debtors to be holden at those Places respectively, and the Petition or Petitions shall be subscribed by the Insolvent or Insolvents with his, her, or their Name or Names, and shall be forthwith filed in the said Court.

Those who petition jointly may be required to file sole Petitions also.

VII. And be it further enacted, That when any such joint Petition as is afore mentioned shall be presented to any Court for the Relief of Insolvent Debtors, it shall be lawful for the Court, if it shall see fit, to require and compel each of the Insolvents to file a sole Petition also, in order that upon one Petition, and by the Proceedings to be thereon taken, the Court may dispose of the Estates and Effects belonging to all the Insolvents jointly, and that upon the other Petitions, and the Proceedings to be thereon taken, it may dispose of the Estates and Effects belonging to each Insolvent separately; and if there shall be any Residue of the joint Estate and Effects after Payment of the joint Debts, such Residue shall be duly divided and paid over to the several Assignees who shall have been appointed upon the sole Petitions of those to whom such joint Estate and Effects shall have belonged, and in like Manner if there shall be any Residue of the separate Estate and Effects of any of the Insolvents after the Payment of his or her separate Debts, it shall be paid over to the Assignee or Assignees who shall have been appointed upon the joint Petition.

Fines, Penalties, Forfeitures, and Recognizances shall not be deemed Debts for the Purposes of this Act.

VIII. Provided always, and be it further enacted, That no Debt due to our Sovereign Lord the King, nor any Fine, Penalty, or Forfeiture whatsoever, nor any Recognizance whereby a Debt is acknowledged to the King, nor any Debt due on account of any Fine, Penalty, or Forfeiture, nor any Estreat, shall be deemed or taken to be such a Debt or Debts as to entitle any Person or Persons to petition as is before mentioned, nor shall any Person be entitled to receive any Dividend for the same under this Act, nor shall any such Fines, Penalties, Forfeitures, Recognizances, Debts,

Debts, or Estreats, be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

IX. And be it further enacted, That the Person or Persons who shall present any such Petition as is hereinbefore mentioned shall, at the Time of presenting the same, execute an Assignment to the Common Assignee in such Manner and Form as the Court shall direct, of all his, her, or their Real and Personal Estate and Effects, Rights, Dues, Claims, Choses in Action, and Interests, which he, she, or they shall then have or be entitled to, or which may in any way come to or be acquired by them before the Court shall have made its final Order in the Matter of his, her, or their Petition.

X. And be it enacted, That if any Person who by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to amend the Law relating to Bankrupts*, or by any Act hereafter to be passed, shall be deemed a Trader liable to become Bankrupt, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt, be in Prison for Twenty-one Days, or having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him and not discharged; or if any such Person shall depart from within the Limits of the Jurisdiction of any of the said Supreme Courts with Intent to defeat or delay his or her Creditors: it shall be lawful for any Creditor to whom such Person shall be indebted to the Amount of One thousand Sicca Rupees, or for any Two Creditors to whom such Person shall be indebted to the Amount of One thousand five hundred Sicca Rupees, or for any Three or more Creditors to whom such Person shall be indebted to the Amount of Two thousand Sicca Rupees, to present a Petition to the Insolvent Debtors Court of the Presidency within which such Person shall have been imprisoned or have resided previously to such Departure as aforesaid, stating the Amount of the Debt or Debts due to such Creditor or Creditors from such Person, and the Nature of his trading, and such Act of lying in Prison or Departure as aforesaid, and praying that such Court would proceed in like Manner as if such Person had petitioned such Court for Relief under this Act; whereupon such Court shall enquire into the Truth of such Petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such Person has committed an Act of Insolvency.

XI. And be it enacted, That upon such Adjudication being made, such Court shall be invested with the same Powers and Authorities with which such Court would have been invested or might have exercised in case such Insolvent had presented a Petition for Relief under this Act, and all the Real and Personal Estate and Effects, Rights, Dues, Claims, Choses in Action, and Interests, which such Insolvent shall then have or be entitled to, or which may in any way come to or be acquired by such Insolvent before the Court shall have made its final Order in the Matter of such Petition, shall, by force of such Adjudication, be vested in the Common Assignee of the said Court, in like Manner to all

At the Time of presenting Petitions Assignments shall be made to Persons appointed by the Court.

Lying in Prison 21 Days for Debt, or departing the Jurisdiction with Intent to defeat or delay any Creditor, shall be deemed an Act of Insolvency on which Creditor may petition;

Upon such Adjudication the Court to be invested with the same Powers as if Insolvent had petitioned.

Intents

Intents and Purposes as if such Insolvent had assigned the same under the Directions of the said Court: Provided always, that in all Cases where any Adjudication of an Act of Insolvency shall have been pronounced by any Court for the Relief of Insolvent Debtors, it shall be lawful for such Court, upon the Petition of any Person so adjudged to have committed an Act of Insolvency, complaining of such Adjudication, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been pronounced, to appoint an early Day for hearing such Petition of Complaint, and on such Day, or on any future Day to which such Hearing may be adjourned, to hear such Creditor or Creditors and such Complainant, by themselves or their Counsel respectively, and to examine the Evidence to be adduced by them respectively, and thereupon to revoke or confirm such Adjudication.

The filing a Petition of an Insolvent to be accounted an Act of Bankruptcy.

XII. And be it enacted, That the filing of every Petition by an Insolvent Debtor in any of the said Courts for Relief under this Act, whether such Insolvent shall be in Custody or not, and every such Adjudication of an Act of Insolvency, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Insolvent, from the Time of filing such Petition or of such Adjudication respectively, if such Insolvent shall be a Person subject to the Laws then in force respecting Bankrupts; and any Creditor or Creditors of such Insolvent, whose Debt or Debts shall be of sufficient Amount to entitle him or them by Law to petition for a Commission of Bankrupt, shall at any Time within Two Months after Notice of such Petition or Adjudication shall have been given in the *London Gazette*, as hereinafter directed, be at liberty to sue out a Commission of Bankrupt, in that Part of the United Kingdom called *England*, against such Insolvent, under which Commission all such Proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by the Provisions of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, or by any other Act or Acts hereafter to be passed respecting Bankrupts, except as hereinafter provided.

Commission may issue on Certificate of Proof of Debt by an Indian Creditor.

XIII. And be it further enacted, That when any Creditor or Creditors resident within the Limits of the Charter of the said United Company shall be desirous of suing out any such Commission of Bankrupt against any such Insolvent, it shall be lawful for such Person or Persons to make Proof of his, her, or their Debt or Debts before such Court for the Relief of Insolvent Debtors, which Proof, if satisfactory to such Court, shall be certified under the Seal of such Court; and the Certificate thereof, on Proof being made that the same is sealed with the Seal of such Court, shall be sufficient Evidence of a Petitioning Creditor's Debt to warrant the issuing of such Commission, and also to authorize the Commissioners under such Commission to proceed thereon.

Assignees protected for Acts done prior to the Commission of Bankruptcy.

XIV. Provided always, and be it further enacted, That in case of the issuing of any such Commission of Bankrupt against any such Insolvent, such Commission shall not in any Manner affect, invalidate, or make void any of the Proceedings of any Court for Relief of Insolvent Debtors, nor any of the Acts or Proceedings

of any Assignee or Assignees appointed by such Court, respecting any Property or Interest whatsoever of such Insolvent, Real or Personal, within the Limits of the Charter of the said United Company, nor shall the Assignee or Assignees appointed under any such Commission acquire any Right or Title to take Possession of, demand, sue for, or recover any Property or Interest whatsoever, Real or Personal, of such Insolvent, within the Limits aforesaid; but the Assignee or Assignees appointed by such Court for the Relief of Insolvent Debtors shall continue, and shall, notwithstanding such Commission of Bankrupt, have full Power and Control over all the Real and Personal Property of such Insolvent within the Limits aforesaid, and the Distribution and Management thereof, as effectually as if such Commission of Bankrupt had not issued; nevertheless it shall be the Duty of any Assignee or Assignees appointed by such Court, and the Assignee or Assignees chosen under the said Commission, equally to come to account with each other, so as in the end that a Dividend shall be rateably and proportionably made among all the Creditors of the said Insolvent, whether resident within the Limits aforesaid or in the United Kingdom of *Great Britain* and *Ireland*.

XV. And be it further enacted, That all the Creditors of any such Insolvent whose Debts shall have been allowed in any Court for the Relief of Insolvent Debtors shall be admitted as Creditors under any such Commission of Bankrupt, for the Purpose of receiving an equal Dividend upon the Estate of such Bankrupt with the Creditors who shall have proved their Debts under such Commission; and in like Manner all Creditors whose Debts shall have been duly proved under any such Commission of Bankrupt shall be admitted as Creditors in such Court for the Relief of Insolvent Debtors, for the Purpose of receiving an equal Dividend upon the Estate of such Insolvent with the Creditors whose Debts shall have been allowed in such Court.

XVI. Provided always, and be it enacted, That when any such Insolvent shall be declared bankrupt upon the sole Ground of his having filed such Petition for Relief in the said Court for Relief of Insolvent Debtors, or of such Adjudication of an Act of Insolvency as aforesaid, he shall not be required to surrender or be liable to any Penalty for not surrendering himself to be examined under his Commission, until Forty-two Days after he shall have come into some Part of the said United Kingdom of *Great Britain* and *Ireland*.

XVII. And be it enacted, That it shall be lawful for any Creditors of such Insolvent, who shall have duly proved their Debts under any such Commission as aforesaid, and for the Commissioners under such Commission, if they shall be satisfied with such Examination of such Insolvent as shall have been had in any Court for the Relief of Insolvent Debtors, to sign the Certificate of such Bankrupt; and such Certificate shall have the same Force and Effect in all Places situate without the Limits aforesaid, and in respect of all Debts due to Persons resident at any such Places without the Limits aforesaid, at the Date of such Certificate, as if the same had been duly signed in the usual Way, after such Bankrupt had duly surrendered and passed his last Examination.

Creditors whose Debts have been allowed in Court to receive equal Dividend with Creditors under any Commission of Bankrupt.

As to surrender of Persons declared bankrupt upon filing Petition to the Court only.

Creditors and Commissioners may sign Certificate of Bankrupt, &c.

No Indian Creditor to vote in the Choice of Assignees, except the Petitioning Creditor if resident.

Partnership Creditors.

Notices to be inserted in the Gazettes of the Presidencies and in the London Gazette.

Production of the London Gazette containing such Notice to be sufficient Evidence.

When no Commission of Bankruptcy shall issue, the Assignees appointed by the Court may administer the Estate.

The Court may order Part of the Insolvent's Effects to be left in his possession.

XVIII. Provided always, and be it further enacted, That no Creditor of such Insolvent who shall be resident within the Limits aforesaid, excepting only the Petitioning Creditor or Creditors, in case he, she, or they shall be so resident, shall be entitled to vote in the Choice of the Assignee or Assignees to be appointed under any such Commission of Bankrupt or otherwise, respecting the Matters to be transacted under such Commission of Bankrupt, nor shall be reckoned among the Creditors of the Bankrupt in Number or Value whose Signature is required by Law to the Certificate of such Bankrupt.

XIX. Provided also, and be it enacted, That in all Cases where any One Member of a Partnership to which any such Insolvent shall be indebted shall be resident within the Limits aforesaid, such Partnership shall be accounted and taken as a Creditor resident in the *East Indies*, for the Purposes of this Act.

XX. And be it further enacted, That the Principal Officer of the respective Courts for Relief of Insolvent Debtors shall cause Notices to be inserted in the Gazettes of the respective Presidencies within which such Courts shall be holden, of every Petition which shall be filed in any of the said Courts by any Insolvent for Relief under this Act, and of every such Adjudication of an Act of Insolvency, and of every Confirmation or Revocation thereof, forthwith after the filing such Petition or pronouncing such Adjudication, or such Confirmation or Revocation thereof respectively; and that the Chief Secretary of the Government of the said Presidencies respectively shall, without Delay, transmit to the Court of Directors of the said United Company, by different Ships, Two or more Copies at least of every such Gazette which shall contain any such Notice as aforesaid, who shall, without Delay, after the Receipt thereof, cause such Notice to be inserted in the *London Gazette*.

XXI. And be it enacted, That the Production of the *London Gazette* containing any such Notice as aforesaid shall be deemed and taken by all Commissioners of Bankrupt, and all Courts whatsoever, to be sufficient Evidence of the filing of the Petition of such Insolvent in such Court for Relief of Insolvent Debtors, and of such Adjudication of an Act of Insolvency, and of such Confirmation or Revocation thereof.

XXII. Provided always, and be it further enacted, That in all Cases where an Insolvent petitioning any such Court for Relief shall be possessed of any Real or Personal Estate in the United Kingdom of *Great Britain* and *Ireland*, and no Commission of Bankrupt shall be sued out as hereinbefore mentioned, it shall be lawful for the Assignee or Assignees of the said Insolvent, appointed by any such Court, to proceed, either by himself or themselves, or by any Person duly authorized for that Purpose by Power of Attorney, to get Possession of such Real and Personal Estate, and to dispose of the same in the most beneficial Manner, and to administer the Proceeds thereof among the Creditors of the said Insolvent under the Provisions of this Act.

XXIII. And be it enacted, That after the making of any such Assignment as is hereinbefore directed, or after any such Adjudication of Insolvency as aforesaid, it shall be lawful for any such Court to direct that so much of the Wearing Apparel, Household

hold Furniture, Working Tools, and other Necessaries of the Insolvent or Insolvents, and of his, her, and their Family or Families, as shall be fitting and suitable to his, her, or their Condition and Circumstances, may be left in his, her, or their Possession until the further Order of the Court, not exceeding in Value in the whole the Sum of One thousand Sicca Rupees: Provided always, that when any Person or Persons shall have executed any such Assignment without being in Custody, he, she, or they shall be required forthwith to put the Assignee or Assignees into Possession of his, her, or their Estate and Effects of the Amount of Half their Debts; and the Assignee or Assignees who shall be so put into Possession shall, according to the best of his or their Knowledge and Belief, forthwith certify the same to the Court by which he or they shall have been appointed; and until such Assignee or Assignees shall have so certified, no such Order as is hereinbefore mentioned, for leaving Part of the Effects of such Insolvent or Insolvents in his, her, or their Possession, shall be made, nor any other Step taken towards granting the Prayer of the Petition of the Insolvent or Insolvents, or any Part thereof.

XXIV. And be it enacted, That when any Assignee or Assignees shall have so certified as is last hereinbefore mentioned, it shall be lawful for the said Courts for Relief of Insolvent Debtors at *Calcutta*, *Madras*, and *Bombay* respectively, to grant and deliver, to the Person or Persons by whom such Estate or Effects shall have been given up, a Certificate or Certificates, of his, her, or their having delivered to his, her, or their Assignee or Assignees Property which is believed to be of the Amount of Half their Debts; and every such last-mentioned Certificate shall, until the said Courts respectively shall make Order to the contrary, have the Effect of protecting the Person to whom it shall be so given from being arrested for Debt within the Limits of the Towns of *Calcutta*, *Madras*, and *Bombay* respectively, or any other Place within the Limits of the Charter of the said United Company to which such Person shall resort with Leave of the said Courts respectively, signified in Writing; and if any such Person shall, contrary to the aforesaid Provisions, be arrested for Debt, and the Officer who shall have arrested him or her shall, after having seen such last-mentioned Certificate and Leave, refuse to discharge such Person, he shall forfeit to the same Person Fifty Sicca Rupees for every Day he shall detain him or her, which Sum or Sums may be recovered by Action of Debt in any of His Majesty's Courts of Record within the Jurisdiction of which the Arrest shall have been made, and such Action shall be brought in the Name of the Person so detained, who, if he shall recover in such Action, shall also have full Costs of Suit.

XXV. And be it enacted, That when any Person or Persons being in Custody shall have executed any such Assignment as is hereinbefore mentioned, if he, she, or they shall in like Manner put the Assignee or Assignees to whom the Assignment shall have been made into Possession of his, her, or their Estate or Effects of the Amount of Half their Debts, and the Assignee or Assignees of such Prisoner or Prisoners shall have certified the same to the Court for Relief of Insolvent Debtors, in such Manner as hereinbefore is mentioned, and the Court shall be satisfied of the

After Assignment made, Insolvent to put Assignees into the Possession of the Estate, and Assignees to certify the same.

The Court may, upon such Certificate, give the Insolvent a Protection from Arrest.

Upon Assignment being made and Possession certified, the Court may discharge Debtors from Prison.

the Truth thereof, it shall be lawful for such Court to discharge such Person or Persons from Custody, and to grant and deliver to him, her, or them the like Certificate and Leave, which shall have the like Consequences and Effects in protecting him, her, or them, from being arrested for Debt: Provided always, that it shall at all Times be lawful for such Court to revoke and annul such Certificate or Leave, if it shall appear to such Court that such Certificate or Leave hath been unfairly obtained or improperly used.

Proviso.

General
Effect of the
Assignment.

XXVI. And be it enacted, That every such Assignment as is hereinbefore mentioned shall have the Effect of conveying or transferring to and of vesting in the Assignee or Assignees, who shall have been appointed by the Court and named in the Assignment, the whole Estate and Effects, Real and Personal, and all Rights, Duties, Claims, Choses in Action, Interests, and Property, whatsoever, which at the Time of executing the Assignment shall belong to the Insolvent or Insolvents, either solely or jointly with any other Person or Persons, or which shall come to or be required by him, her, or them, or to which he shall be or become entitled in Reversion, Remainder, or Expectancy, before the Court shall have made an Order for the Discharge of such Insolvent or Insolvents from all Liability as hereinafter mentioned, and the Effect also of entitling and empowering the Assignee or Assignees to give such Discharges for Debts due to such last-mentioned Person or Persons as may be requisite; and every such Assignment as is hereinbefore mentioned shall be in Trust for the Benefit, in proportion to their respective Dues and just Claims, of all the Creditors of the Person or Persons executing the Assignment.

Offices, Ap-
pointments, and
Benefices, if
saleable, shall
pass to the
Assignees, and
if not, the Court
may order a
Proportion
thereof.

XXVII. And be it further enacted, That if any Insolvent at the Time of making any such Assignment as is hereinbefore mentioned shall hold any Public Office, Appointment, or Benefice, Civil, Military, or Ecclesiastical, under the Crown of the United Kingdom of *Great Britain and Ireland*, or under the said United Company, and if his Interest in such Office or Appointment shall be such that he might lawfully sell the same, such Interest for the Purpose of Sale shall, by the Assignment, be transferred to and vested in the Assignee or Assignees in Trust for the Benefit of his Creditors, and if his Interest therein shall not be such as he might lawfully sell, then it shall be lawful for the said Court to order the said Insolvent to pay such Proportion of his Receipts therefrom to his Assignee or Assignees as the said Court shall think just and right.

Voluntary
Preference
fraudulent, and
void as against
Assignee.

XXVIII. And be it enacted, That if any Insolvent who shall file his or her Petition for his or her Discharge under this Act, or if any Trader who shall be adjudged to have committed an Act of Insolvency on the Petition of any such Creditor or Creditors as aforesaid, being in insolvent Circumstances, shall voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever, to any Creditor or other Person whomsoever, or to any Person in Trust for or to or for the Use, Benefit, or Advantage of any Creditor or other Person whomsoever, every such Conveyance, Assignment, Transfer,

fer, Charge, Delivery, and making over, if made within Two Months before the Date of such Petition, or with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his or her Discharge from Custody under this Act, or of committing such Act of Insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the common or other Assignee or Assignees of such Prisoner appointed under this Act.

XXIX. And be it enacted, That after any such Assignment shall be made by any Petitioner or Petitioners, as hereinbefore mentioned, or after any such Adjudication of an Act of Insolvency as aforesaid, no Distress for Rent due before the filing of such Petition or Adjudication shall be made upon the Goods or Effects of any such Insolvent or Insolvents before the final Order of the Court shall have been made in the Matter of the Petition before the Court, but the Landlord or Party to whom the Rent shall be due shall be allowed to come in as a Creditor, and receive any Dividend or Dividends in proportion to the Amount of any Rent due, in like Manner as other Creditors in proportion to the Amounts of their respective Dues.

XXX. And be it further enacted, That after any such Assignment or Conveyance as by the Provisions of this Act are required to be made to the Common Assignee of the Court for Relief of Insolvent Debtors, or after any such Adjudication as aforesaid, it shall be lawful for the said Courts respectively, at any Time in their Discretion, to appoint some other Assignee or Assignees, and when such new Assignee or Assignees shall have signified to the Court his or their Acceptance of the Appointment, the Estate, Effects, Rights, Dues, Claims, Choses in Action, Interest, Trusts, and Powers, which shall have been assigned or conveyed, transferred to, or vested in such Common Assignee, shall immediately be assigned and conveyed by him to such new Assignee or Assignees as aforesaid, upon the same Trusts and for the same Purposes as they are before assigned and conveyed; and in case any Assignee or Assignees shall be unwilling to act, or in case of the Death or Incapacity or Misconduct of any Assignee or Assignees, it shall be lawful for the Court by which he or they shall have been appointed to order that any Assignment or Conveyance to him or them shall be vacated, and the same shall be vacated accordingly, but so nevertheless that no Act or Thing done prior to the Order whereby they are vacated shall be annulled or in any way affected thereby; and it shall also be lawful for the Court to appoint a new Assignee or Assignees, with like Powers and Authorities, and to oblige any Assignee or Assignees so removed, and the Heirs, Executors, Administrators, and Assigns of any deceased Assignee, to account for and deliver up all such Estate and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall have come to his, her, or their Hands by virtue of any Assignment or Conveyance made under this Act, and the Decision of the Court thereupon shall be final and conclusive; and from and immediately after any such Appointment as is aforesaid of any new Assignee, all the Estate, Effects, Rights, Dues, Claims, Choses in Action, Interest, Trusts,

No Distress for Rent shall be made after the Assignment.

The Court may remove the Assignees and appoint others.

Suits shall not abate by the Death or Removal of Assignees.

and Powers assigned or conveyed to or vested in the Assignee or Assignees, in the Room of whom such new Assignee or Assignees as aforesaid shall have been appointed, shall by virtue of such Appointment be transferred to and become vested in such new Assignee or Assignees; and whenever an Assignee shall die or be removed, or a new Assignee or Assignees shall be appointed as aforesaid, no Action at Law or Suit in Equity brought or defended by him or them in the Character of Assignee or Assignees under this Act shall be thereby abated, but upon the Suggestion of such Death, Removal, or new Appointment, such Action or Suit shall be prosecuted or defended in the Name of the existing Assignee or Assignees; and all such Assignments, Conveyances, and Appointments, as it is hereinbefore mentioned are to be made under the Directions of the Courts for the Relief of Insolvent Debtors, shall be entered on the Proceedings of the Court by the Order of which they shall be made.

Petitioners shall deliver Schedules of their Property.

XXXI. And be it enacted, That when any such Petition as is aforesaid shall be presented by any Insolvent or Insolvents to the said Court for the Relief of Insolvent Debtors, the Party or Parties presenting the Petition, at the same Time or within Thirty Days after, or within such further Time as the said Court may deem reasonable, shall deliver into the Court a Schedule containing a full and true Account of all his, her, or their Debts, whether due by him, her, or them solely, or jointly with any other Person or Persons, and of all Claims made upon the Insolvent or Insolvents for any such Debts not admitted to be due, together with a full and true Description of the several Persons to whom such Debts shall be owing, or by whom such Claims shall have been made, and also a true and perfect Account of all the Estates and Effects, Real and Personal, of the Insolvent or Insolvents, in Possession, Reversion, Remainder, or Expectancy, wheresoever situate, and of all his, her, or their Rights, Dues, Claims, Choses in Action, and Interests, and of all Trusts and Powers which can in any way be available for the Benefit of his, her, or their Creditors; and such Schedule shall also contain a full and true Statement of the Names and Places of Abode of the Person or Persons from whom any Debt or Debts shall be owing to the Petitioner or Petitioners, himself or themselves, or to him, her, or them jointly with any other Person or Persons, or against whom any Claim or Action may be brought, maintained, and enforced, and of the Witnesses who may be able to prove such Debts or support such Claim or Action, together with any other Particulars which may be required by any Rules to be established for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving further Effect to this Act in the Manner which is hereinbefore set forth; and every such Schedule so delivered as aforesaid shall be subscribed by the Insolvent or Insolvents delivering the same with his, her, or their Names, and shall forthwith be filed in the Court.

Insolvent may file Schedule after Adjudication.

XXXII. Provided always, and be it further enacted, That after any such Adjudication of an Act of Insolvency as aforesaid, it shall be lawful for any Insolvent to file a Schedule in the Court by which such Adjudication shall have been pronounced, in like Manner as if such Insolvent had presented a Petition for Relief under

under this Act, which Schedule shall have the like Effect and be acted upon in the like Manner, and from which Schedule such Insolvent shall be entitled to the like Benefit, as if the same had been filed in consequence of a Petition for Relief presented by such Insolvent under this Act.

XXXIII. And be it enacted, That after the Petition and Schedule of any Insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and Assignment shall have been made as hereinbefore directed, and after any such Adjudication of an Act of Insolvency shall have been pronounced upon the Petition of any Creditor or Creditors of such Insolvent as aforesaid, the Court shall cause Notice thereof to be given to any Creditor or Creditors of the Insolvent at whose Suit he or she may be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors resident within the *British Territories* in the *East Indies*, as the Court shall direct; and Notice to the like Effect shall be Twice at least published in the Gazette of the Presidency where such Court shall be holden; and the Court in such Notice shall appoint a Day and Place for the hearing of the Matters of the Petition of such Insolvent, or of any such Creditor or Creditors of such Insolvent as aforesaid, after such convenient Interval of Time that all the Creditors resident within the *British Territories* in the *East Indies* may have sufficient Opportunity of examining and ascertaining the Truth or Falsehood of the Insolvent's Petition and Schedule.

XXXIV. And be it further enacted, That upon the Day so appointed by the Court as aforesaid for the Hearing of any Petition, or on any future Day to which such Hearing may be adjourned, it shall be lawful for the Insolvent or Insolvents, and for any Creditor or Creditors of the Insolvent or Insolvents, to be heard, either by himself, herself, or themselves, or by Counsel, in support of or in opposition to the Petition before the Court, and the whole Matter and Substance of the Petition shall be enquired into and examined by the Court, as well respecting the Claims of any Creditors who shall be absent, as of those who shall be present; and it shall be lawful for the Court to order any Insolvent who is in Custody to be brought before it as often as Occasion may require, and to summon any Insolvent who shall not be in Custody, and the Wife of any Insolvent, and any other Person, whether a Creditor or not, who is known or suspected to have any of the Estate or Effects of the Insolvent or Insolvents in his or her Possession, or any Person who is suspected to be indebted to the Insolvent or Insolvents, or any Person who is believed to be capable of giving any Information which will more easily enable the Court to dispose of the Estate and Effects of the Insolvent or Insolvents for the Benefit of his, her, or their Creditors; and it shall also be lawful for the Court to examine any Insolvent or his Wife, or any other such Person, whether a Creditor or not, who shall appear before the said Court, in the same Way as any other Witnesses are examined in any of His Majesty's Courts of Record in the *East Indies* in any Suits at Law or in Equity, or according to any Rules which may be made for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving Effect to this Act in the Manner which is herein pre-

After the Petition and Schedule are filed, the Court shall give Notice to the Detaining Creditor, and appoint a Day for hearing the same.

Hearing of Petitions.

Expences of
Witnesses.

scribed: Provided always, that every Witness summoned to attend before the Court shall have his necessary Expences tendered to him, in like Manner as by Law is required upon Service of a Subpœna to a Witness in an Action at Law.

Where Creditor
is incapable of
attending, the
Court may
receive his
Affidavit.

XXXV. Provided also, and be it enacted, That in all Cases where any Creditor or other Person shall reside more than One hundred Miles from the said Court, or shall be incapable of attending the said Court by reason of Sickness or Infirmity, to be proved to the Satisfaction of the Court, it shall be lawful for the Court to receive the Affidavit or solemn Affirmation of such Creditor or other Person, and also, if the Court shall think fit, to permit Interrogatories to be filed for the Examination and Cross-examination of any Person making or joining in such Affidavit or solemn Affirmation.

Mutual Debts.

XXXVI. And be it further enacted, That when there has been Mutual Credit given by the Insolvent or Insolvents and any other Person or Persons, one Debt or Demand may be set against the other, and all such Debts, Dues, and Claims as may be proved under a Commission of Bankruptcy, according to the Provisions of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, or may hereafter be proveable under such Commission by virtue of any Act hereafter to be passed, may also be proved upon any such Hearing as is hereinbefore mentioned, in the same Manner, and subject to the like Deductions, Conditions, and Provisions, as in the said last-mentioned Act are set forth and prescribed.

6 G. 4. c. 16.

Creditors may
claim, although
omitted from
Schedule, &c.

XXXVII. And be it further enacted, That when any Petition shall have been presented under this Act to any of the said Courts for the Relief of Insolvent Debtors, either by an Insolvent or by any Creditor or Creditors of such Insolvent, it shall be lawful for any Person or Persons to whom such Insolvent shall be indebted, at any Time before or after the Discharge of such Insolvent, to make claim upon the Estate of such Insolvent, and to prove his or their Debt or Debts, whether due by such Insolvent solely, or jointly with any other Person or Persons, and shall be entitled to and receive a Dividend thereon rateably with the other Creditors of the said Insolvent, although the Name of such Creditor may have been wholly omitted by the said Insolvent in his or her Schedule, or may have been inserted for a smaller Amount than the Debt really due to such Person; and in the Case of an Adjudication of an Act of Insolvency under this Act, then although no Schedule shall have been filed by such Insolvent, and where any Objection to the Existence or Amount of such Debt so claimed shall be made by such Insolvent or any Creditor, such Court shall hear the same, and make such Order thereon as may seem meet and just.

Order of
Court upon
the Hearing.

XXXVIII. And be it further enacted, That upon the Hearing of any such Petition it shall be lawful for the Court to adjudge that the Insolvent is entitled to the Benefit of this Act, and to order his immediate Discharge from Custody accordingly, or to dismiss or amend the Petition, or to order the Insolvent or Insolvents to amend his, her, or their Schedule or Schedules, or to adjourn the further Hearing of the Petition until a future Day, or to make

make a Reference to the Examiner or other proper Officer of the Court to make Enquiry into any Matter of Account, or into the Truth of the Schedule or Schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the Insolvent or Insolvents to Prison until the further Hearing of the Petition, or until final Order be made in the Matter thereof, or to commit the Insolvent or Insolvents to Custody for any Debt or Debts, if he, she, or they shall not be in Custody at the Time of the Hearing, and to cancel or renew any such Certificate as is hereinbefore mentioned, which may have been given for the Purpose of protecting the Insolvent or Insolvents from Arrest, or to make any fresh Order for protecting the Insolvent or Insolvents from Arrest until final Order shall be made in the Matter of the Petition before the Court, and to order and direct that the Assignee or Assignees shall make some reasonable Allowance for Maintenance until such final Order, the Amount of which shall be fixed by the Court, and shall not exceed Five Sicca Rupees per Week: Provided always, that in case of the Court dismissing any Petition, the Acts previously done by the Assignee or Assignees, or any Person or Persons acting under his or their Authority, in pursuance of this Act, shall be valid, but in such Case the Court shall make such Order for re-assigning and Re-delivery to the Insolvent the Residue of his or her Estate and Effects, as the Case shall require, whereupon the same shall be re-vested in such Insolvent accordingly.

XXXIX. And be it further enacted, That the Court by which any Order shall be made upon any such Hearing as is hereinbefore mentioned shall also order that the Assignee or Assignees shall give such Notice of such Order having been made as to the Court shall seem fit and convenient.

Public Notice shall be given of the Order.

XL. And be it further enacted, That the Discharge of any such Insolvent so adjudicated as aforesaid shall and may extend to any Sum and Sums of Money which shall be payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security whatsoever; and that every Person and Persons who would be a Creditor or Creditors of such Insolvent for such Sum or Sums of Money, if the same were presently due, shall be admissible as a Creditor or Creditors of such Insolvent for the Value of such Sum or Sums of Money so payable as aforesaid; which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of filing such Insolvent's Petition; and such Creditor or Creditors shall be entitled, in respect of such Value, to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice nevertheless to the respective Securities of such Creditor or Creditors, excepting as respects such Insolvent's Discharge under this Act.

Discharge may extend to Sums payable by way of Annuity.

XLI. And be it further enacted, That if at the Time of any such Hearing and Order any Suit or Action shall be pending against the Insolvent or Insolvents in any Court within the *British Territories* in the *East Indies*, or for any Debt, Claim, Obligation,

Any Actions which may have been brought upon Claims admitted in the

or

Schedule shall be discontinued.

or Demand admitted in the Schedule of the Insolvent or Insolvents, or disputed as to Amount only, every Plaintiff in such Suit or Action shall discontinue the same, and shall pay all Costs incurred subsequent to his having Notice of such Hearing and Order; and in case of such Discontinuance, the Insolvent or Insolvents shall not, by virtue of any Supersedeas, Nonsuit, or Judgment as in case of Nonsuit in any such Suit or Action, be relieved from the Debt, Claim, Obligation, or Demand for which it shall have been brought, or entitled to claim from the Plaintiff or Plaintiffs any of the Costs of any such Suit or Action incurred before the Plaintiff or Plaintiffs had Notice of the Hearing and Order aforesaid.

Assignees may seize the Property of the Petitioners.

XLII. And be it further enacted, That every such Assignee as aforesaid, shall, with all convenient Speed, take Possession by himself, or by means of Messengers of the Court, or by other fit and proper Persons, of all the Real and Personal Estate and Effects of the Insolvent of which immediate Possession may be obtained, and shall use his or her best Endeavours to seize, obtain, recover, and reduce into Possession as speedily as possible the rest of such Estate and Effects, and all Debts, Claims, and Choses in Action which by such Assignment he shall have been empowered to obtain, recover, and get in.

The Court may sell the reputed Property of the Petitioner.

XLIII. And be it further enacted, That if any such Insolvent or Insolvents as are before mentioned, at the Time of filing his, her, or their Petition, or at the Time of any such Adjudication of an Act of Insolvency as aforesaid, shall, by the Consent and Permission of the true Owner thereof, have in his, her, or their Possession, Order, or Disposition, any Goods or Chattels whereof he, she, or they is or are reputed Owner, or of which he, she, or they have undertaken the Sale, Alteration, or Disposition, as Owner, the Court in which the Petition shall have been filed, or by which such Adjudication shall have been pronounced, shall have Power to sell and dispose of the same for the Benefit of the Creditors of such Insolvent or Insolvents; provided that nothing herein contained shall invalidate or affect any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, according to the Provisions of an Act of Parliament made in the Sixth Year of the Reign of His present Majesty, and intitled *An Act for the registering of British Vessels*.

Assignees may redeem any Property of the Petitioner.

XLIV. And be it further enacted, That if any Insolvent or Insolvents shall have mortgaged, pledged, pawned, or deposited any Real or Personal Estate, or any Effects, Deeds, or written Instruments, with a Reservation to himself, herself, or themselves of a Power of redeeming the same, his, her, or their Assignee or Assignees shall have the same Right and Power of Redemption as the Insolvent or Insolvents would have had if the Assignment had not been made.

Where a Petitioner is beneficially entitled to Stock, Court may order Transfer thereof.

XLV. And be it enacted, That if any Insolvent or Insolvents shall, at the Time of filing his, her, or their Petition for Relief in any such Court for the Relief of Insolvent Debtors, or at the Time of any such Adjudication of an Act of Insolvency as aforesaid, or at any Time before he or she shall become entitled to his or her final Discharge according to this Act, have any Government Stock,

Stock, Funds, or Annuities, or any of the Stock of any Public Company either in *England, Scotland, or Ireland*, standing in his, her, or their own Name or Names, in his, her, or their own Right, it shall be lawful for such Court, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name or Names of such Assignee or Assignees as aforesaid, and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order: Provided always, that in all Transfers into the Name or Names of any such Assignee or Assignees, the Transferee or Transferees shall be described as Assignee or Assignees of the Estate and Effects of the Insolvent; and no Dividend shall be payable to, nor any future Transfer made by, any Person of any such Stock, Funds, or Annuities, except under a Power of Attorney in the usual Form required for the Receipt of Dividends upon or transfer of such Stock, Funds, and Annuities respectively, duly executed by such Assignee or Assignees, and attested by Two credible Witnesses, one of whom shall be an Officer of such Court for Relief of Insolvent Debtors, and to which Attestation the Seal of such Court shall be affixed.

XLVI. And be it further enacted, That after the Hearing of any such Petition and Schedule as hereinbefore mentioned it shall be lawful for the Assignee or Assignees, by and with the Approbation of such Court, and by and with the Consent of any Creditors whose Claims after such Hearing shall appear to amount to more than Half of all the Debts due from the Insolvent to Persons resident within the *British Territories in the East Indies*, to take such reasonable Part of any Debts due to the Petitioner or Petitioners, as may by Composition be gotten, in full Discharge of such Debts, and to submit to Arbitration any Difference or Dispute between the Assignee or Assignees, and any other Person or Persons, for or on account or by reason of any thing relating to the Estate and Effects of such Prisoner.

Assignees may make Composition for the Rights and Dues of the Petitioners.

XLVII. And be it further enacted, That it shall be lawful for the Assignee or Assignees, by and with the like Approbation and Consent, to commence and prosecute or defend any Suits or Actions at Law or in Equity which the Insolvent or Insolvents might have commenced and prosecuted or defended, and to defray the Costs to which he or they may be put in respect of such Suits or Actions out of the Proceeds of the Estate and Effects of the Insolvent or Insolvents; and if there be any Partner or Partners of the Insolvent or Insolvents who hath not or have not joined in the Petition, it shall be lawful for the Court to authorize the Assignee or Assignees to join such Partner or Partners with himself or themselves as Plaintiffs in such Suit or Action; and if such Partner or Partners shall execute any Release of the Debt or Demand for which such Suit or Action is brought, the Release shall be void: Provided always, that such Partner or Partners, if he, she, or they shall take no Part in the Prosecution or Defence of such Suit or Action, shall not be liable to pay Costs in respect of the same.

Assignees may prosecute and defend Actions at Law and Suits in Equity, with the Approbation of the Court and Consent of Creditors.

XLVIII. And be it further enacted, That all Powers vested in any such Insolvent or Insolvents as are afore mentioned, which he,

Assignees may execute Powers vested in Insolvents.

he, she, or they might lawfully execute, for his, her, or their Benefit, might be executed by his, her, or their Assignees, for the Benefit of his, her, or their Creditors.

Assignees shall sell the Property, unless the Court direct otherwise.

XLIX. And be it further enacted, That from time to time as Possession is obtained of any of the Estate or Effects of any Insolvent or Insolvents, the Assignee or Assignees shall with all convenient Speed make Sale of the same; subject nevertheless to the Direction and Control of the Court by Authority of which he or they shall have been appointed, in case any Application shall be made to such Court by any Insolvent, or any Creditor or Mortgagee, in all which Cases such Court shall have full Power and Authority to delay or postpone the Sale of any Property, and to make such other Order regulating the same as to such Court shall seem meet.

Court may defer the Sale of Property, if it shall think proper.

L. ' And Whereas the Insolvents may be entitled to Annuities ' for their own Lives, or other uncertain Interests, or to rever- ' sionary or contingent Interests, or may have made Advances ' of Money for the Cultivation of Lands, or may be interested in ' Property in other Ways, in which the immediate Sale thereof ' for Payment of their Debts may be very prejudicial to them and ' to their Creditors, and it may be proper in some Cases to defer ' the Sale of such Property, and to put it under temporary ' Management, or to authorize the raising of Money by way of ' Mortgage for Payment of the Debts or Part of the Debts of an ' Insolvent, and for defraying the Expences attending the Execu- ' tion of this Act, instead of selling for such Purpose; Be it enacted, That in all such Cases it shall be lawful for the said Courts for Relief of Insolvent Debtors at any Time to take into Consideration all Circumstances affecting any Property of the Prisoner which shall have been assigned under the Provisions of this Act; and if it shall appear to any such Court that it would be reasonable to make any special Order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said Property as it may be expedient not to sell immediately, according to the Provisions of this Act, shall not be so sold, and from time to time to order and direct in what Manner such Property shall be managed, for the Benefit of the Creditors of such Insolvent, until the same can be properly sold, or until Payment of such Creditors be effected, according to the Provisions of this Act, and to make such Order touching the Sale or Disposition of such Property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such Terms and Conditions, with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as to such Court shall seem just; and if it shall appear that the Debts of any such Insolvent or Insolvents can be discharged by means of Money raised by way of Mortgage on any of the said Property of the said Insolvent or Insolvents, instead of raising the same by Sale, it shall be lawful for the said Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Insolvent or Insolvents, as may be most consistent with the Interest of such Petitioner or Petitioners, and of his, her, or their Creditor or Creditors.

LL. And

LI. And be it further enacted, That the Assignee or Assignees of all such Insolvents as are hereinbefore mentioned shall keep Accounts of the Property, Debts, and Credits of such Insolvents, whether belonging or due to or from such Insolvents solely, or jointly with any other Person or Persons, wherein they shall enter all Property of the Insolvents received by them, and all Payments made by them; which Accounts any Creditors may inspect at all reasonable Times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors at all Times to summon the Assignees before them, and require them to produce all Books, Papers, Deeds, Writings, and other Documents in their Possession, which in any way relate to the Petition of the Insolvent or Insolvents; and if such Assignee or Assignees so summoned shall not come before such Courts respectively at the Time appointed, or shall not bring with him or them such Documents as are afore mentioned, it shall be lawful for such Courts respectively to issue Attachments, and to cause such Assignee and Assignees to be brought before them, and to commit such Assignee or Assignees to Prison until he or they shall submit to the Court by which he or they shall have been summoned.

Assignees to render Accounts to the Court.

LII. And be it further enacted, That whenever it shall appear by the Accounts of any Assignee or Assignees that a Dividend may be beneficially made amongst the Creditors, it shall be lawful for any Court for the Relief of Insolvent Debtors to summon before it the Assignee or Assignees, and to direct that such Public Notice as to the Court may seem meet shall be given of a further Hearing of the Petition on a Day certain, for the Purpose of making a Dividend; and on the Day so fixed the Insolvent or Insolvents, and Assignee or Assignees, and any Creditors who shall be willing to do so, shall attend the Court, and all Objections to the Schedule of the Insolvent or Insolvents, and to the Accounts or Conduct of the Assignees, and any Claims of any Creditors which shall not have been previously determined, shall be then heard and determined, either by such Court immediately, or upon a Reference to the Examiner or other proper Officer of such Court; and it shall be lawful for such Court to examine the Insolvent or Insolvents, Assignees, and any Witnesses, on Oath, and either at that Time to declare a Dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such Declaration and Direction of the same until a further Hearing, and to make such Order in the Matter of the Petition, and respecting the same, as shall be most conducive to the Attainment of the Benefit intended by the several Provisions of this Act.

Court shall declare Dividends.

LIII. Provided always, and be it enacted, That it shall not be lawful for such Court to order any Dividend to be made amongst the joint Creditors out of the separate Estate, until the separate Creditors shall have been paid in full, nor to order any Dividend to be made to the separate Creditors out of the joint Estate, until all the joint Creditors shall have been paid in full; in which latter Case it shall be lawful for such Court to order such Dividend to be made among the separate Creditors, out of such Interest in the joint Estate as such Insolvent shall appear to be separately entitled to.

No Dividend to joint Creditors from separate Estate until separate Creditors paid in full, nor è converso.

LIV. Pro-

A certain Part of an Insolvent's Property to be reserved for a limited Time.

LIV. Provided always, and be it further enacted, That unless it shall appear, upon reasonable Proof to be made to the Satisfaction of such Court for the Relief of Insolvent Debtors, and be so certified by such Court, that all the Property of the Insolvent is situate, and all the Debtors and Creditors resident, within the Limits of the Charter of the said United Company, then, until the Expiration of Twelve Calendar Months from the Notice in the *London Gazette* of the Petition of any Insolvent, as hereinbefore mentioned, the Assignee or Assignees appointed by such Court shall reserve the full Amount of One Third Part of the Property of the said Insolvent collected in and received by such Assignee or Assignees, and shall make a Dividend among the Creditors of the said Insolvent to the Amount of the remaining Two Third Parts only, which Third Part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such Way as such Court shall order, and shall not remain in the Hands of such Assignee or Assignees; and at the Expiration of the said Term of Twelve Calendar Months it shall be lawful for the Assignee or Assignees of such Insolvent to apply to such Court for a Return of the said Third Part so reserved as aforesaid, in order that the same may be so distributed among the Creditors, as to place them all upon an equal Footing; and upon such Third Part so reserved as aforesaid being restored to such Assignee or Assignees, such Assignee or Assignees shall forthwith proceed to take an Account of the Debts of the said Insolvent, and of the Sum or Sums which shall or may have been paid by way of Dividend to any of such Creditors, and shall distribute the Fund then in the Hands of such Assignee or Assignees, so as to place all the Creditors of the said Insolvent, whether *Indian* or *British*, upon a just and equal Footing, and so as that every Creditor shall receive a rateable and proportionable Part of the Assets of the said Insolvent, according to the Amount of his Debt, and whether such Debt be inserted or omitted in the Schedule, or whether the same shall have been rightly inserted or not, and without reference to the Time at which such Debt shall have been claimed.

Court to direct what is to be done with the Money of absent Creditors.

LV. And be it further enacted, That if any Creditor whose Claim shall have been established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his Attorney or Agent, at the making of any Dividend, nor shall make Application to receive his, her, or their Share thereof, the Assignee or Assignees shall certify the same to such Court at its First Sitting after the making of the Dividend; and it shall be lawful for the Court to direct in what Manner, and by whom, and upon what Conditions, the Money so due to such Creditor or Creditors shall be kept for or paid to him, her or them, or to his, her, or their lawful constituted Attorney.

Assignees to make Compensation to the Petitioners or their Creditors, for any Losses which may be occasioned by their Misconduct.

LVI. And be it further enacted, That if any Assignee or Assignees shall neglect to account, or to pay any Difference which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect his or their Duty as Assignee or Assignees, it shall be lawful for such Court to summon such Assignee or Assignees, and to enquire into such Neglect, and if such Court shall be of opinion that the Insolvent or Insolvents, or his, her, or their Creditors, have suffered any Injury

jury by the Fault of the Assignee or Assignees, it shall be lawful for such Court to order the Assignee or Assignees to make such Compensation for the same as to such Court shall seem fit; and in default of the Assignee or Assignees obeying the Summons of such Court, or making such Compensation as shall be ordered by such Court, it shall be lawful for such Court to commit the Assignee or Assignees who shall have so offended to the Common Gaol, there to remain without Bail until he or they shall obey the Order of such Court; or to levy, by Distress and Sale of the Offender's Goods, so much as shall be sufficient to make the Compensation which shall have been ordered by such Court.

LVII. And be it further enacted, That in case it shall appear to any Court for the Relief of Insolvent Debtors, that any such Insolvent has fraudulently, with Intent to conceal the State of his or her Affairs, or to defeat the Objects of this Act, destroyed, or otherwise wilfully prevented or purposely withheld the Production of any Book, Paper, or Writing relating to such of his or her Affairs as are subject to Investigation under this Act; or kept or cause to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified, any such Book, Paper, or Writing; or that such Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his or her Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Insolvent; or made away with, charged, mortgaged, or concealed any Part of his or her Property, of what kind soever; then it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged, and so entitled as aforesaid, so soon as he or she shall have been in Custody, at the Suit of some one or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated, for such Period or Periods, not exceeding Three Years in the whole, as such Court shall direct, to be computed from the Date of his or her Petition.

LVIII. And be it further enacted, That in case it shall appear to any such Court that such Insolvent shall have contracted any of the Debts fraudulently, or by means of Breach of Trust, or by means of false Pretences, or without having any reasonable or probable Expectation, at the Time when contracted, of paying the same; or shall have put any of his or her Creditors to any unnecessary Expence, by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or any Sum of Money due from such Insolvent; or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a Malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a Malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, wherein it shall appear, to the Satisfaction of such Court, that the Injury complained of was malicious; then it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to such Debts, Sum or Sums of Money,

In certain Cases, Discharge to be at any Period not later than Three Years from petitioning.

In other Cases, Discharge to be at any Period not later than Two Years from petitioning.

Money, or Damages as above mentioned; and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he or she shall have been in Custody, at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for a Period or Periods not exceeding Two Years in the whole, as such Court shall direct, to be computed as aforesaid.

Court may order Costs in certain Cases to be paid to Creditors out of Insolvent's Estate.

LIX. And be it further enacted, That whenever any Creditor or Creditors opposing such Insolvent's Discharge shall prove, to the Satisfaction of any such Court, that such Insolvent has done or committed any Act for which upon such Adjudication as aforesaid he or she may be liable to remain in such Custody as aforesaid for a Period not exceeding Three Years, to be computed as aforesaid, such Court shall adjudge the Taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Prisoner, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to an Insolvent's Discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like Manner, if it shall seem fit; and that in case it shall appear to such Court that the Opposition of any Creditor to any such Insolvent's Discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such Costs to such Insolvent as shall appear to be just and reasonable, to be paid by the Creditor or Creditors making such Opposition, which shall be paid accordingly.

Costs in Cases of frivolous Opposition.

Court to make Order pursuant to Adjudication, and issue Warrant.

LX. And be it enacted, That where, in the Matter of any such Petition heard before any such Court, any Adjudication shall have been made by such Court for Discharge of any Insolvent, Order shall be made accordingly by the said Court in pursuance of such Adjudication, and such Court shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Insolvent from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Order of Adjudication shall take Effect as from the Day on which the Adjudication shall have been made in that Behalf; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Insolvent may be adjudged to be so discharged and entitled as aforesaid forthwith, and the Creditors as to whom he or she may be adjudged to be so discharged and entitled at some future Period: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Insolvent shall have been adjudged to be discharged out of Custody, he or she being then in Custody thereupon, shall be specified in the Warrant of such Court to be delivered to the Gaoler in that Behalf.

Proviso.

LXI. And

LXI. And be it further enacted, That every such Adjudication for Discharge of any Insolvent as aforesaid by any such Court as aforesaid, and the Order thereupon, so made as aforesaid, except in Cases of Appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient Cause to believe that such Adjudication has been made on false Evidence, or otherwise improperly made or fraudulently obtained; in which Case it shall and may be lawful for such Court, upon the Application of such Insolvent, or of any Creditor of such Insolvent, to order such Insolvent, upon due Notice, to be given to such Persons and in such Manner as the said Court shall direct, to attend or to be brought up, and the said Matter to be reheard before the said Court, who shall thereupon rehear the same, and shall and may, if just Cause shall appear, annul the original Adjudication and Order thereupon made in such Case, and shall have the same Powers and Authorities upon such Rehearing as upon any original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Adjudication in the said Matter shall not be confirmed, such Order, Certificate, and Warrant shall be made as required by this Act to be made upon such original Adjudication; and the said Court shall and may, if necessary, remand the said Insolvent to the same Custody in which he or she was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Adjudication therein had not been made; and thereupon all Detainers which were in force against such Insolvent at the Time of his or her former Discharge from Custody shall be deemed to be still in force against him or her, as if such former Adjudication had not been made; and the Gaoler and Keeper of the Prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his Custody, in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Insolvent shall refuse or neglect to appear before such Court, according to such Order for rehearing as aforesaid, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for such Court to order such Insolvent to be apprehended, and committed to Custody to such Prison, and to issue its Warrant accordingly, and to cause such Insolvent to be brought up for Examination as often as to such Court shall seem fit: Provided always, that where upon such Rehearing it shall appear to such Court that such Insolvent is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Insolvent at such future Period, to be calculated without including the Time during which such Insolvent shall have been out of Custody since the Time appointed for his or her Discharge by such former Adjudication as aforesaid.

Adjudication and Order to be final, unless obtained on false Evidence, &c. in which Case Court may order a Rehearing.

LXII. ' And Whereas the Estate, both Real and Personal, of
' any Person whose Discharge has been adjudicated under this
' Act, may not be sufficiently described or discovered in his or
' her Schedule so sworn to as aforesaid, or the Assistance of such
9 GEO. IV. F f ' Person

Insolvent may, after Discharge, be examined as to the Estate and Effects, on Application of the Assignee.

‘ Person may be necessary to adjudge, make out, recover, or manage his or her Estate and Effects, for the Benefit of his or her Creditors;’ Be it therefore enacted, That it shall and may be lawful to and for the Assignee or Assignees of the Estate and Effects of any such Person whose Discharge shall have been adjudicated under this Act, in case such Person shall, upon Application to him or her for that Purpose, have refused or neglected to give the necessary Information, from time to time to apply to the Court by which any such Adjudication shall have been pronounced, that such Person may be further examined as to any Matters or Things relating to his or her Estate and Effects by such Court; and thereupon, and also in case such Person shall neglect or refuse to appear before such Court at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn, or to answer such Questions as shall be put to him or her relating to the Discovery of his or her said Estate and Effects, then and in any of such Cases it shall be lawful for such Court, by Warrant, to commit such Person to Gaol, there to remain without Bail or Mainprize until such Time as he or she shall submit himself or herself to the Order of such Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him or her, in pursuance of the same, for the Purposes aforesaid.

Court may in certain Cases discharge the Insolvent from all Liability in respect of the Debts specified.

LXIII. And be it further enacted, That whenever it shall be made to appear to the Satisfaction of any Court for Relief of Insolvent Debtors, upon the Application of any Insolvent, his Assignee or Assignees, or any of his or her Creditors, that the Estate of such Insolvent Debtor which shall have come to the Hands of the Assignee or Assignees shall have produced sufficient to pay and discharge Three Fourths of the Amount of the Debts which shall have been established in such Court, or that Creditors to the Amount of more than One Half in Number and Value of the Debts which shall have been so established shall signify their Consent in Writing thereto, it shall be lawful for such Court to enquire into the Conduct of the said Insolvent; and if it shall appear to such Court that the said Insolvent has acted fairly and honestly towards his or her Creditors, such Court shall be fully authorized and empowered thereupon to order that the said Insolvent shall be for ever discharged from all Liability whatsoever for or in respect of such Debts so established as aforesaid; and such Court shall, in the Order to be drawn up, specify and set forth the Names of such Creditors; and after any such Order shall have been so made, no further Proceedings shall be had in the Matter of the Petition before the Court, unless upon Appeal made to the Supreme Court of Judicature of the Presidency where such Court for the Relief of Insolvent Debtors shall be holden, as hereby authorized: Provided always, that no such Order as last aforesaid shall prevent any Creditor who shall not have been resident within the Limits of the Charter of the said United Company at any Time between the filing of such Petition and the making of such Order as last mentioned, and who shall not have taken part in any of the Proceedings under the said Petition, from bringing any Suit or Action in the *East Indies*, for the Purpose of obtaining Execution against the Goods, Estate, or

Order of Discharge not to affect Creditors residing out of the Limits at the Time.

or Effects of such Insolvent, for any unsatisfied Claim of such Creditor, nor from bringing any Suit or Action for such Claim in any Court of the United Kingdom of *Great Britain and Ireland*, or elsewhere without the Limits of the said United Company's Charter, against such Insolvent, in the same Manner, and with the like Consequences and Effects, as if such Order as last mentioned had not been made.

LXIV. And be it further enacted, That if after the making of any such Order as last aforesaid any Insolvent shall, contrary to the Tenor of the same, and to the true Intent and Meaning of this Act, be sued in any Court whatsoever, it shall be lawful for such Person to plead such Order, and to give an Office Copy thereof in Evidence; and if such Person shall thereupon obtain a Verdict or Decree in his or her Favour, or if the Bill shall be dismissed for Want of Prosecution, or there shall be Judgment of Nonsuit, the Defendant or Defendants shall also be adjudged to have Treble Costs.

Remedy for unlawful Proceedings against Petitioner after final Order.

LXV. Provided always, and be it enacted, That in all Cases where it shall have been adjudged that any such Insolvent shall be so discharged and be entitled as aforesaid at some future Period, such Insolvent shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody, at the Suit of any One or more of his Creditors with respect to whom it shall have been so adjudged, at any Time before such Period shall have arrived, in the same Manner as he or she would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived, such Insolvent shall be entitled to the Benefit and Protection of this Act, notwithstanding that he or she may have been out of actual Custody during all or any Part of the Time subsequent to such Adjudication, by reason of such Prisoner not having been arrested or detained during such Time or any Part thereof.

Where Adjudication of Discharge at a future Period, the Petitioner may be arrested, &c. till Period arrives.

LXVI. And be it further enacted, That in all Cases where such Insolvent shall, upon such Adjudication as aforesaid, be liable to further Imprisonment at the Suit of his or her Creditor or Creditors, or any or either of them, it shall be lawful at any Time for the Court by which such Adjudication shall be pronounced, on the Application of such Insolvent, to order such Creditor or Creditors at whose Suit he or she shall be so imprisoned to pay to such Insolvent such Sum or Sums of Money, not exceeding the Rate of Five Sicca Rupees by the Week in the whole, at such Times, and in such Manner, and in such Proportions as such Court shall direct; and that, on Failure of Payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Five Sicca Rupees per Week.

LXVII. And be it further enacted, That if any Married Woman, being a Prisoner, or in insolvent Circumstances, within the Intent and Meaning of this Act, shall petition to be discharged for any Debt or Debts under the Provisions of the same, it shall be lawful for any Court for the Relief of Insolvent Debtors to which such Petition shall be presented to receive the same, without requiring such Married Woman to execute such Conveyance or Assignment as may be lawfully required for other Petitioners according to

Special Provisions for Insolvent Married Women.

the Provisions of this Act, but instead thereof such Court shall require such Married Woman to execute a Conveyance and Assignment for vesting in an Assignee or Assignees appointed by such Court all Property, Real and Personal, to which she may be entitled for her separate Use, whether in Possession, Remainder, Reversion, or Expectancy, or over which she shall have any Power of Disposition notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee, or other Person or Persons, for her Benefit, and to deliver up all Personal Estate and Effects of which she shall have the actual Possession, except such as she may be permitted by such Court to retain, subject only to such Right, Title, or Interest as her Husband may have in the aforesaid Real and Personal Property; all which Acts she is hereby empowered to do without her Husband, notwithstanding her Coverture, so nevertheless as not to prejudice any Right of her Husband in such Real and Personal Estate and Effects respectively; and all such Estate and Effects, Real and Personal, in Possession, Reversion, or Remainder, shall, by such Conveyance and Assignment so to be executed under the Order of such Court, be as effectually vested in the Assignee or Assignees as the same might have been vested in such Assignee or Assignees by the Conveyance or Assignment of such Woman if she had been sole and unmarried, subject only to the Rights of her Husband therein as aforesaid; and all Provision in this Act contained, touching the Real and Personal Estate of any Petitioner or Petitioners seeking to be relieved under the Authority of the same, shall apply to such Real and Personal Estate and Effects of such Married Woman, in the same Manner as the same would apply to such Personal Estate.

**Insolvent
Lunatics.**

LXVIII. And be it further enacted, That if any such Prisoner for Debt as aforesaid shall be or become of unsound Mind, and be therefore incapable of taking the Benefit of this Act, in such Manner as he or she might have done if of sound Mind, the Gaoler or Keeper of the Prison wherein the Prisoner shall be shall give Information thereof to the Court for the Relief of Insolvent Debtors of the Presidency wherein such Prison shall be situated, which Court shall thereupon issue a Commission to some competent Person or Persons to enquire, examine, and report to such Court touching and respecting the State of the Prisoner's Mind; and such Court may either confirm or set aside the Report of such Commissioner or Commissioners, and may, if it think fit, make further Enquiry by Examination of Witnesses upon Oath; and if such Court shall conclude that the Prisoner is of unsound Mind, it shall be lawful for such Court, at the Instance of any Person or Persons on behalf of such Prisoner, to order Notice to be Twice inserted in the Gazette of such Presidency, and in such Notice to specify and direct that Application will be made to such Court for the Discharge of such Prisoner on a Day to be specified in such Notice, being Twenty Days at least from the First Time of Publication of such Notice; which Notice, together with Service of the Notice on the Creditor or Creditors, at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney, shall be deemed sufficient to authorize such Court to proceed to the Discharge of such Prisoner, and such Court shall proceed

proceed accordingly, and discharge such Prisoner: Provided always, that all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which if such Prisoner were of sound Mind could and ought to be assigned by such Prisoner pursuant to the Provisions of this Act, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the common or other Assignee or Assignees appointed by such Court, as fully and effectually, and in the same Manner, and with all and every the same Consequence and Effect, both in Fact and Law, as if such Prisoner had been of sound Mind, and had duly conveyed the same to such common or other Assignee at the Time and in the Manner in this Act provided.

LXIX. And be it further enacted, That after the Time appointed for this Act to take effect, every Warrant of Attorney to confess Judgment in any Personal Action, in any of His Majesty's Courts of Record within the *British* Territories under the Government of the said United Company, and every Cognovit Actionem given by any Defendant in any Personal Action which shall be pending in any of the said Courts, shall, within Six Weeks after the Execution of such Warrant or Cognovit, be filed, together with an Affidavit of the Time of the Execution thereof, with the Prothonotary or other proper Officer of the Court in which the Judgment is confessed or the Action is pending; and every such Warrant of Attorney and Cognovit Actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null and void, to all Intents and Purposes; and if any Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written, before the Time when it shall be filed, otherwise such Warrant or Cognovit shall be null or void to all Intents and Purposes.

LXX. And be it further enacted, That the Prothonotary or other proper Officer of His Majesty's Court of Record within the *British* Territories under the Government of the said United Company shall cause every Warrant of Attorney and Cognovit Actionem in any Personal Action, filed in his Office, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an Alphabetical List of all such Warrants and Cognovits, according to the Form of a Schedule annexed to an Act passed in the Third Year of His present Majesty, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*; which Book or Books, and every Warrant of Attorney and Cognovit Actionem filed as aforesaid, shall be searched and viewed at all Times, upon Payment of the Fees lawfully established.

LXXI. And be it further enacted, That it shall be lawful for the Court in which any such Warrant or Cognovit is filed to order a Memorandum of Satisfaction to be written upon any such Warrant or Cognovit, if it shall appear to such Court that the Debt for which such Warrant or Cognovit was given as a Security shall have been satisfied or discharged.

Warrants of Attorney and Cognovits shall be void, unless filed in Six Weeks after Execution.

Prothonotary, &c. to keep Books for the Registry of Warrants and Cognovits.

3 G. 4. c. 39.

Court may order Memorandum of Satisfaction to be indorsed.

Penalty for
Perjury.

LXXII. And be it further enacted, That if any Person, in any Proceeding, Examination, Affidavit, or Affirmation had or taken under this Act, shall wilfully and corruptly swear or affirm falsely, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law, to order and adjudge such Person, if convicted in the said United Kingdom, to be transported for any Term not exceeding Seven Years, or if convicted in the *East Indies*, to be transported to such Place and for such Term as the Court shall direct, or in either Case to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner, as the same Court shall direct.

Penalty for
Embezzlement
or Concealment
of Effects.

LXXIII. And be it further enacted, That if any Insolvent or other Person shall wilfully and fraudulently embezzle or conceal any Part of the Real and Personal Estate or Effects of any Insolvent or Insolvents who shall have filed a Petition for Relief, or against whom any Petition shall have been filed in any of the said Courts for the Relief of Insolvent Debtors, such Person shall be guilty of a Misdemeanor; and it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law, to order and adjudge that such Person shall be transported to such Place and for such Term of Years as the said Court shall direct, or to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct.

Application of
Fines imposed
for the fore-
going Offences.

LXXIV. And be it further enacted, That whenever any Person or Persons shall have been ordered and adjudged, under the Provisions of this Act, to pay any Fine for any Forgery, Perjury, Embezzlement, or Concealment, and such Fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the Estate and Effects of any Insolvent or Insolvents shall be duly vested, according to the Provisions of this Act, to apply to the Court by which such Fine shall have been imposed; and if it shall be proved to the Satisfaction of the same Court that the Creditors for whose Benefit the said Assignee or Assignees shall hold in Trust the said Estate and Effects have been defrauded, or have incurred Loss, by means of such Forgery, Perjury, Embezzlement, or Concealment, the said Court by which the said Fine shall have been imposed shall pay the same, after deducting the Costs of Prosecution, to the said Assignee or Assignees for the Use and Benefit of the said Creditors: Provided always, that if no such Application shall be made by such Assignee or Assignees within One Year after any such Fine shall have been paid, it shall be lawful for the Court by which such Fine shall have been imposed, to appropriate, apply, and pay over such Fine to such Uses, Purposes, and Persons, and in such Manner as any other Fine imposed by the same Court for any Forgery, Perjury, or other Crime or Misdemeanor may be lawfully appropriated, applied, and paid over.

Mode of taking
Affidavits.

LXXV. And be it enacted, That all Affidavits and Affirmations to be used before any Court for the Relief of Insolvent Debtors, or any Officer of such Court, shall and may be sworn and affirmed before such Court, or any Commissioner or other Person appointed

appointed

pointed by such Court for that Purpose, or any Judge or Commissioner for taking Affidavits in any of His Majesty's Courts of Record within the Limits of the said United Company's Charter, or before any Master or Master Extraordinary in Chancery in *England* or *Ireland*, or any Magistrate authorized to take Affidavits or Affirmations in *Scotland*.

LXXVI. Provided always, and be it further enacted, That no Person who shall have been at any Time discharged by virtue of this Act shall again be entitled to the Benefit thereof within the Space of Five Years after such Discharge, unless a Majority in Number and Value of the Creditors against whom such Person shall seek to be discharged by virtue of this Act shall signify his, her, or their Assent to such Discharge, or unless it shall be made to appear to the Satisfaction of the Court for the Relief of Insolvent Debtors, to which Application for such Discharge shall be made, that such Person has since his or her former Discharge endeavoured by Industry and Frugality to pay all just Demands upon him or her, and has incurred no unnecessary Expence, and that the Debts which such Person has incurred subsequent to such former Discharge have been necessarily incurred for the Maintenance of such Person or his or her Family, or that the Insolvency of such Person has arisen from Misfortune, or from Inability to acquire Subsistence for himself or herself, and his or her Family.

LXXVII. And be it further enacted, That if any Action of Escape, or any other Suit or Action, shall be brought against any Magistrate or Officer or any other Person for performing the Duty of his Office or Appointment in pursuance of this Act, he or they may plead the General Issue, and give this Act in Evidence; and if the Plaintiff shall be nonsuited, or discontinue his or her Action, or a Verdict shall pass against him or her, or Judgment shall be given for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

LXXVIII. And be it further enacted, That the proper Officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Insolvent as aforesaid, or of any Creditor or Creditors of such Insolvent, or his or their Attorney, produce and shew to such Insolvent, Creditor or Creditors, and his, her, or their Attorney, at such Times as such Courts respectively shall direct, every Petition, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had relating to such Insolvent, and all Books, Papers, and Writings filed in such Matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such Insolvent, or Creditor or Creditors, or his, her, or their Attorney requiring the same, a Copy or Copies of such Petition and other Proceedings, or of such Part thereof as shall be required, receiving such Fee as such Court shall appoint for so providing the same; and that a Copy of such Petition, Schedule, Order, and other Orders and Proceedings, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order or other Proceeding, and sealed with the Seal of the said Courts respectively, shall at all Times be admitted in all Courts whatever, and before

No Person having had the Benefit of this Act shall have it again within Five Years, except in certain Cases.

In Actions under this Act the General Issue may be pleaded.

Officer of Court to produce Proceedings, and give Copies.

Commissioners of Bankrupt and Justices of the Peace, as sufficient Evidence of the same, without any Proof whatever given of the same, further than that the same is sealed with the Seal of such Courts respectively as aforesaid.

Proceedings
not liable to
Stamp Duty,
&c.

LXXIX. And be it further enacted, That no Conveyance, Assignment, Letter of Attorney, Affidavit, Certificate or other Proceeding, Instrument or Writing whatsoever, before or under any Order of any of such Courts for Relief of Insolvent Debtors, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by Direction of any such Court, relating to Matters within the Jurisdiction of such Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever, and that no Sale of any Real or Personal Estate of any such Insolvent as aforesaid, for the Benefit of his or her Creditors under this Act, shall be liable to any Auction Duty.

Courts may
make Rules
for facilitating
the Relief here-
by intended.

LXXX. And be it further enacted, That His Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, shall respectively have Power to make all necessary and reasonable Rules for facilitating and carrying into Effect within their respective Jurisdictions the Relief intended to be given by this Act in Cases for which sufficient Provision has not been thereby made.

Continuance of
Act.

LXXXI. And be it further enacted, That this Act shall continue in force until the First Day of *March* One thousand eight hundred and thirty-three.

C A P. LXXIV.

An Act for improving the Administration of Criminal Justice in the *East Indies*. [25th July 1828.]

‘ WHEREAS many wholesome Alterations have lately been made in the Criminal Law of *England*, and the Administration thereof, by Authority of Parliament; and it is expedient that some of the said Alterations should be extended to the *British Territories* under the Government of the United Company of Merchants of *England* trading to the *East Indies*;’ 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 this Act shall commence and take effect on and from the First Day of *March* One thousand eight hundred and twenty-nine, and shall extend to all Persons and all Places, as well on Land as on the High Seas, over whom or which the Criminal Jurisdiction of any of His Majesty's Courts of Justice erected or to be erected within the *British Territories* under the Government of the United Company of Merchants of *England* trading to the *East Indies* does or shall hereafter extend.

From the 1st
of March 1829
this Act to take
effect through-
out the Juris-
diction of the
King's Courts
in the East
Indies.

Who may be
admitted to Bail
on a Charge of
Felony, and
who may not.

II. And be it enacted, That where any Person shall be taken on a Charge of Felony or Suspicion of Felony before One or more Justice or Justices of the Peace, and the Charge shall be supported by positive and credible Evidence of the Fact, or by such Evidence as if not explained or contradicted shall in the Opinion of the Justice or Justices raise a strong Presumption of the Guilt of the Person charged, such Person shall be committed

to Prison by such Justice or Justices in the Manner hereinafter mentioned; but if there shall be only One Justice present, and the whole Evidence given before him shall be such as neither to raise a strong Presumption of Guilt nor to warrant the Dismissal of the Charge, such Justice shall order the Person charged to be detained in Custody until he or she shall be taken before Two Justices at the least; and where any Person so taken, or any Person in the first Instance taken before Two Justices of the Peace, shall be charged with Felony or on Suspicion of Felony, and the Evidence given in support of the Charge shall in their Opinion not be such as to raise a Strong Presumption of the Guilt of the Person charged, and to require his or her Committal, or such Evidence shall be adduced on behalf of the Person charged as shall in their Opinion weaken the Presumption of his or her Guilt, but there shall notwithstanding appear to them, in either of such Cases, to be sufficient Ground for Judicial Enquiry into his or her Guilt, the Person charged shall be admitted to Bail by such Two Justices in the Manner hereinafter mentioned: Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear Evidence on behalf of any Person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the Ends of Justice to hear the same: Provided also, that in all Cases where any Person or Persons charged as aforesaid shall be brought before One Justice, at any Place beyond the local Limits of the Jurisdiction of any of His Majesty's Courts of Justice erected or to be erected within the *British* Territories under the Government of the said United Company, it shall be lawful for such Justice alone either to commit such Person to Prison or to admit him to Bail as hereinbefore directed.

III. And be it enacted, That the Justice or Justices of the Peace, before he or they shall admit to Bail or commit to Prison any Person arrested for Felony or on Suspicion of Felony, shall take the Examination of such Person, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, and the Two Justices shall certify such Bailment in Writing; and every such Justice shall have Authority to bind by Recognizance all such Persons as know or declare any thing material touching any such Felony or Suspicion of Felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Criminal Court or Sessions of the Peace, at which the Trial thereof is intended to be, then and there to prosecute or give Evidence against the Party accused; and such Justices and Justice respectively shall subscribe all such Examinations, Informations, Bailments, and Recognizances, and deliver or cause the same to be delivered to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

IV. And be it enacted, That every Justice of the Peace before whom any Person shall be taken on a Charge of Misdemeanor, or Suspicion thereof, shall take the Examination of the Person charged, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same,

Before any Person charged with Felony, &c. shall be bailed or committed, the Justices shall take down in Writing the Examination, &c. and bind Witnesses to appear at the Trial.

Examinations, &c. to be delivered to the Court.

Duty of
Justice on
Charges of
Misdemeanor.

or as much thereof as shall be material, into Writing, before he shall commit to Prison or require Bail from the Person so charged; and in every Case of Bailment shall certify the Bailment in Writing, and shall have Authority to bind all Persons by Recognizance to appear to prosecute or give Evidence against the Party accused, in like manner as in Cases of Felony; and shall subscribe all Examinations, Informations, Bailments, and Recognizances, and deliver or cause the same to be delivered to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court, in like Manner as in Cases of Felony.

Duty of
Coroner.

V. And be it enacted, That every Coroner, upon any Inquisition before him taken, whereby any Person shall be indicted for Manslaughter or Murder, or as an Accessory to Murder before the Fact, shall put in Writing the Evidence given to the Jury before him, or as much thereof as shall be material, and shall have Authority to bind by Recognizance all such Persons as know or declare any thing material touching the said Manslaughter or Murder, or the said Offence of being accessory to Murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Criminal Court or Sessions, at which the Trial is to be, then and there to prosecute or give Evidence against the Party charged; and every such Coroner shall certify and subscribe the same Evidence, and all such Recognizances, and also the Inquisition before him taken, and shall deliver the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Penalty on
Justices and
Coroners.

VI. And be it enacted, that if any Justice or Coroner shall offend in any thing contrary to the true Intent and Meaning of these Provisions, the Court to whose Officer any such Examination, Information, Evidence, Bailment, Recognizance, or Inquisition ought to have been delivered, shall, upon Examination and Proof of the Offence in a summary Manner, set such Fine upon every such Justice or Coroner as the Court shall think meet.

Accessory
Before the Fact
may be tried as
such, or as a
substantive
Felon, by any
Court which
has Jurisdiction
to try the
principal Felon.

VII. And for the more effectual Prosecution of Accessories before the Fact to Felony, be it enacted, That if any Person shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, the Person so counselling, procuring, or commanding shall be deemed guilty of Felony, and may be indicted and convicted either as an Accessory before the Fact to the principal Felony, together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same Manner as any Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of the Person so counselling, procuring, or commanding, howsoever indicted, may be enquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if such Offence had been committed at the same Place as the principal Felony, although such Offence may have been committed either on the High Seas, or at any Place on Land, whether within His Majesty's

If the Offence
be committed
in different
Places, Ac-
cessory may be
tried in any
of the King's
Courts in India
having Juris-
diction.

Dominions

Dominions or without ; and that in case the principal Felony, and the Offence of counselling, procuring, or commanding, shall have been committed in different Places, the last-mentioned Offence may be enquired of, tried, determined, and punished in any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, having Jurisdiction to try either of the said Offences : Provided always, that no Person who shall be once duly tried for any such Offence, whether as an Accessory before the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

VIII. And be it enacted, That if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made or to be made, the Offence of such Person may be enquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if the Act by reason whereof such Person shall have become an Accessory had been committed at the same Place as the principal Felony, although such Act may have been committed either on the High Seas or at any Place on Land, whether within his Majesty's Dominions or without ; and that in case the principal Felony, and the Act by reason whereof any Person shall have become Accessory, shall have been committed in different Places, the Offence of such Accessory may be enquired of, tried, determined, and punished in any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, having Jurisdiction to try either of the said Offences : Provided always, that no Person who shall be once duly tried for any Offence of being an Accessory shall be liable to be again indicted or tried for the same Offence.

IX. And be it enacted, That if any principal Offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned, or otherwise delivered before Attainder ; and every such Accessory shall suffer the same Punishment, if he or she be in anywise convicted, as he should have suffered if the Principal had been attainted.

X. And be it enacted, That in any Indictment or Information for any Felony or Misdemeanor wherein it shall be requisite to state the Ownership of any Property whatsoever, whether Real or Personal, which shall belong to or be in the Possession of more than One Person, whether such Persons be Partners in Trade, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name One of such Persons, and to state such Property to belong to the Person so named, and another or others, as the Case may be ; and whenever in any Indictment or Information for any Felony or Misdemeanor it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in the Manner aforesaid ; and this Provision shall be construed to extend to all Joint Stock Companies and Trustees.

XI. And

Accessory after the Fact may be tried by any Court which has Jurisdiction to try the principal Felon.

If the Offence be committed in different Places, Accessory may be tried in any Court having Jurisdiction.

Accessory may be prosecuted after Conviction of the Principal, though the Principal be not attainted.

In Indictments for Offences committed on the Property of Partners, it may be laid in any one Partner by Name, and others.

Indictment not to abate by dilatory Plea of Misnomer.

XI. And be it enacted, That no Indictment or Information shall be abated by reason of any dilatory Plea of Misnomer, or of Want of Addition, or of wrong Addition of the Party offering such Plea, if the Court shall be satisfied by Affidavit or otherwise of the Truth of such Plea, but in such Case the Court shall forthwith cause the Indictment or Information to be amended according to the Truth, and shall call upon such Party to plead thereto, and shall proceed as if no such dilatory Plea had been pleaded.

What Defects shall not vitiate an Indictment after Verdict, or otherwise.

XII. And be it enacted, That no Judgment upon any Indictment or Information for any Felony or Misdemeanor, whether after Verdict or Outlawry, or by Confession, Default, or otherwise, shall be stayed or reversed for Want of the Averment of any Matter unnecessary to be proved, nor for the Omission of the Words "as appears by the Record," or of the Words "with Force and Arms," or of the Words "against the Peace;" nor for the Insertion of the Words "against the Form of the Statute," instead of the Words "against the Form of the Statutes," or *vice versa*; nor for that any Person or Persons mentioned in the Indictment or Information is or are designated by the Name of Office or other descriptive Appellation instead of his, her, or their proper Name or Names; nor for omitting to state the Time at which the Offence was committed, in any Case where Time is not of the Essence of the Offence, nor for stating the Time imperfectly, nor for stating the Offence to have been committed on a Day subsequent to the finding of the Indictment or exhibiting the Information, or on an impossible Day, or on a Day that never happened; nor for Want of a proper or perfect Venue, where the Court shall appear by the Indictment or Information to have had Jurisdiction over the Offence.

What shall not be sufficient to stay or reverse Judgment after the Verdict.

XIII. And be it enacted, That no Judgment after Verdict, upon any Indictment or Information for any Felony or Misdemeanor, shall be stayed or reversed for Want of a Similitur, nor by reason that the Jury Process has been awarded to a wrong Officer, or upon an insufficient Suggestion, nor for any Misnomer or Misdescription of the Officer returning such Process, or of any of the Jurors, nor because any Person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer; and that where the Offence charged has been created by any Statute, or subjected to a greater Degree of Punishment, the Indictment or Information shall, after Verdict, be held sufficient to warrant the Punishment prescribed by the Statute, if it describe the Offence in the Words of the Statute.

A Plea of Not guilty shall put the Prisoner on his Trial by Jury.

XIV. And be it enacted, That if any Person, being arraigned upon any Indictment or Inquisition for Treason, Felony, or Piracy, shall plead thereto a Plea of Not guilty, he shall by such Plea, without any further Form, be deemed to have put himself upon the Country for Trial, and the Court shall in the usual Manner order a Jury for the Trial of such Person accordingly.

If he refuse to plead, Court may order a Plea of Not guilty to be entered.

XV. And be it enacted, That if any Person, being arraigned upon or charged with any Indictment, Inquisition, or Information for Treason, Felony, Piracy, or Misdemeanor, shall stand mute, or will not answer directly to such Indictment, Inquisition, or Information, in every such Case it shall be lawful for the Court, if
it

it shall so think fit, to order the proper Officer to enter a Plea of Not guilty on behalf of such Person, and the Plea so entered shall have the same Force and Effect as if such Person had actually pleaded the same.

XVI. And be it enacted, That if any Person arraigned upon any Indictment or Inquisition for any Treason, Felony, or Piracy shall challenge peremptorily a greater Number of the Men returned to be of the Jury than such Person is entitled by Law so to challenge in any of the said Cases, every peremptory Challenge beyond the Number allowed by Law in any of the said Cases shall be entirely void, and the Trial of such Person shall proceed as if no such Challenge had been made.

Every Challenge beyond the legal Number shall be void.

XVII. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in bar of any Indictment, unless the Offence stated in the Plea be substantially the same Offence as that charged in the Indictment.

Attainder of another Crime not pleadable.

XVIII. And be it enacted, That where any Person shall be arraigned upon any Indictment or Inquisition for Treason or Felony, the Jury impannelled to try such Persons shall not be charged to enquire concerning his Lands, Tenements, or Goods, nor whether he fled for such Treason or Felony.

Jury not to enquire of Prisoner's Lands, &c.

XIX. And be it enacted, That Benefit of Clergy with respect to Persons convicted of Felony shall be abolished.

Benefit of Clergy abolished.

XX. And be it enacted, That no Person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the Benefit of Clergy before the Day hereinbefore mentioned for this Act taking effect, or which shall be made punishable with Death by this Act or by some Statute to be passed hereafter.

What Felonies only shall be capital.

XXI. And be it enacted, That every Person convicted of any Felony not punishable with Death shall be punished in the Manner prescribed by the Statute or Statutes specially relating to such Felony; and that every Person convicted of any Felony for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the Discretion of the Court, to be transported to such Place as such Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Felonies not capital to be punished under the Acts, if any, relating thereto, otherwise under this Act.

XXII. And be it enacted, That where any Person shall be convicted of any Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

The Court may order hard Labour or solitary Confinement as Part of the Sentence of Imprisonment.

XXIII. And be it enacted, That wherever Sentence shall be passed for Felony on a Person already imprisoned under Sentence for another Crime, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the

If a Person under Sentence for another Crime is convicted of

Expir-

Felony, the

Court may pass a Second Sentence, to commence after the Expiration of the First.

Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or of Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

Punishment for a subsequent Felony.

XXIV. And be it enacted, That if any Person shall be convicted of any Felony not punishable with Death, committed after a previous Conviction for Felony, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported to such Place as such Court shall direct, for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and in an Indictment for any such Felony committed after a previous Conviction for Felony, it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Three Sicca Rupees, and no more, shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if any Person other than such Clerk, Officer, or Deputy shall sign any such Certificate as such Clerk, Officer, or Deputy, or if any Person shall utter any such Certificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony, and being lawfully convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding two Years, and if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Form of Indictment for the subsequent Felony.

What will be sufficient Proof of the first Conviction.

Punishment for signing or uttering false Certificate of Conviction.

Admiralty Offences.

XXV. And be it enacted, That all Offences prosecuted in any of His Majesty's Courts of Admiralty shall, upon every first and subsequent Conviction, be subject to the same Punishments, whether of Death or otherwise, as if such Offence had been committed upon the Land.

Rule for interpreting all Criminal Statutes.

XXVI. And be it enacted, That wherever this or any other Statute relating to any Offence, whether punishable upon Indictment or summary Conviction, in describing or referring to the Offence or the Subject Matter thereof, or the Offender, or the Party affected or intended to be affected by the Offence, shall

use

use Words importing the Singular Number or the Masculine Gender only, yet the Statute shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is payable to a Party aggrieved, it shall be payable to a Body Corporate in every Case where such Body shall be the Party aggrieved.

XXVII. And be it enacted, That whenever any Person shall be convicted of any Felony, except Murder, for which he shall by Law be liable to suffer Death, and the Court before which such Offender shall be convicted shall be of Opinion that the particular Circumstances of the Case do not require that Judgment of Death should be pronounced, but that such Offender is a fit and proper Subject either to be recommended to the Royal Mercy, or to be ordered to be transported under the Authority of this Act, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper Officer then being present in Court to require and ask, whereupon such Officer shall require and ask if such Offender hath or knoweth any thing to say why Judgment of Death should not be recorded against such Offender; and in case such Offender shall not allege any Matter or Thing sufficient in Law to arrest or bar such Judgment, the Court shall and may and is hereby authorized to abstain from pronouncing Judgment of Death upon such Offender, and instead of pronouncing such Judgment, to order the same to be entered of Record, and thereupon such proper Officer as aforesaid shall and may and is hereby authorized to enter Judgment of Death on Record against such Offender in the usual and accustomed Form, and in such and the same Manner as is now used, and as if Judgment of Death had actually been pronounced in open Court against such Offender by the Court before which such Offender shall have been convicted.

XXVIII. And be it further enacted, That a Record of every such Judgment so entered as aforesaid shall have the like Effect to all Intents and Purposes, and be followed by all the same Consequences, as if such Judgment had actually been pronounced in open Court, and the Offender had been relieved by the Court.

XXIX. And be it enacted, That when any Person shall be convicted of any Felony for which Judgment of Death shall be pronounced or recorded against him, it shall and may be lawful for the Court, instead of leaving such Judgment of Death to be executed on such Offender, to order such Offender to be transported to such Place as the Court shall direct, either for Life or for such Term of Years as the Court shall order.

XXX. And be it enacted, That where any Offender shall be ordered or sentenced to be transported by any Court, the Governor in Council of the Presidency, or other Chief Officer of the Place where the Conviction shall be had, shall and he is hereby required to take Order for the due Performance of such Sentence of Transportation accordingly: Provided always, that it shall not be lawful for any such Court to order the Transportation of any Person,

Court may abstain from pronouncing Sentence of Death on Persons convicted of any Felonies, except Murder.

Recording equivalent to pronouncing Judgment.

Capital punishment may be mitigated to transportation.

For performing Orders of Transportation.

Proviso for certain Natives of India.

Person, being a Native of the *East Indies* and not born of *European* Parents, to the Eastern Coast of *New South Wales*, or any of the Islands adjacent thereto.

Persons returning from Transportation into the Territories of the Company, &c.

His Majesty may extend His Mercy to Offenders.

The Party whose Name is forged shall be a competent Witness in Prosecutions for Forgery.

Effect of free or conditional Pardon to a Convict.

Every Punishment for Felony, after it has been endured, shall have the Effect of a Pardon under the Great Seal.

XXXI. And be it enacted, That if any Offender who shall be ordered by any Court to be transported for any Term, of Life or Years, shall be found within any of the *British Territories* within the Limits of the said United Company's Charter, except the Place to which he shall have been so ordered to be transported, or shall come into any Part of this United Kingdom, before the End of his Term, and shall be convicted thereof, he shall be liable to be punished as a Person attainted of Felony, and to suffer Death accordingly: Provided nevertheless, that nothing herein contained shall be construed or taken to prevent His Majesty from extending His Royal Mercy to any such Offender, and allowing his Return from such Place of Transportation.

XXXII. And be it enacted, That on any Prosecution by Indictment or Information, either at Common Law or by virtue of any Statute, against any Person, for forging or counterfeiting any Deed, Writing, Instrument, or other Matter whatsoever, or for uttering any Deed, Writing, Instrument, or other Matter whatsoever, knowing the same to be forged or counterfeited, or for being accessory before or after the Fact to any such Offence, if the same be a Felony, or for aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor, no Person shall be deemed to be an incompetent Witness in support of any such Prosecution by reason of any Interest which such Person may have or be supposed to have in respect of such Deed, Writing, Instrument, or other Matter.

XXXIII. And be it declared and enacted, That where the King's Majesty shall be pleased to extend His Royal Mercy to any Offender convicted of any Felony punishable with Death or otherwise, and by Warrant under His Sign Manual, countersigned by One of His Principal Secretaries of State, shall grant to such Offender either a free or a conditional Pardon, the Discharge of such Offender out of Custody in the Case of a free Pardon, and the Performance of the Condition in the Case of a conditional Pardon, shall have the Effect of a Pardon under the Great Seal for such Offender as to the Felony for which such Pardon shall be so granted: Provided always, that no free Pardon, nor any such Discharge in consequence thereof, nor any conditional Pardon, nor the Performance of the Condition thereof, in any of the Cases aforesaid, shall prevent or mitigate the Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any Felony committed after the granting of any such Pardon.

XXXIV. And be it enacted, That where any Offender hath been or shall be convicted of any Felony, and hath endured or shall endure the Punishment which hath been or shall be adjudged or ordered in respect thereof, the Punishment so endured hath and shall have the like Effects and Consequences as a Pardon under the Great Seal, as to the Felony whereof the Offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such Punishment, shall prevent or mitigate any Punishment

Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any other Felony.

XXXV. And be it enacted, That where any Offender hath been or shall be convicted of any Misdemeanor which renders the Parties convicted thereof incompetent Witnesses (except Perjury or Subornation of Perjury), and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, such Offender shall not, after the Punishment so endured, be deemed to be by reason of such Misdemeanor an incompetent Witness in any Court or Proceeding, Civil or Criminal.

No Misdemeanor (except Perjury) shall render a Party an incompetent Witness after Punishment.

XXXVI. And be it enacted, That every Quaker or Moravian, who shall be required to give Evidence in any Case whatsoever, Criminal or Civil, shall, instead of taking an Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration in the Words following; that is to say, "I A. B. do solemnly, sincerely, and truly declare and affirm;" and that every Native of any Country within the Limits of the Charter of the said United Company, who may be required to give Evidence in any Case whatsoever, Criminal or Civil, and who shall object on the Ground of any religious Scruple to take an Oath in the usual Form, may, at the Discretion of the Court, be permitted to make his or her solemn Affirmation or Declaration in such Manner and Form as the Court shall deem sufficiently binding upon his or her Conscience, which said Affirmation or Declaration shall be of the same Force and Effect in all Courts of Justice and other Places, where by Law an Oath is required, as if such Quaker, Moravian, or Native had taken an Oath in the usual Form; and if any Person making such Affirmation or Declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Offender shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful and corrupt Perjury are subject.

Affirmations of Quakers or Moravians, &c. to be admitted in all Cases.

XXXVII. And be it enacted, That all Persons who by any Laws are now required to take an Oath upon the Holy Evangelists, or in any other Manner, for the Purpose of sitting or acting as Members of any Court, Civil or Criminal, or for any other Purpose whatsoever, may, instead thereof, be sworn according to the Forms of their respective Religions.

All Persons to be sworn according to the Forms of their respective Religions.

XXXVIII. And be it enacted, That in case of any Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act (except only a Receiver of stolen Property), and an Accessory after the Fact to Murder, shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender.

Aiders and Abettors in Felonies and Misdemeanors against this Act.

Aiders, &c.
punishable as
Principals.

XXXIX. And be it enacted, That if any Person shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every such Person shall, on Conviction before a Justice of the Peace, be liable for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

Apprehension
of Offenders
caught in the
Fact.

XL. And be it enacted, That any Person found committing any Offence punishable either upon Indictment or upon summary Conviction by virtue of this Act, may be immediately apprehended without a Warrant by any Peace Officer, or by the Party aggrieved, or by his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his Possession or on his Premises any Property whatsoever, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and if in his Power is required, to apprehend and forthwith to carry before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

Search War-
rants.

Persons offering
Property sus-
pected to be
stolen may be
seised.

Limitation of
Summary
Proceedings.

XLI. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and the Evidence of the Party aggrieved shall be admitted in Proof of the Offence.

Mode of com-
pelling Appear-
ance thereto.

XLII. And be it enacted, That where any Person shall be charged on the Oath of a credible Witness, before any Justice of the Peace, with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons, and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person, and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit) without any previous Summons (unless where otherwise specially directed) issue such Warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Application
of Forfeitures
and Penalties.

XLIII. And be it enacted, That every Sum of Money which shall be forfeited for the Value of any Property stolen or taken, or for the Amount of any Injury done (such Value or Amount to be assessed in such Case by the convicting Justice), shall be paid

to the Party aggrieved, if known, except where such Party shall have been examined in Proof of the Offence; or when the Party aggrieved is unknown, such Sum shall be applied in the same Manner as the Penalty: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Value of the Property, or to the Amount of the Injury, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by one of such Offenders only, and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein directed to be applied.

Proviso.

XLIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Value of the Property stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice, shall not be paid either immediately after the Conviction or within such Period as the Justice shall at the Time of the Conviction appoint, it shall be lawful for the convicting 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 the Justice, for any Term not exceeding Two Calendar Months, where the Amount of the Sum forfeited or of the Penalty imposed, or of both (as the Case may be), together with the Costs, shall not exceed Fifty Sicca Rupees, and for any Term not exceeding Four Calendar Months, where the Amount, with Costs, shall not exceed One hundred Sicca Rupees, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount, with Costs.

If a Person summarily convicted shall not pay, &c. the Justice may commit him.

Scale of Imprisonment.

XLV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice, if he shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by the Justice.

The Justice may discharge the Party from his Conviction in certain Cases.

XLVI. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs under such Conviction, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

XLVII. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

Form of Conviction.

' **B**E it remembered, That on the Day of
 ' in the Year of our Lord at [as the Case
 ' may be] A. O. is convicted before me I. P. One of His Majesty's
 ' Justices of the Peace for for that he the said A. O.
 ' did [specify the Offence, and the Time and Place when and where
 ' the same was committed, as the Case may be, and on a Second Con-
 ' viction state the First Conviction,] and I the said I. P. adjudge
 ' the said A. O. for the said Offence to be imprisoned in the
 ' [or, to be imprisoned in the and there
 ' kept to hard Labour for the Space of ;] or, I adjudge
 ' the said A. O. for his said Offence to forfeit and pay
 ' [here state the Penalty actually imposed, or state the Penalty, and
 ' also the Value of the Articles stolen, or the Amount of the Injury,
 ' and 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, to be imprisoned
 ' in the and there kept to hard Labour] for the Space
 ' of unless the said Sums shall be sooner paid; [or,
 ' and I order that the said Sums shall be paid by the said A. O.
 ' on or before the Day of ;] and I direct that
 ' the said Sum of [i. e. the Penalty only] shall be paid
 ' to of aforesaid, in which the said Offence
 ' was committed, to be by him applied according to the Direc-
 ' tions of the Statute in that Case made and provided; [or, that
 ' the said Sum of i. e. the Penalty, shall be paid to, &c.
 ' as before,] and that the said Sum of [i. e. the Value
 ' of the Articles stolen, or the Amount of the Injury done] shall
 ' be paid to C. D. [the Party aggrieved, unless he has been ex-
 ' amined in Proof of the Offence, in which Case state that Fact, and
 ' dispose of the whole like the Penalty, as before]. Given under
 ' my Hand and Seal, the Day and Year first above mentioned.'

Appeal.

XLVIII. And be it enacted, That in all Cases where the Sum
 adjudged to be paid on any summary Conviction shall exceed
 Fifty Sicca Rupees, or the Imprisonment adjudged shall exceed
 One Calendar Month, or the Conviction shall take place before
 One Justice only, any Person who shall think himself aggrieved
 by any such Conviction may appeal to the next Court of General
 or Quarter Sessions which shall be holden not less than Twelve
 Days after the Day of such Conviction, 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 Ses-
 sions, and shall also either remain in Custody until the Sessions,
 or enter into a Recognizance, with Two sufficient Sureties, be-
 fore a Justice of the Peace, conditioned personally to appear at
 the said Sessions, and to try such Appeal and to abide the Judg-
 ment 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 being 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

ance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

XLIX. And be it enacted, That no such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

No Certiorari,
&c. allowed.

L. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

Convictions
to be returned
to the Sessions.

How far they
shall be Evi-
dence in future
Cases.

LI. And 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 commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Cause of Action shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

Venue in Ac-
tions under this
Act.

Notice of
Action.

General Issue,
&c.

LII. ' And Whereas Doubts have arisen whether His Majesty's ' Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, ' or any Justice of the Peace in the *British* Territories under the ' Government of the said United Company, may lawfully defray ' the Costs of any Prosecution, or may make Compensation to any ' Prosecutor, otherwise than out of any Fine levied in the same ' Prosecution; ' Be it enacted, That each of the said Supreme Courts may apply towards the reasonable Costs of prosecuting Offences, or of compensating Prosecutors (whether the Prosecution be before the said Court or any Justices of the Peace),

How either
the Supreme
Courts may
apply certain
Fines.

any Part of the whole Sum arising out of Fines levied by or transmitted to the said Courts: Provided always, that no such Allowance for Costs or Compensation shall be made, except upon Motion in open Court; and that nothing herein contained shall prevent Justices of the Peace from making such Allowances for Costs or Compensation to Prosecutors as they might before have lawfully done.

Petit Treason to be treated as Murder.

LIII. And be it enacted, That every Offence which before the Commencement of this Act would have amounted to Petit Treason shall be deemed to be Murder only, and no greater Offence; and all Persons guilty in respect thereof, whether as Principals or as Accessories, shall be dealt with, indicted, tried, and punished as Principals and Accessories in Murder.

Punishment of Principal and Accessory.

LIV. And be it enacted, That every Person convicted of Murder, or of being an Accessory before the Fact to Murder, shall suffer Death as a Felon; and every Accessory after the Fact to Murder shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years.

Period of Execution, and Marks of Infamy.

LV. And be it enacted, That every Person convicted of Murder shall be executed according to Law on the Day next but One after that on which the Sentence shall be passed, unless the same shall happen to be *Sunday*, and in that Case on the *Monday* following; and the Body of every Murderer shall, after Execution, either be dissected or hung in Chains, as to the Court shall seem meet; and Sentence shall be pronounced immediately after the Conviction of every Murderer, unless the Court shall see reasonable Cause for postponing the same; and such Sentence shall express not only the usual Judgment of Death, but also the Time hereby appointed for the Execution thereof, and that the Body of the Offender shall be dissected or hung in Chains, if the Court shall think fit: Provided always, that after such Sentence shall have been pronounced, it shall be lawful for the Court or Judge to stay the Execution thereof, if such Court or Judge shall so think fit.

Sentence to be pronounced immediately after Conviction.

Power to respite.

Provision for the Trial of Murder and Manslaughter, where the Death, or the Cause of Death only, happens within the Limits of the East India Company's Charter.

LVI. And be it enacted, That where any Person, being feloniously stricken, poisoned, or otherwise hurt at any Place whatsoever, either upon the Land or at Sea, within the Limits of the Charter of the said United Company, shall die of such Stroke, Poisoning, or Hurt at any Place without those Limits, or being feloniously stricken, poisoned, or otherwise hurt at any Place whatsoever, either upon Land or at Sea, shall die of such Stroke, Poisoning, or Hurt at any Place within the Limits aforesaid, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory before or after the Fact to Murder or Manslaughter, may be dealt with, enquired of, tried, determined, and punished by any of His Majesty's Courts of Justice within the *British Territories* under the Government of the said United Company, in the same Manner in all respects as if such Offence had been wholly committed within the Jurisdiction of the Court within the Jurisdiction of which such Offender shall be apprehended or be in Custody.

LVII. And

LVII. And be it enacted, That every Person convicted of Manslaughter shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, or to pay such Fine as the Court shall award.

Punishment of
Manslaughter.

LVIII. Provided always, and be it enacted, That no Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune, or in his own Defence, or in any Manner without Felony.

Excusable and
justifiable
Homicide.

LIX. And be it enacted, That if any Person unlawfully and maliciously shall administer or attempt to administer to any Person, or shall cause to be taken by any Person, any Poison or other destructive Thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any Person, or shall unlawfully and maliciously shoot at any Person, or shall, by drawing a Trigger, or in any other Manner, attempt to discharge any kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to murder such Person, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Attempting,
by Poison or
Violence, to
murder.

LX. And be it enacted, That if any Person unlawfully and maliciously shall shoot at any Person, or shall by drawing a Trigger or in any other Manner, attempt to discharge any Kind of Loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable such Person, or to do some other grievous bodily Harm to such Person, or with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so offending, or of any of his Accomplices, for any Offence for which he or they may respectively be liable by Law to be apprehended or detained, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon: Provided always, that in case it shall appear, on the Trial of any Person indicted for any of the Offences above specified, that such Acts of shooting, or of attempting to discharge loaded Arms, or of stabbing, cutting, or wounding as aforesaid, were committed under such Circumstances that if Death had ensued therefrom the same would not in Law have amounted to the Crime of Murder, in every such Case the Person so indicted shall be acquitted of Felony.

Shooting at,
or stabbing,
cutting, or
wounding
any Person,
with Intent to
rob, maim, &c.
capital.

Proviso.

LXI. And be it enacted, That if any Person, with Intent to procure the Miscarriage of any Woman then being quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Poison or other noxious Thing, or shall use any Instrument or other Means whatsoever with the like Intent, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person, with Intent to procure the Miscarriage of any Woman not being or not being proved to be then quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Medicine or other Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender shall

Administering
Poison, or
using any
Means to pro-
cure the Mis-
carriage of any
Woman quick
with Child.

Using Means
with Intent
to procure
Miscarriage,
where the
Woman is not
quick with
Child.

shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

A Woman
concealing the
Birth of her
Child.

LXII. And be it enacted, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead Body of the said Child, endeavour to conceal the Birth thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any Term not exceeding Two Years; and it shall not be necessary to prove whether the Child died before, at, or after its Birth: Provided always, that if any Woman tried for the Murder of her Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted to find, in case it shall so appear in Evidence, that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead Body of such Child, endeavour to conceal the Birth thereof; and thereupon the Court may pass such Sentence as if she had been convicted upon an Indictment for the Concealment of the Birth.

Sodomy.

LXIII. And be it enacted, That every Person convicted of the abominable Crime of Buggery, committed either with Man-kind, or with any Animal, shall suffer Death as a Felon.

Rape.

LXIV. And be it enacted, That every Person convicted of the Crime of Rape shall suffer Death as a Felon.

Carnal Know-
ledge of a Girl
under the Age
of Eight, and
above Eight
and under Ten.

LXV. And be it enacted, That if any Person shall unlawfully and carnally know and abuse any Girl under the age of Eight Years, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and carnally know and abuse any Girl being above the Age of Eight Years and under the Age of Ten Years, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned for such Term as the Court shall award.

What sufficient
to constitute
Rape, &c.

LXVI. And Whereas upon Trials for the Crimes of Buggery and of Rape, and of carnally abusing Girls under the respective Ages hereinbefore mentioned, Offenders frequently escape by reason of the Difficulty of the Proof which has been required of the Completion of these several Crimes; For Remedy thereof be it enacted, That it shall not be necessary, in any of those Cases, to prove the actual Emission of Seed in order to constitute a carnal Knowledge, but that the carnal Knowledge shall be deemed complete upon Proof of Penetration only.

Forcible Ab-
duction of any
Woman on
account of her
Fortune with
Intent to marry
her, &c.

LXVII. And be it enacted, That where any Woman shall have any Interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any Real or Personal Estate, or shall be an Heiress presumptive or next of Kin to any one having such Interest, if any Person shall, from Motives of Lucre, take away or detain such Woman against her Will, with Intent to marry or defile her, or to cause her to be married or defiled by any other Person, every such Offender shall be guilty of Felony,
and

and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct, either for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years.

LXVIII. And be it enacted, That if any Person shall unlawfully take or cause to be taken any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Unlawful Abduction of any Girl under 16 from her Parents, &c.

LXIX. And be it enacted, That if any Person shall maliciously, either by Force or Fraud, lead or take away, or decoy or entice away, or detain, any Child under the Age of Ten Years, with Intent to deprive the Parent or Parents, or any other Person having the lawful Care or Charge of such Child, of the Possession of such Child, or with Intent to steal any Article upon or about the Person of such Child, to whomsoever such Article may belong; or if any Person shall, with any such Intent as aforesaid, receive or harbour any such Child, knowing the same to have been by Force or Fraud led, taken, decoyed, enticed away, or detained as hereinbefore mentioned; every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall think fit), in addition to such Imprisonment: Provided always, that no Person who shall have claimed to be the Father of an illegitimate Child, or to have any Right to the Possession of such Child, shall be liable to be prosecuted by virtue hereof, on account of his getting Possession of such Child, or taking such Child out of the Possession of the Mother, or any other Person having the lawful Charge thereof.

Stealing a Child under the Age of Ten Years.

Not to extend to Fathers taking their illegitimate Children.

LXX. And be it enacted, That if any Person professing the Christian Religion, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place in the *East Indies* or elsewhere, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and every such Offence may be dealt with, enquired of, tried, determined, and punished by any of His Majesty's Courts of Justice within the *British Territories* under the Government of the said United Company, within the Jurisdiction of which the Offender shall be apprehended or be in Custody, as if the Offence had been actually committed within such Jurisdiction: Provided always, that nothing herein contained shall extend to any Second Marriage contracted out of His Majesty's Dominions by any other than a Subject of His Majesty, or to any Person marrying a Second Time, whose Husband or Wife shall have been continually absent from such Person for the Space of Seven Years then last past, and shall

Bigamy.

Place of Trial.

Exceptions.

not

not have been known by such Person to be living within that Time, or shall extend to any Person who at the Time of such Second Marriage shall have been divorced from the Bond of the First Marriage, or to any Person whose former Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction.

Master of a Merchant Vessel forcing a Seaman on Shore, or refusing to bring him Home.

LXXI. And be it enacted, That if any Master of a Merchant Vessel shall, during his being Abroad, force any Man on Shore, or wilfully leave him behind in any of His Majesty's Colonies or elsewhere, or shall refuse to bring Home with him again all such of the Men whom he carried out with him as are in a Condition to return when he shall be ready to proceed on his homeward-bound Voyage, every such Master shall be guilty of a Misdemeanor, and being lawfully convicted thereof, shall be imprisoned for such Term as the Court shall award; and the said Court is hereby authorized to issue One or more Commissions, if necessary, for the Examination of Witnesses Abroad; and the Depositions taken under the same shall be received in Evidence on the Trial of every such Indictment or Information.

Counterfeiting any Deed, &c.

LXXII. And be it enacted, That if any Person shall falsely make, forge, counterfeit, or alter, or shall utter or publish as true, or sell, offer, or dispose of, or put away, knowing the same to be false, forged, counterfeited, or altered, any Deed, or any written Instrument for the Conveyance or Transfer of any Property or Interest in any Land, House, or Goods, or any Share or Interest in any Public Stock or Fund established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, or for securing the Payment of Money, or any Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, or any Indorsement or Assignment of any Bill of Exchange or Promissory Note for the Payment of Money, or any Acceptance of any Bill of Exchange, or any Acquittance or Receipt for Money, or any Goods or valuable Thing, or any accountable Receipt of any Note, Bill, or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery or Transfer of any Goods or valuable Thing, or any Decree, Order, Record, Certificate, Minute, Affidavit, Deposition, or other Writing which shall be or purport to have been enrolled, drawn up, filed, entered, issued, or delivered by any Court or Magistrate in any Proceeding, Criminal or Civil, with Intention to defraud any Person whatsoever, or any Corporation, every such Offender shall be guilty of Felony, and being thereof convicted, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Counterfeiting current Coin.

LXXIII. And be it enacted, That if any Person shall counterfeit any Gold or Silver Coin of any of the Territories under the Governments of the said United Company in the *East Indies*, or any Gold or Silver Coin usually current and received as Money in Payment in any Part of the *British Territories* under the Government

vernment of the said United Company, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

LXXIV. And be it enacted, That if any Person shall utter or tender in Payment, or sell or give in Exchange, or pay or put off to any Person, any such false or counterfeited Coin as aforesaid, knowing the same to be so false or counterfeited, every such Offender, being thereof convicted, shall be adjudged by the Court to suffer Six Months Imprisonment, and find Sureties for his good Behaviour for Six Months more, to be computed from the End of the said first Six Months; and if the same Person shall afterwards be convicted a Second Time of the like Offence of uttering or tendering in Payment, or selling or giving in Exchange, or paying or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, such Person shall for such Second Offence suffer Two Years Imprisonment, and find Sureties for his or her good Behaviour for Two Years more, to be computed from the End of the said first Two Years; and if the same Person shall afterwards offend a Third Time, in uttering or tendering in Payment, or selling or giving in Exchange, or paying or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, and shall be convicted of such Third Offence, he shall be sentenced to Transportation for Life to such Place beyond the Seas as the Court shall direct.

Uttering
counterfeit
Coin.

1st Offence.

2d Offence.

3d Offence.

LXXV. And be it enacted, That if any Person shall have in his Custody, without lawful Excuse, the Proof whereof shall lie on the Party accused, any greater Number of Pieces than Five Pieces of such false or counterfeit Coin as aforesaid, every such Person, being thereof convicted upon the Oath of One or more credible Witness or Witnesses before One of His Majesty's Justices of the Peace, or if there shall be no Justice of the Peace duly qualified to act in the Place where such Offence shall be committed, before One of the Judges of His Majesty's Court there, shall forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice or Judge, and shall for every Offence forfeit and pay any Sum of Money not exceeding in Value Forty Sicca Rupees, or less than Twenty Sicca Rupees, in the Currency of the Place in which such Offence shall be committed, for every such Piece of false or counterfeit Coin which shall be found in the Custody of such Person, one Moiety to the Informer or Informers, and the other Moiety to the Poor of the Presidency, Settlement, or Place in which such Offence shall be committed; and in case any such Penalty shall not be forthwith paid, it shall be lawful for such Justice or Judge to commit the Person or Persons who shall be adjudged to pay the same to the Common Gaol or House of Correction, there to be kept to hard Labour for the Space of Three Calendar Months, or until such Penalty shall be paid.

Having in
Possession
more than
Five Pieces of
counterfeit
Coin, without
lawful Excuse,
punishable with
Five or Three
Months' Im-
prisonment.

LXXVI. And

Counterfeiting Licences or Certificates, or attested Copies thereof, punishable with Fine and Imprisonment.

LXXVI. And be it enacted, That if any Person shall counterfeit, erase, alter, or falsify any Licence authorizing any Ship or Vessel to proceed to any Place in the *East Indies* or Parts aforesaid, or any Licence or Certificate authorizing any Person to go to or reside at any such Place, or any attested Copy of any such Licence or Certificate, or shall utter or publish as true any such counterfeited, erased, altered, or falsified Licence, Certificate, or attested Copy, knowing the same to be counterfeited, erased, altered, or falsified, every such Offender, being convicted thereof, shall suffer such Imprisonment not exceeding One Year, and shall pay such Fine not exceeding in Value One thousand Sicca Rupees in the Currency of the Place in which such Offence shall be committed, as the Court shall direct.

Distinction between Grand and Petty Larceny abolished.

LXXVII. And be it enacted, That the Distinction between Grand Larceny and Petty Larceny shall be abolished; and every Larceny, whatever be the Value of the Property stolen, shall be deemed to be of the same Nature, and shall be subject to the same Incidents, in all respects, as Grand Larceny was before the Day of this Act taking effect.

Punishments for Simple Larceny.

LXXVIII. And be it enacted, That every Person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall, except in the Cases hereinafter otherwise provided for, be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

Stealing public or private Securities for Money, or Warrants for Goods, shall be Felony, and punishable like stealing Goods.

LXXIX. And be it enacted, That if any Person shall steal any Security whatsoever, entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever for Money or for Payment of Money, whether of the Territories under the Government of the said United Company or of any other of His Majesty's Dominions, or of any Foreign Country or State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, every such Offender shall be deemed guilty of Felony of the same Nature and in the same Degree, and punishable in the same Manner, as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or with the Money due on the Security so stolen or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order; and each of the several Documents hereinbefore enumerated shall, throughout this Act, be deemed for every Purpose to be included under and denoted by the Words "valuable Security."

Rule of Interpretation.

Robbery from the Person;

LXXX. And be it enacted, That if any Person shall rob any other Person of any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall suffer Death as a Felon;

Felon; and if any Person shall steal any such Property from the Person of another, or shall assault any other Person with Intent to rob him, or shall with Menaces or by Force demand any such Property of any other Person with Intent to steal the same, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

LXXXI. And be it declared and enacted, That if any Person shall accuse or threaten to accuse any other Person of any infamous Crime, as hereinafter defined, with a View or Intent to extort or gain from him, and shall, by intimidating him by such Accusation or Threat, extort or gain from him any Chattel, Money, or valuable Security, every such Offender shall be deemed guilty of Robbery, and shall be indicted and punished accordingly.

LXXXII. And be it enacted, That if any Person shall knowingly send or deliver any Letter or Writing, demanding of any Person, with Menaces, or without any reasonable or probable Cause, any Chattel, Money, or valuable Security; or if any Person shall accuse or threaten to accuse, or shall knowingly send or deliver any Letter or Writing accusing or threatening to accuse, any Person of any Crime punishable by Law with Death, Transportation, or Pillory, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime, as hereinafter defined, with a View or Intent to extort or gain from such Person any Chattel, Money, or valuable Security, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

LXXXIII. And be it enacted, That the abominable Crime of Buggery, committed either with Mankind or with any Animal, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person, whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

LXXXIV. And be it enacted, That every Person convicted of Burglary shall suffer Death as a Felon; and it is hereby declared, that if any Person shall enter the Dwelling House of another with Intent to commit Felony, or being in such Dwelling House shall commit any Felony, and shall in either Case break out of the said Dwelling House in the Night-time, such Person shall be deemed guilty of Burglary.

LXXXV. And be it enacted, That if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money,

Stealing from the Person; Assaults with Intent to rob, and Demands accompanied with Menaces or Force.

Obtaining Money, &c. by threatening to accuse a Party of an infamous Crime.

Sending Letters threatening to accuse a Party of an infamous Crime for the Purpose of extorting Money, &c.

What shall be deemed an infamous Crime.

Burglary, capital.

Housebreaking and stealing in a House, when capital.

Money, or valuable Security, to any Value whatever, or shall steal any such Property to any Value whatever in any Dwelling House, any Person therein being put in fear, or shall steal in any Dwelling House any Chattel, Money, or valuable Security, to the Value in the whole of Fifty Sicca Rupees or more, every such Offender, being convicted thereof, shall suffer Death as a Felon.

What Buildings only are Part of a House for capital Purposes.

LXXXVI. Provided always, and be it enacted, That no Building, although within the same Curtilage with the Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for the Purpose of Burglary, or for any of the Purposes aforesaid, unless there shall be a Communication between such Building and Dwelling House, either immediate or by means of a covered and inclosed Passage leading from the one to the other.

Robbery in any Building within the same Curtilage as the House, but not privileged as Part of the House.

LXXXVII. And be it enacted, That if any Person shall break and enter any Building, and steal therein any Chattel, Money, or valuable Security, such Building being within the Curtilage of a Dwelling House, and occupied therewith, but not being Part thereof according to the Provision hereinbefore mentioned, every such Offender, being convicted thereof, either upon an Indictment for the same Offence, or upon an Indictment for Burglary, House-breaking, or stealing to the Value of Fifty Sicca Rupees in a Dwelling House, containing a separate Count for such Offence, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Robbery in a Shop, Warehouse, &c.

LXXXVIII. And be it enacted, That if any Person shall break and enter any Shop, Warehouse, or Counting-house, and steal therein any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as hereinbefore last mentioned.

Stealing Goods from a Vessel in a Port, River, or Canal.

LXXXIX. And be it enacted, That if any Person shall steal any Goods or Merchandize in any Vessel, Barge, or Boat of any Description whatsoever, in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek belonging to or communicating with any such Port or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, or Creek, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as hereinbefore last mentioned.

Plundering the Tackle or Cargo of a wrecked Vessel.

XC. And be it enacted, That if any Person shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any Kind belonging to such Ship or Vessel, every such Offender, being convicted thereof, shall suffer Death as a Felon: Provided always, that when Articles of small Value shall be stranded or cast on Shore, and shall be stolen without Circumstances of Cruelty, Outrage, or Violence, it shall be lawful to prosecute and punish the Offender as for Simple Larceny.

Proviso.

XCI. And

XCI. And be it enacted, That if any Goods, Merchandize, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, shall by virtue of a Search Warrant, to be granted as hereinafter mentioned, be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof; and the Offender, on the Conviction of such Offence before the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Two hundred Sicca Rupees, as to the Justice shall seem meet.

Persons in Possession of shipwrecked Goods not giving a satisfactory Account.

XCII. And be it enacted, That if any Person shall offer or expose for Sale any Goods, Merchandize, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize, or Articles, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Offender, on Conviction of such Offence by the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Two hundred Sicca Rupees, as to the Justice shall seem meet.

Shipwrecked Goods offered for Sale may be seized.

XCIII. And be it enacted, That if any Person shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy, any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatever, of or belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending, or terminated in any such Court; or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or any original Document whatsoever, of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court; every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and it shall not in any Indictment for such Offence be necessary to allege that the

Stealing, &c. of Records and other Proceedings of Courts of Justice.

Article

Article in respect of which the Offence is committed is the Property of any Person, or that the same is of any Value.

Stealing or
destroying of
Wills.

XCIV. And be it enacted, That if any Person shall, either during the Life of the Testator or Testatrix, or after his or her Death, steal, or for any fraudulent Purpose destroy or conceal, any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to any of the Punishments which the Court may award as hereinbefore last mentioned; and it shall not in any Indictment for such Offence be necessary to allege that such Will, Codicil, or other Instrument is the Property of any Person, or that the same is of any Value.

Stealing of
Writings re-
lating to any
Real Estate.

XCv. And be it enacted, That if any Person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being Evidence of the Title or of any Part of the Title to any Real Estate, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof, shall be liable to any of the Punishments which the Court may award as hereinbefore last mentioned; and in any Indictment for such Offence it shall be sufficient to allege the Things stolen to be Evidence of the Title or of Part of the Title of the Person, or of some one of the Persons, having a present Interest, whether legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some Part thereof; and it shall not be necessary to allege the Thing stolen to be of any Value.

Nothing herein
as to Wills and
Writings shall
lessen any
Remedy at Law
or in Equity
which the ag-
grieved Party
now has.

XCvI. Provided always, and be it enacted, That nothing in this Act contained, relating to either of the Misdemeanors aforesaid, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Person shall be liable to be convicted of either of the Misdemeanors aforesaid, by any Evidence whatever, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved.

Stealing Dogs,
or Beasts or
Birds, kept in
Confinement.

XCvII. And be it enacted, That if any Person shall steal any Dog, or shall steal any Beast or Bird, ordinarily kept in a state of Confinement, not being the Subject of Larceny at Common Law, every such Offender, being convicted thereof before a Justice of the Peace, shall for the First Offence forfeit and pay over and above the Value of the Dog, Beast, or Bird, such Sum of Money, not exceeding Two hundred Sicca Rupees, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour

Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped after the Expiration of Four Days from the Time of such Conviction.

XCVIII. And be it enacted, That if any Person shall steal, or rip, cut, or break with Intent to steal, any Glass or Wood Work belonging to any Building whatsoever, or any Lead, Iron, Copper, Brass, or other Metal, or any Utensil or Fixture, whether made of Metal or other Material, respectively fixed in or to any Building whatsoever, or any thing made of Metal fixed in any Land being Private Property, or for a Fence to any Dwelling House, Garden, or Area, or in any Square, Street, or other Place dedicated to Public Use or Ornament, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and in case of any such Thing fixed in any Square, Street, or other like Place, it shall not be necessary to allege the same to be the Property of any Person.

Stealing Fixtures of any kind from Buildings, and Metal Fixtures from Grounds.

XCIX. And be it enacted, That if any Clerk or Servant shall steal any Chattel, Money, or valuable Security, belonging to or in the Possession or Power of his Master, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

Clerks and Servants stealing from their Masters.

C. And be it enacted, That if any Clerk or Servant, or any Person employed for the Purpose or in the Capacity of a Clerk or Servant, shall by virtue of such Employment receive or take into his Possession any Chattel, Money, or valuable Security, for or in the Name or on the Account of his Master, and shall fraudulently embezzle the same or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money, or Security was not received into the Possession of such Master otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed; and every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as hereinbefore last mentioned.

Clerks, and Servants receiving any Money, &c. on their Master's Account, and embezzling it.

CI. And be it enacted, That it shall be lawful to charge in One Indictment, and proceed under the same against the Offender for any Number of distinct Acts of Embezzlement not exceeding Three, which may have been committed by him against the same Master within the Space of Twelve Calendar Months from the first to the last of such Acts; and in every such Indictment, except where the Offence shall relate to any Chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular Coin or valuable Security; and such Allegation, so far as regards the Description of the Property, shall be sustained, if the Offender shall be proved to have embezzled

Distinct Acts of Embezzlement may be charged in the same Indictment.

As to Allegation and Proof of the Property embezzled.

any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved, or if he shall be proved to have embezzled any Piece of Coin or valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, and such Part shall have been returned accordingly.

Agents em-
bezzling Money
intrusted to
them for a
special Pur-
pose ;

CII. And be it enacted, That if any Money, or Security for the Payment of Money, shall be intrusted to any Banker, Merchant, Broker, Attorney, or other Agent, with any Direction in Writing to apply such Money or any Part thereof, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose specified in such Direction, and he shall, in violation of good Faith, and contrary to the Purpose so specified, in anywise convert to his own Use or Benefit such Money, Security, or Proceeds, or any Part thereof respectively, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place beyond the Seas as the Court shall direct, for any Term not exceeding Fourteen Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award ; and if any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, shall be intrusted to any Banker, Merchant, Broker, Attorney, or other Agent, for safe Custody, or for any special Purpose, without any Authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good Faith, and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any Manner convert to his own Use or Benefit, such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate, or any Part thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as hereinbefore last mentioned.

or Goods or
valuable
Securities.

Not to affect
Trustees or
Mortgagees ;

CIII. Provided always, and be it enacted, That nothing hereinbefore contained relating to Agents shall affect any Trustee in or under any Instrument whatever, or any Mortgagee of any Property Real or Personal, in respect of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trust or Mortgage ; nor shall restrain any Banker, Merchant, Broker, Attorney, or other Agent, from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed ; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession upon which he shall have any Lien, Claim, or Demand entitling him by Law so to do, unless such Sale, Transfer, or other Disposal

nor to restrain
Bankers, &c.
from receiving
Money due
on Securities ;

nor from
disposing of
Securities on
which they
have a Lien.

Disposal shall extend to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

CIV. And be it enacted, That if any Factor or Agent intrusted for the Purpose of Sale with any Goods or Merchandize, or intrusted with any Bill of Lading, Warehousekeeper's or Wharfinger's Certificate or Warrant or Order for Delivery of Goods or Merchandize, shall, for his own Benefit, and in violation of good Faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Deposit or Pledge was justly due and owing to such Factor or Agent from his Principal, together with the Amount of any Bill or Bills of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent.

CV. Provided always, and be it enacted, That nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, against any Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall prevent, lessen, or impeach any Remedy, at Law or in Equity, which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall be liable to be convicted by any Evidence whatever, as an Offender against this Act, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved.

CVI. And be it enacted, That if any Person shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to cheat or defraud any Person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award: Provided always, that if upon the Trial of any Person indicted for a Misdemeanor, it shall appear that he

Factors pledging for their own Use Goods, or Documents relating to Goods, intrusted to them for the Purpose of Sale.

Not to extend to Cases where the Pledge does not exceed the Amount of the Lien.

Nothing herein, as to Agents, &c. to lessen any Remedy which the aggrieved Party now has.

Obtaining Money, &c. by false Pretences, a Misdemeanor.

No Acquittal on the Ground that the Case

proved amounts to Larceny.

Where the original Offence is Felony, the Receivers of stolen Property may be tried, either as Accessories after the Fact, or as substantive Felons.

Where the original Offence is Misdemeanor, Receivers may be prosecuted for a Misdemeanor, whether the Principal be convicted or not.

All Receivers may be tried where the Principal is triable, or where the Property is found in their Possession, as well as where the receiving takes place.

The Owner of stolen Property, prosecuting Thief or Re-

obtained the Property in any Manner amounting to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor, if the Offence be in any other respects substantially proved; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts.

CVII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, or obtaining whereof shall amount to a Felony, either at Common Law or by virtue of this Act, such Person knowing the same to have been feloniously stolen, taken, or obtained, every such Receiver shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact, or as for a substantive Felony, whether in the latter Case the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment: Provided always, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

CVIII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable Misdemeanor by this Act, such Person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver shall, on Conviction, be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

CIX. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such Person, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried, and punished in any Place in which he shall have or shall have had any such Property in his Possession, or in any Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished for receiving such Property in the Place where he actually received the same.

CX. And be it enacted, That if any Person guilty of any Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving any Chattel, Money, valuable

valuable Security, or other Property whatsoever, shall be indicted for any such Offence by the Owner of the Property, or by his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court before whom any such Person shall be so convicted shall have Power to award from time to time Writs of Restitution for the said Property, or to order the Restitution thereof in a summary Manner: Provided always, that if it shall appear, before any Award or Order made, that any valuable Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate liable to the Payment thereof, or being a negotiable Instrument shall have been *bonâ fide* taken or received by Transfer or Delivery by some Person or Body Corporate for a just and valuable Consideration, without any Notice, or without any reasonable Cause to suspect, that the same had by any Felony or Misdemeanor been stolen, taken, obtained, or converted as aforesaid, in such Case the Court shall not award or order the Restitution of such Security.

CXI. And be it enacted, That if any Person shall corruptly take any Money or Reward, directly or indirectly, under pretence or on account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misdemeanor have been stolen, taken, obtained, or converted as aforesaid, every such Person so taking Money or Reward (unless he shall cause the Offender guilty of the principal Felony or Misdemeanor to be apprehended and brought to Trial for the same) shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

CXII. And be it enacted, That if any Person shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any Public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without seizing or making any Enquiry after the Person producing such Property, or shall promise or offer in any such Public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost, the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or if any Person shall print or publish any such Advertisement, in any of the above Cases every such Person shall forfeit the Sum of Five hundred Sicca Rupees for every such Offence, to any Person who will sue for the same by Action of Debt, to be recovered with full Costs of Suit.

CXIII. And be it enacted, That where the stealing or taking of any Property whatsoever is by this Act punishable on summary Conviction, either for every Offence, or for the First and Second

ceiver to Conviction, shall have Restitution of his Property.

Exception.

Taking a Reward for helping to the Recovery of stolen Property, without bringing the Offender to Trial.

Advertising a Reward for the Return of stolen Property, &c.

Receivers punishable summarily, where the Stealers are.

Offence only, or for the First Offence only, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of receiving, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

Setting fire to
any Church,
House, &c.

CXIV. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Church or Chapel, or other public Place of Religious Worship whatsoever, or shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Barn, or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Destroying
Manufactures
or Machinery,
or breaking into
any Building
with that In-
tent.

CXV. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy or to render useless, any Goods or Articles in any Stage, Process, or Progress of Manufacture; or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Loom, Frame, Machine, Engine, Rack, Tackle, or Implement, whether fixed or moveable, prepared for or employed in manufacturing or preparing any such Goods or Articles; or shall by Force enter into any House, Shop, Building, or Place, with Intent to commit any of the Offences aforesaid; every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Demolishing,
&c. Buildings
or Machinery.

CXVI. And be it enacted, That if any Persons, riotously and tumultuously assembled together to the Disturbance of the Public Peace, shall unlawfully and with Force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any Church or Chapel, or other public Place of Religious Worship whatsoever, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Barn, or Granary, or any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture or in any Branch thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Setting fire to
or destroying
any Ship.

CXVII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, or shall unlawfully and maliciously set fire to any Goods being on board any Ship or Vessel as Cargo, with Intent to burn or destroy such Cargo or Ship,

Ship, and with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or any Owner or Part Owner of any Goods on board the same, or any Person that hath underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

CXVIII. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same or to render the same useless, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Damaging any Ship otherwise than by Fire.

CXIX. And be it enacted, That if any Person shall exhibit any false Light or Signal, with Intent to bring any Ship or Vessel into Danger, or shall unlawfully and maliciously do any thing tending to the immediate Loss or Destruction of any Ship or Vessel in Distress, or destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel, or shall by Force prevent or impede any Person endeavouring to save his Life from such Ship or Vessel (whether he shall be on board or shall have quitted the same), every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Doing any Act tending to the immediate Loss of a Ship in Distress, or destroying the Goods or any Part of such Ship.

CXX. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any Lock, Sluice, Floodgate, or other Work on any navigable River or Canal, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and if any Person shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground, and used for securing any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, or shall unlawfully and maliciously open or draw up any Floodgate, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven

Destroying any Sea Bank, or the Bank of any River or Canal, or any Lock, Floodgate, &c.

Cutting or removing the Piles, &c. of any Sea Bank, or Bank of a River or Canal, or doing any Damage with Intent to obstruct any such Navigation.

Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Breaking down
the Dam of a
Fishery.

CXXI. And be it enacted, That if any Person shall unlawfully and maliciously break down or otherwise destroy the Dam of any Fishpond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish therein, every such Offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Fifty Sicca Rupees, as to the Justice shall seem meet.

Killing or
maiming
Cattle.

CXXII. And be it enacted, That if any Person shall unlawfully and maliciously kill, maim, or wound any Cattle or Beast of Burthen, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Setting fire
to Crops or
Stacks of Corn,
Grain, &c. or
to any Planta-
tion, &c.

CXXIII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Stack of Rice, Corn, or other Grain, Pulse, Sugar Cane, Straw, Hay, or Wood, or to any Crop of Rice, Corn, or other Grain, or Pulse, or Sugar Cane, whether standing or cut down, or to any Part of a Wood, Coppice, or Plantation of Trees or valuable Plants, or to any Grass, Fern, or other like Ground Produce, wheresoever the same may be growing, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Malice against
the Owner of
the Property
not essential to
the Offence.

CXXIV. And be it enacted, That every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

All Acts, &c.
repealed by
7 & 8 G. 4.
c. 27. and
9 G. 4. c. 31.
as to England,
shall be re-
pealed in like
Manner within

CXXV. And be it enacted, That all Acts and Parts of Acts which by an Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act for repealing various Statutes in England relative to Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred*; or by an Act passed in the present Session of Parliament, intituled *An Act*

Act for consolidating and amending the Statutes in England relative to Offences against the Person; are, as to that Part of the United Kingdom called *England*, and as to Offences committed within the Jurisdiction of the Admiralty of *England*, repealed, except as therein mentioned, shall, from and after the said First Day of *March* One thousand eight hundred and twenty-nine, as to all Persons, Matters, and Things over whom or which the Jurisdiction of any of His Majesty's Courts of Justice erected within the *British Dominions* under the Government of the said United Company extends, be repealed, except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to Offences and other Matters committed or done before or upon the Day of this Act taking effect, which shall be dealt with and punished as if this Act had not been passed.

the Jurisdiction of the Courts of Justice in India.

CXXVI. And be it enacted, That so much of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same*, as relates to the Transportation of Offenders; and so much of an Act passed in the Fifty-third Year of the same Reign, intituled *An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter*, as relates to the stealing or taking by Robbery of Securities for Payment of Money, to the falsely making, forging, counterfeiting, or altering, or to uttering, publishing, selling, offering, disposing of or putting away, knowing the same to be false, forged, or counterfeited, any Writings, Licences, Certificates, or attested Copies thereof, or to counterfeiting Coin, or to uttering, tendering in Payment, selling, giving in Exchange, paying, putting off, or having in Possession, forged or counterfeit Coin; and so much of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and to authorize Soldiers and Sailors in the East Indies to send and receive Letters at a reduced Rate of Postage*, as requires that the Oaths to be taken by Members of General or other Courts Martial, or Courts of Requests composed of Military Officers, shall be taken upon the Holy Evangelists; shall, from and after the Day of this Act taking effect, in like Manner and with the like Exceptions, be and the same is hereby repealed.

39 & 40 G. S. c. 79.

53 G. 3. c. 155.

and 4 G. 4. c. 81. in part repealed.

CXXVII. And be it enacted, That all Persons, whether *British* Subjects or others, employed by or in the Service of His Majesty, shall be held subject and amenable to the Criminal Jurisdiction of His Majesty's Courts of Justice, erected or to be erected within the *British Territories* under the Government of the said *India* Company, for all Crimes and Offences to be by them committed on or from and after the First Day of *March* One thousand eight hundred and twenty-nine, in the same Manner as

Persons employed by His Majesty shall be amenable to Courts in India.

Persons

Persons employed by or in the Service of the said United Company are now by Law subject and amenable to the said Jurisdiction.

C A P. LXXV.

An Act for the further Improvement of the Road from *London* to *Holyhead*, and of the Road from *London* to *Liverpool*.

[25th July 1828.]

‘ **W**HEREAS an Act was passed in the Fifty-fifth Year of the
 ‘ Reign of His late Majesty King *George* the Third, intituled
 55 G. 3. c. 152. ‘ *An Act for granting to His Majesty the Sum of Twenty
 ‘ thousand Pounds, to be issued and applied towards repairing Roads
 ‘ between London and Holyhead by Chester, and between London
 ‘ and Bangor, by Shrewsbury*; and by the said Act certain Com-
 ‘ missioners were appointed for carrying the same into Execution :
 59 G. 3. c. 30. ‘ And Whereas an Act was passed in the Fifty-ninth Year of the
 ‘ Reign of His late Majesty King *George* the Third, intituled *An
 ‘ Act for vesting in Commissioners the Line of Road from Shrews-
 ‘ bury in the County of Salop to Bangor Ferry in the County of Car-
 ‘ narvon; 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 regulating so much of the said Acts as affects the said Line of
 ‘ Road* : And Whereas an Act was passed in the Fifty-ninth Year
 59 G. 3. c. 48. ‘ of the Reign of His late Majesty King *George* the Third, intituled
 ‘ *An Act to amend an Act passed in the Fifty-fifth Year of His pre-
 ‘ sent 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 Commis-
 ‘ sioners 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 an Act was passed in the
 1 & 2 G. 4. c. 30. ‘ First and Second Years of the Reign of His present Majesty,
 ‘ intituled *An Act for further improving the Roads between London
 ‘ and Holyhead, by Coventry, Birmingham, and Shrewsbury* :
 4 G. 4. c. 74. ‘ And Whereas an Act was passed in the Fourth Year of the
 ‘ Reign of His present Majesty, intituled *An Act for vesting in
 ‘ Commissioners the Bridges now building over the Menai Straits
 ‘ and the River Conway, and the Harbours of Howth and Holy-
 ‘ head, and the Road from Dublin to Howth; and for the further
 ‘ Improvement of the Road from London to Holyhead*; and by
 ‘ the said Act certain Commissioners have been appointed for
 ‘ carrying the same into Execution, and various Powers have been
 ‘ given to the said Commissioners : And Whereas an Act was
 6 G. 4. c. 100. ‘ passed in the Sixth Year of the Reign of His present Majesty,
 ‘ intituled *An Act to extend the Powers of an Act for vesting in
 ‘ Commissioners the Bridges building over the Menai Straits and
 ‘ the River Conway, and the Harbours of Howth and Holyhead,
 ‘ and the Road from Dublin to Howth; and for the further Im-
 ‘ provement of the Road from London to Holyhead* : And Whereas
 ‘ an Act was passed in the Seventh Year of the Reign of His pre-
 ‘ sent

sent Majesty, intituled *An Act for further extending the Powers* 7 G. 4. c. 76.
of an Act for vesting in Commissioners the Bridges building over
the Menai Straits and the River Conway, and the Harbours of
Howth and Holyhead, and the Road from Dublin to Howth; and
for the further Improvement of the Road from London to Holy-
head: And Whereas an Act was passed in the Seventh and
Eighth Year of the Reign of His present Majesty, intituled An 7 & 8 G. 4. c. 35.
Act for the further Improvement of the Road from London to
Holyhead, and of the Road from London to Liverpool: And
Whereas an Act was passed in the Fiftieth Year of the Reign
of His late Majesty King George the Third, intituled An Act for 50 G. 3.
making and maintaining a Road, partly by an Archway through c. lxxxviii.
the East Side of Highgate Hill, communicating with the present
Turnpike Road from London to Barnet at Upper Holloway in
the Parish of Saint Mary Islington, and near the Brook below
the Fifth Mile Stone in the Parish of Hornsey in the County of
Middlesex: And Whereas an Act was passed in the Forty-ninth
Year of the Reign of His late Majesty King George the Third,
intituled An Act for enlarging the Term and Powers of Three 49 G. 3. c. xvi.
Acts of His late and present Majesty, for repairing the Road
between Hockliffe in the County of Bedford, and Stoney Strat-
ford in the County of Buckingham: And Whereas an Act was
passed in the Fifth Year of the Reign of His present Majesty,
intituled An Act for repairing the Road from Dunchurch to 5 G. 4. c. xliiii.
Stonebridge in the County of Warwick: And Whereas an Act
was passed in the Fifty-second Year of the Reign of His late
Majesty King George the Third, intituled An Act for repairing 52 G. 3. c. lvii.
the public Roads in and through the City of Coventry: And
Whereas an Act was passed in the Forty-eighth Year of the
Reign of His late Majesty King George the Third, intituled An 48 G. 3. c. lxxv.
Act for the more effectually repairing a certain Road called The
Watling Street Road, and other Roads therein mentioned in the
Counties of Salop and Stafford: And Whereas an Act was passed
in the Sixth Year of the Reign of His present Majesty, intituled
An Act for maintaining and improving the Roads leading through 6 G. 4. c. clxi.
the Town of Shiffnall, and the Road leading from Oaken Gates
to Weston, in the Counties of Salop and Stafford, whereby the
Powers and Provisions of the said last-mentioned Act of the
Forty-eighth Year of the Reign of His said late Majesty were re-
pealed so far as respects the Shiffnall District of the Roads
therein mentioned: And Whereas an Act was passed in the
Fiftieth Year of the Reign of His late Majesty King George
the Third, intituled An Act for enlarging the Term and Powers 50 G. 3. c. lvi.
of Two Acts of His present Majesty, for repairing the Road from
Gibbet Lane to Wolverhampton in the County of Stafford, and
several other Roads therein described, and for extending the said
Road from King's Wood Common to the Turnpike Road leading
from Weston-under-Lizard to Newport in the County of Salop:
And Whereas it would be of great Public Benefit if the Com-
missioners of His Majesty's Treasury of the United Kingdom
of Great Britain and Ireland were authorized to advance to
the Commissioners for carrying into Execution the said recited
Act of the Fourth Year of the Reign of His present Majesty,
such Sum of Money as is hereinafter mentioned, to enable them
 to

The Treasury may authorize the Auditor of the Exchequer to pass Debentures for issuing to the Commissioners under 4 G. 4. c. 74. the Sum of 36,700*l*.

Such Commissioners thereupon to execute an Instrument acknowledging the Advance, and undertaking to apply the same as herein directed.

Manner in which the said Advances shall be applied.

‘ to make other Alterations and Improvements in the Line of the ‘ Road from *London to Holyhead* hereinafter mentioned :’ 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 it shall and may be lawful to and for the said Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain and Ireland*, or any Three or more of them, and they are hereby authorized, on Application being made to them by the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty, by Warrant or Warrants under their Hands, to direct the Auditor of the Receipt of His Majesty’s Exchequer to make forth and pass Debentures from time to time for issuing, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to the said Commissioners for carrying into Execution the said Act of the Fourth Year of His present Majesty’s Reign, any Sum or Sums of Money not exceeding in the whole the Sum of Thirty-six thousand seven hundred Pounds, for the Purposes and upon the Terms and Conditions hereinafter mentioned.

II. And be it further enacted, That upon any such Advance being made to the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty, the said last-mentioned Commissioners, or any Three of them, shall execute an Instrument in Writing, in such Form as the said Commissioners of His Majesty’s Treasury shall direct and appoint, in which Instrument the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty shall acknowledge the Receipt of the Money for the Time being advanced, and shall undertake to apply the Produce thereof in the Manner in which the same ought to be applied in pursuance of the Directions hereinafter contained ; and shall also undertake to pay the same, and the Interest thereof, when and as the same shall be received by them, under the Provisions hereinafter contained, into the Exchequer, to the Account of the Consolidated Fund, as hereinafter directed ; and shall also undertake to put in force, if necessary, the several Powers and Remedies hereinafter given them for obtaining Payment thereof.

III. And be it further enacted, That the Commissioners acting in Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty shall apply the Sums so to be advanced in the Manner following ; (that is to say,) any Sum not exceeding the Sum of Fourteen thousand Pounds in altering and improving the Road within the Limits and District of the *Highgate Archway Company’s Trust*, and in repairing the same for the Space of Two Years after the same shall have been completed ; any Sum not exceeding the Sum of Four thousand seven hundred Pounds in altering and improving the Road from *Hockliffe* in the County of *Bedford* to *Stoney Stratford* in the County of *Buckingham*, the same being within the Limits and District of the *Hockliffe and Stratford Trust*, and in repairing the same for
the

the Space of Two Years after the same shall have been completed; any Sum not exceeding the Sum of Four thousand Pounds in altering and improving the Road from the *Seven Stars* Public House at *Whitley* to the City of *Coventry*, and from thence to the Village of *Allesley* in the County of *Warwick*, the same being within the Limits and District of the *Dunchurch* and *Stonebridge* Trust, and in repairing the same for the Period of Two Years after the same shall have been completed; any Sum not exceeding the Sum of Eight thousand five hundred Pounds in making a new Cut or Piece of Road from the *Coach* and *Horses* Public House in *Bilston Street*, in the Town of *Wolverhampton*, in the County of *Stafford*, and passing from thence in nearly a direct Line, over *Snow Hill*, into *Salop Street* in the same Town, the same being within the Limits and District of the *Wolverhampton* Trust, and in repairing the same for the Period of Two Years after the same shall have been completed; and any Sum not exceeding the Sum of Five thousand five hundred Pounds in making a new Cut or Piece of Road from the main Street in the Town of *Shiffnall* in the County of *Salop*, and passing from thence in nearly a straight Line, over Premises belonging to Mister *Brown* and others, to the *Cross Lane* in the present Mail Coach Road near Mister *Brook's* Gate, the same being within the Limits and District of the *Shiffnall* District of the *Watling Street* Road, and in repairing the same for the Period of Two Years after the same shall have been completed.

IV. And be it further enacted, That in case it shall be found that any Sum which shall have been advanced, in pursuance of the Directions hereinbefore contained, by the said Commissioners of His Majesty's Treasury to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, shall be more than is required for the Purposes for which the same shall have been advanced, the Surplus thereof shall be applied by the said last-mentioned Commissioners in making such other Improvements as they shall think proper on any Part of the said Road from *London* to *Holyhead* which shall be within the same Trust.

Application of
Surplus.

V. And be it further enacted, That all the Powers and Authorities given by the said recited Act of the Fourth Year of the Reign of His present Majesty to the said Commissioners acting in execution thereof, either expressly or by reference to former Acts, and all the Clauses and Provisions therein contained, or such of the said Clauses and Provisions as are in any Manner applicable to the Purposes of this Act, shall be and they are hereby extended in such Manner as that the said Commissioners acting in execution of the said last-mentioned Act shall be enabled to make the Alterations and Improvements hereinbefore directed to be made, and shall have all Facilities and Advantages for enabling them to make the same, as fully, amply, and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Clauses, and Provisions were repeated and re-enacted in and by this present Act, with reference to the said Alterations and Improvements; and particularly that the said last-mentioned Commissioners shall have the same Power of taking and acquiring any Ground or Materials which may be required

Powers of
former Act
extended to
this Act, and
particularly
the Power of
purchasing
Lands.

for

for the Purpose of making the said Alterations and Improvements, as in and by the said recited Act of the Fifty-fifth Year of His late Majesty King *George* the Third is given to the Commissioners acting under that Act, of taking and acquiring any such Ground or Materials as may be necessary for repairing, altering, making, or constructing the Roads in that Act mentioned or referred to; and all the Clauses and Provisions contained in the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, with respect to the taking or acquiring of any Ground to be so taken or acquired by the Commissioners acting under that Act, shall be and they are hereby extended and made applicable to the acquiring or taking, by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, of any Ground which may be required for the Purpose of making the Alterations and Improvements hereinbefore mentioned.

Powers and Provisions of 7 G. 4. c. 76. as to Purchases, extended to this Act.

VI. Provided always, and be it further enacted, That the several Clauses, Powers, and Provisions of the said recited Act of the Seventh Year of His present Majesty contained, with respect to the purchasing or otherwise acquiring of, and making Satisfaction for Injury or Damage to, the Houses, Gardens, Lawns, Orchards, and Grounds by that Act authorized to be purchased, acquired, used, or taken by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, shall equally apply to the purchasing or otherwise acquiring by the said Commissioners under the Powers of this Act, and to the paying and making Satisfaction for, the Houses, Gardens, Lawns, Orchards, Grounds, and Lands by this Act authorized to be purchased, acquired, taken, or used, in the same Manner, or as nearly so as Circumstances will admit, as they would if the same were so purchased, acquired, taken, or used by the said Commissioners under the Powers and Provisions of the said Act of the Seventh Year aforesaid, for the Purposes of this Act mentioned.

Power to take down Houses in Schedule, on giving Notice and tendering Satisfaction.

VII. ' And Whereas, for the Purpose of making several of the ' Alterations and Improvements hereinbefore directed to be ' made, it will be expedient and necessary to take down and ' remove the Houses described in the Schedule to this Act annexed, and to take and make use of the Gardens, Lawns, ' Orchards, and Grounds attached to such Houses, or specified ' and described in the said Schedule; ' Be it therefore further enacted, That it shall and may be lawful for the said Commissioners acting in execution of the said Act of the Fourth Year of the Reign of His present Majesty to take down and remove all or any of the Houses described in the said Schedule to this Act annexed, and also to take and make use of any of the Gardens, Lawns, Orchards, or Grounds attached to such Houses so described in the said Schedule, if they shall deem it necessary or expedient to remove, take, or make use of the same for the Purpose of making the Alterations and Improvements in this Act mentioned; but the said last-mentioned Commissioners, previously to their removing or taking any such Houses, Gardens, Lawns, Orchards, or Grounds, shall give Six Months Notice in Writing to the Occupier or Occupiers thereof, of their Intention

so to do; and shall also first make such Satisfaction to the Owner or Owners, Occupier or Occupiers of such House or Houses, Gardens, Lawns, Orchards, or Grounds, as shall be agreed upon between him, her, or them and the said last-mentioned Commissioners, or as shall be ascertained by a Jury in the Manner directed by the said recited Act of the Seventh Year of the Reign of His present Majesty.

VIII. Provided always, and be it further enacted, That if any of the Houses mentioned and described in the said Schedule to this Act, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be omitted, misnamed, or inaccurately described, then and in such Case, if it shall appear to any Two or more of His Majesty's Justices of the Peace for the County, City, or Place wherein the same shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold or assessed and valued in manner herein mentioned, and conveyed, disposed of, and applied for and to the Purposes of making the Alterations and Improvements hereinbefore mentioned, as fully and effectually as if the same was or were properly named and described in the said Schedule.

Omissions or Misnomers in the Schedule not to retard the Execution of the Act.

IX. And Whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His present Majesty, after reciting that Part of the Land which would be required for making and completing the new Cut or Piece of Road from the *Seven Stars* Public House at *Whitley* to the Village of *Allesley*, thereinbefore mentioned, was called *Lammas Grounds*, over which the Freemen of the City of *Coventry* had a Right of Common from *Old Lammas Day* until *Old Candlemas Day*, and other Part of the said Land was called *Michaelmas Land*, over which the Freemen of the City of *Coventry* had a Right of Common from *Old Michaelmas Day* until *Old Candlemas Day*, it was enacted, that a Conveyance of such *Lammas Ground* or *Michaelmas Land*, under the Powers and Provisions of the said Act, by the Person or Persons who should for the Time being be entitled thereto, subject to such Right of Common, or thereby authorized to convey the same, should be a good and sufficient Conveyance thereof to the said Commissioners acting under the said recited Act of the Fourth Year of the Reign of His present Majesty, for the Purpose of vesting in them the Fee Simple and Inheritance thereof, for the Purposes of the now-reciting Act, freed from such Right of Common, as fully and effectually as if every Person having Right of Common thereon respectively had executed such Conveyance; and it should be lawful for the said Commissioners acting under the said recited Act of the Fourth Year of the Reign of His present Majesty, as aforesaid, to enter into an Agreement with the Churchwarden or Churchwardens for the Time being of the Parish wherein such *Lammas Ground* or *Michaelmas Land* was situate, for the Purpose of ascertaining and settling what Sum of Money should be paid as or by way of Compensation for the Rights of Common upon

‘ upon such Lands respectively ; and in case the Parties should
 ‘ not agree to the Amount of such Compensation, the same
 ‘ should be determined by a Jury in the same Manner as other
 ‘ Compensations under the now-reciting Act, and the Sum to be
 ‘ so agreed upon or awarded should be paid by the said Commis-
 ‘ sioners to the said Churchwarden or Churchwardens, and should
 ‘ be by him or them applied for such general and public Purposes
 ‘ within such Parish as a Vestry of such Parish, to be convened
 ‘ by such Churchwarden or Churchwardens for that Purpose,
 ‘ should direct : And Whereas it is expedient that the Powers and
 ‘ Provisions of the said recited Act, as far as respects the Agree-
 ‘ ment with the Churchwarden or Churchwardens, and Payment
 ‘ and Application of the Compensation Money, should be re-
 ‘ pealed, and that other Provisions and Powers should be enacted
 ‘ in lieu thereof: And Whereas other Part of the said Land called
 ‘ *Lammas Ground* and *Michaelmas Land* will be required for the
 ‘ Purpose of this Act;’ Be it therefore enacted, That from and
 after the passing of this Act the Powers and Provisions contained
 in the said recited Act of the Seventh and Eighth Years of the
 Reign of His present Majesty, as aforesaid, which directs the
 entering into an Agreement with the Churchwarden or Church-
 wardens for the Time being of the Parish wherein such *Lammas*
Ground or *Michaelmas Land* is situate, and the Payment and
 Application of the Purchase Money thereof, shall be and the
 same are hereby repealed.

Powers of
 7 & 8 G. 4. as to
 an Agreement
 with the
 Churchwardens
 of Coventry,
 for certain
 Rights of
 Common, &c.
 repealed.

Commissioners
 to enter into an
 Agreement for
 the Purpose of
 settling Com-
 pensation for
 such Rights.

For ascertain-
 ing the Amount.

Compensation
 to be paid to the
 Chamberlains
 of Coventry,
 and appropri-
 ated as the
 Committee
 herein named
 shall direct.

X. And be it further enacted, That from and after the passing
 of this Act it shall and may be lawful to and for the said Com-
 missioners acting under the said recited Act of the Fourth Year
 of the Reign of His present Majesty, as aforesaid, to enter into
 an Agreement with the Chamberlains of the said City of *Coventry*
 for the Time being, for the Purpose of ascertaining and settling
 what Sum of Money shall be paid as or by way of Compensation
 for the Rights of Common upon such Lands respectively as shall
 be required for the Purposes of the said recited Act of the
 Seventh and Eighth Year of the Reign of His present Majesty or
 of this Act; and in case the Parties shall not agree to the
 Amount of such Compensation, the same shall be determined by
 a Jury in the same Manner as other Compensations under the
 said recited Act of the Seventh and Eighth Years of the Reign of
 His present Majesty or this Act; and the Sum to be so agreed
 upon or awarded shall be paid by the said Commissioners to the
 said Chamberlains of the said City for the Time being, and to be
 by them appropriated in such Manner as the following Persons,
 Freemen of the said City (that is to say), *George Osmond*,
Thomas Brown, *John Robinson*, *Richard Kevitt Rotherham*, *Charles*
Lilly, *John Whittam*, *Isaac Johnson*, *William Fletcher*, *Adie*
Cramp, *Robert Bunney the younger*, *William Bray the younger*
 (of *New Street*), *Charles Oswain*, and *James Twaites*, who have
 been appointed by the Freemen of the said City, at a Public
 Meeting held by them, as a Committee to act for and on behalf
 of the Freemen of the said City, or the Major Part of them, or
 their Successors, to be appointed in manner hereinafter men-
 tioned, shall order, direct, appoint, and think proper to appro-
 priate and apply the same.

XI. And

XI. And be it further enacted, That upon the Death of any one of the said Persons last hereinbefore named, it shall and may be lawful to and for the Survivors, or the major Part of them, at a Meeting to be held by them, to nominate and appoint another Freeman of the said City as a Member of the said Committee, and so from time to time as such Vacancy shall occur; and upon such Nomination and Appointment, such Person or Persons so to be appointed shall be invested with the same Power and Authority as though he or they had been originally nominated and appointed upon the said Committee at the said Public Meeting.

For filling up Vacancies in such Committee.

XII. And be it further enacted, That where the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty shall have purchased or shall be possessed of any Pieces of Ground not wanted for the Purposes of this Act, it shall and may be lawful for the said Commissioners, or any Five or more of them, to sell and dispose of the same, subject to the same Provisions as are contained in the said recited Act of the Seventh Year of the Reign of His present Majesty, with respect to the Sale by the said Commissioners of any Land not wanted for the Purposes of this Act.

Commissioners may sell Land not wanted.

XIII. And be it further enacted, That every new Piece of Road which shall be made, altered, or improved under the Provisions herein contained, shall be open to the Public as soon as the same shall be completed, and shall, for the Period of Two Years after the same shall have been completed and open to the Public, be repaired, maintained, and supported by and under the Care and Superintendence of the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty; and after the Expiration of the said Period of Two Years every such new Piece of Road shall be deemed and taken to be and shall become, to all Intents and Purposes, a Part of that Road to which the old Road or Part of a Road in lieu of or for the Improvement of which such new Piece of Road shall have been made did belong before the making of such new Piece of Road, and shall be vested in the Trustees or Commissioners in whom such old Road or Part of a Road shall have been vested, and shall be maintained and repaired by them, and shall be subject to all such Trusts, and to all such Acts of Parliament, and to all such Provisions contained in any Act or Acts of Parliament, as such old Road or Part of a Road shall have been subject to immediately before the Expiration of the said Period of Two Years.

New Roads to be repaired by Commissioners under 4 G. 4. for Two Years, and then to become Part of old Road.

XIV. And be it further enacted, That it shall and may be lawful for the *Highgate Archway Company*, acting in the Execution of the said recited Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third, and they are hereby authorized and required, to demand and take, from and after the First Day of *January* One thousand eight hundred and twenty-nine, over and above and in addition to the other Tolls by the said last-mentioned Act directed to be taken, collected, and received by the said Company, at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being or continued or erected by virtue of the said Act, or upon, across, or on the Side

Highgate Archway Company empowered to take additional Tolls.

or Sides of the said Road or any Part thereof, the following additional Tolls ; (that is to say,)

Additional
Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricule, Chair, Waggon, Cart, Wain, or other Carriage, the Sum of One Penny :
For every Foot Passenger, the Sum of One Penny :

And the said additional Tolls shall be continued to be taken and collected until the said Sum of Fourteen thousand Pounds hereinbefore authorized to be applied in making the Alterations and Improvements in the Road within the said Trust, together with Interest for the same at the Rate of Four Pounds *per Centum per Annum*, shall be fully paid and satisfied.

Additional
Tolls to be
applied in
Payment of
the Sum of
14,000*l.* and
Interest.

XV. And be it further enacted, That it shall be lawful for the said *Highgate Archway Company*, and they are hereby authorized and required, to apply the Monies arising from the said additional Tolls to be so collected as aforesaid in repaying to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum of Fourteen thousand Pounds, to be applied, under the Provisions hereinbefore contained, in making the Alterations and Improvements in the Road within the said Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing the same, on so much of the said Sum of Fourteen thousand Pounds as shall be for the Time being due and unpaid ; such Interest to be paid by Two Half-yearly Payments in every Year ; and when and so soon as the said Sum of Fourteen thousand Pounds, together with the Interest thereon, shall be fully paid off and discharged, the said *Highgate Archway Company* acting in execution of the said recited Act of the Fiftieth Year of the Reign of His late Majesty, as aforesaid, shall cease to collect the said additional Tolls.

When the said
Sum is paid,
additional Tolls
to cease.

Distinct Ac-
counts to be
kept of the
additional
Tolls.

XVI. And be it further enacted, That in case the said Tolls on the *Highgate Archway Road* shall be let, the said *Highgate Archway Company* shall keep distinct Accounts of the said additional Tolls, and of the ordinary Tolls by the said last-mentioned Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third authorized to be taken.

If additional
Tolls do not
amount to
800*l.* yearly,
the *Highgate*
Archway
Company to
make up the
same.

XVII. Provided always, and it is hereby further enacted, That in case the additional Tolls hereinbefore authorized to be taken, collected, and received by the *Highgate Archway Company* as aforesaid, shall not amount to the annual Sum of Eight hundred Pounds, it shall and may be lawful for the said *Highgate Archway Company*, and they are hereby authorized and required, with and out of the original Tolls raised and levied by them within the Limits of their Trust under and by virtue of the said recited Act of the Fiftieth Year of the Reign of His late Majesty as aforesaid, to pay to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty as aforesaid such annual Sum or Sums as will, together with the Produce of the said additional Tolls hereinbefore authorized to be taken, collected, and received by them, make up the said annual Sum of Eight hundred Pounds.

XVIII. Pro-

XVIII. Provided always, and be it further enacted, That during the Time that the said several Alterations and Improvements hereinbefore authorized and directed to be made in the Road within the *Highgate* Archway Trust as aforesaid are carrying on, the said Road shall be kept open to the Public.

Road to be kept open while Alterations are making.

XIX. Provided also, and be it further enacted, That nothing hereinbefore contained shall be deemed or construed to extend to alter or lessen or in any way to affect any Bonds, Mortgages, or other Securities whatsoever granted for Money advanced on the Credit of the Tolls authorized to be taken and received by the *Highgate* Archway Company, acting in execution of the said recited Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third, as aforesaid, under or by virtue of that Act, but that all such Bonds, Mortgages, or other Securities shall remain good, valid, and effectual to all Intents and Purposes whatsoever; and all and every Persons and Person having lent or advanced any Money on the Credit of the said Tolls shall remain in the same State as if this Act had never been had or made; and all such Person or Persons so having advanced any such Money on the Credit of such Tolls shall have all such Remedies for the recovering of the Sums so advanced, and of all Interest or Dividends payable thereon, as they now have under the said recited Act of the Fiftieth Year of the Reign of His late Majesty as aforesaid, or any other Act or Acts in force immediately before the passing of this Act; any thing in this Act to the contrary notwithstanding.

Act not to affect Mortgages, &c. granted for Money advanced on the Credit of the *Highgate* Archway Tolls.

XX. And be it further enacted, That it shall and may be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby required, to continue the additional Tolls by them imposed and raised, and now levied, for the Purpose of paying off the Sum of Seven thousand Pounds advanced under the Powers and Provisions of the said recited Act of the First and Second Years of the Reign of His present Majesty, by the Commissioners for the Issue of Exchequer Bills, to the Commissioners for executing that Act, on account of and appropriated to the making of certain Improvements, Repairs, and Alterations, specified and described in the Schedule (A.) to the said Act, in the Roads within the Limits of the said Trust, and also the further Sum of One thousand five hundred Pounds advanced under the Powers and Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty, on account of the said Improvements, Repairs, and Alterations, and in making other Improvements between *Hockliffe* and *Stratford*, and all Interest due or to become due on the said Advances, until as well the said Sums of Seven thousand Pounds and One thousand five hundred Pounds so advanced, and all Interest due or to become due thereon respectively, as also the Principal Sum or Sums to be paid by the said Trustees of the *Hockliffe* and *Stratford* Road to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, as herein-after directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of *Hockliffe* and *Stratford* Road to continue additional Tolls.

XXI. And be it further enacted, That it shall and may be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby

Trustees of *Hockliffe* and *Stratford* P

to repay, out of additional Tolls, the Sums advanced under this Act for Improvements within their District.

hereby authorized and required, with and out of the said additional Tolls, (but subject and without Prejudice to the Payment of the said several Sums of Seven thousand Pounds and One thousand five hundred Pounds, and the Interest thereof respectively,) to repay to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum or Sums to be advanced under the Provisions of this Act, and to be applied in altering and improving the Road within the said Trust, and in repairing the same, as hereinbefore directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

Trustees of the Dunchurch and Stonebridge Trust to continue additional Tolls.

XXII. And be it further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby required to continue the additional Tolls by them imposed and raised, and now levied, under the Powers and Authorities of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, for the Purpose of paying off the several Sums of Three thousand five hundred Pounds, Two thousand Pounds, and Twelve thousand Pounds, in the said Act mentioned, and all Interest due and to become due on the said several and respective Sums, until as well the said several Sums of Three thousand five hundred Pounds, and Two thousand Pounds, and Twelve thousand Pounds, and all Interest due or to become due thereon respectively, as also the Principal Sum or Sums to be paid by the said Trustees of the *Dunchurch* and *Stonebridge* Trust to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, as hereinafter directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of the Dunchurch and Stonebridge Trust to repay, out of additional Tolls, the Sums advanced under this Act for Improvements within their Districts.

XXIII. And be it further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby authorized and required, with and out of the said additional Tolls, (but subject and without Prejudice to the Payment of the several Sums of Three thousand five hundred Pounds, Two thousand Pounds, and Twelve thousand Pounds, and Interest thereof respectively,) to repay to the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum or Sums to be advanced under the Provisions of this Act, and to be applied in making Improvements in the Road within the Districts of the *Dunchurch* and *Stonebridge* Trust, and in repairing the same, as hereinbefore directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

XXIV. And Whereas by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty it is recited, that by an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the public Roads in and through the City of Coventry,*

Coventry, the Trustees acting in execution of that Act were authorized to erect Toll Gates across or on the Side of the Streets and Lanes therein particularly mentioned, and across or on the Sides of any Roads to be made, widened, or straitened under the Powers of that Act, and across the End of any Lane or Way leading into the same, and to collect at such Toll Gates the Tolls in the said Act mentioned; and reciting that as soon as so much of the new Piece of Road thereinbefore directed to be made as laid between the Site of the late Walls of the City of Coventry and Hertford Street in the said City, and so much of the said new Piece of Road as laid between Saint John's Church in the said City and the Village of Allesley, should be respectively completed and opened to the Public, it would be expedient that the Toll Gates thereafter mentioned should be erected, and the Tolls thereafter mentioned should be collected; it was by the now-reciting Act enacted, that it should be lawful for the Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty to erect a Toll Gate in the said City of Coventry, across the new Line of Road near Little Park Street, and another Toll Gate across the said new Line of Road from Coventry to the Village of Allesley, near Saint John's Church aforesaid, together with any Side Gates on any Part of the said new Line of Road, with Toll Houses thereto: And Whereas the said new Piece of Road between Saint John's Church in the said City of Coventry and the Village of Allesley is now forming, and will be shortly completed and finished, and it will be expedient that the Toll Gate by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty authorized to be erected across the new Road near Saint John's Church aforesaid shall be erected as soon as such last-mentioned new Piece of Road shall be completed and opened to the Public; Be it therefore enacted, That it shall be lawful for the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty as aforesaid, as soon as the said new Line of Road now forming between Saint John's Church in the City of Coventry and the Village of Allesley aforesaid shall be completed, to erect such Toll Gate across the said new Line of Road at any Place within Half a Mile of Saint John's Church aforesaid, together with Side Gates on any Part of the said new Line of Road, with Toll Houses thereto.

XXV. And be it further enacted, That it shall and may be lawful to and for the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King George the Third, and they are hereby authorized and required, from and after the Twenty-fifth Day of March One thousand eight hundred and twenty-nine, to demand and take, at the Turnpike or Toll Gate or Bar erected under or by virtue of the Powers and Provisions of the said recited Act of the Fifty-second Year of the Reign of His late Majesty, as aforesaid, in Much Park Street in the City of Coventry, in addition to the ordinary Tolls by the said last-mentioned Act authorized to be collected and taken at the said Gate, the several Tolls following; that is to say,

When new Road completed between Coventry and Allesley, a Toll Gate to be erected.

After 25th March 1829, additional Tolls to be taken at the Toll Gate in Much Park Street, Coventry.

Additional
Tolls.

- For every Horse, Mare, Gelding, Mule, or other Beast of Draught, drawing any Coach, Chariot, Chaise, Berlin, Landau, Calash, Gig, or Pleasure Carriage, the Sum of Three Halfpence.
- For every Horse, Mare, Gelding, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Dray, the Sum of One Penny :
- For every Horse, Mare, Gelding, Mule, or other Beast, not hereby otherwise charged, laden or unladen, and not drawing, the Sum of One Halfpenny :
- For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Twopence Halfpenny *per* Score, and so in proportion for any greater or less Number :
- For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Penny Farthing *per* Score, and so in proportion for any greater or less Number.

Persons travel-
ling through
Coventry,
having paid
Toll at Much
Park Street
Gate, or St.
John's Church
Gate, not to be
liable to Pay-
ment at the
other Gates.

XXVI. Provided always, and be it further enacted, That where any Person or Persons travelling through the City of *Coventry* shall have paid Toll at the said Turnpike or Toll Gate or Bar called the *Much Park Street Gate* or *Bar*, or at the Turnpike or Toll Gate hereinbefore authorized and directed to be erected across the new Line of Road hereinbefore mentioned, near *St. John's Church* aforesaid, such Person or Persons shall not be charged or liable to the Payment of Toll, on the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), at the other of the said Turnpikes or Toll Gates, or at any other Turnpikes or Toll Gates or Bars erected or to be erected under or by virtue of the said recited Act of the Fifty-second Year of the Reign of His late Majesty as aforesaid, for or in respect of the same Horse, Beast, or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain, Cart, or Dray, or any other Carriage, of what Nature or Description soever; and where any Person or Persons travelling through the City of *Coventry* shall have paid Toll at any Turnpike or Toll Gate or Bar erected or to be erected under or by virtue of the said recited Act of the Fifty-second Year of the Reign of His late Majesty, as aforesaid, other than the said Turnpikes or Toll Gates or Bars at *Much Park Street* and near *St. John's Church* aforesaid, such Person or Persons shall be only subject and liable, on the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), for or in respect of the same Horse, Beast, or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain, Cart, or Dray, or any other Carriage, of what Nature or Description soever, to the Payment, at the Turnpike or Toll Gate at *Much Park Street* aforesaid, of the said additional Toll hereinbefore authorized and directed to be levied and collected at the said Turnpike or Toll Gate, or at the Turnpike or Toll Gate to be erected near *Saint John's Church* aforesaid, of One Third Part only of the Tolls by the said recited Act of the said Seventh and Eighth Year of the Reign of His present Majesty as aforesaid authorized and directed to be levied and collected at such Turnpike or Toll Gate.

XXVII. And

XXVII. And be it further enacted, That it shall and may be lawful for the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, until the Powers and Provisions of the said last-mentioned Act are carried into Effect, or until the Term limited by the said Act for the Continuance thereof shall expire, whichever shall first happen, and immediately after the happening of such one of the said Events as shall first happen, it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby respectively required, to continue the Tolls to be imposed, raised, and levied by the said Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty as aforesaid, under the Powers and Authorities of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, and of this Act, until as well the said Sum of Twelve thousand Pounds in the said Act of the Seventh and Eighth Years of the Reign of His present Majesty mentioned, and all Interest due and to become due thereon, as also the principal Sum or Sums to be paid by the said Trustees of the *Dunchurch* and *Stonebridge* Trust to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty as hereinafter directed, together with all Interest thereon, shall be fully paid off and discharged.

XXVIII. And be it further enacted, That during such Time as the said Tolls hereby authorized to be continued and collected as last aforesaid shall be collected by the said Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, all Monies arising therefrom shall, subject and without Prejudice to the Payment of the said Sum of Twelve thousand Pounds, and the Interest thereon, be applied in manner following; (that is to say,) One equal Third Part thereof shall be paid over by them to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, towards Satisfaction and Discharge of the said Sum of Four thousand Pounds, and the Interest thereof; and the remaining Two Thirds of such Monies shall be applied in paying the Expences of collecting the said Tolls, and in carrying into Execution the several Powers and Provisions of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, and in paying the Principal and Interest of all Sums borrowed under the Powers and Provisions of the said Act; and during such Time as the said Tolls shall be collected by the said Trustees of the *Dunchurch* and *Stonebridge* Trust, the Monies arising therefrom shall, subject and without Prejudice to the Payment of the said Sum of Twelve thousand Pounds, and the Interest thereon as aforesaid, be applied in manner following; (that is to say,) in the first place in paying the Expences of collecting the said Tolls, and in the next place in paying to the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, the said Principal Sum of Four thousand Pounds to be so expended as aforesaid, and the Interest thereof.

Trustees under the Act 52 G. 3. c. lvii. for improving the Roads through Coventry, to continue additional Tolls.

Application of the Tolls received under 52 G. 3. c. lvii.

Trustees of
the Wolver-
hampton Trust
to continue ad-
ditional Tolls.

1 & 2 G. 4. c. 30.

XXIX. And be it further enacted, That it shall and may be lawful for the Trustees of the *Wolverhampton Trust*, and they are hereby authorized and required, to continue the additional Tolls by them imposed and raised, and now levied, for the Purpose of paying off the Sum of Nine thousand Pounds advanced to them by the Commissioners for the Issue of Exchequer Bills, as follows; (that is to say,) the Sum of Six thousand Pounds, which was advanced on or about the Twentieth Day of *December* One thousand eight hundred and seventeen, and was secured by a Mortgage of the Tolls of the said Trust of that Date, and a Charge of the same Date on the additional Tolls therein mentioned and referred to; and the further Sum of Two thousand five hundred Pounds, which was advanced under the Provisions of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for further improving the Roads between London and Holyhead, by Coventry, Birmingham, and Shrewsbury*; and the further Sum of Five hundred Pounds, which was advanced under the Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty; and also of the Sum of Three thousand Pounds, which was advanced by the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, under the Powers and Provisions of the said recited Act of the Sixth Year of the Reign of His present Majesty; and all Interest due and to become due on the said respective Advances; until as well the said Sums of Nine thousand Pounds and Three thousand Pounds so advanced, and all Interest due and to become due thereon, as also the Principal Sum or Sums to be paid by the said Trustees of the *Wolverhampton Trust* to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, as hereinafter directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of
Wolverhampton Trust to
repay, out of
additional
Tolls, the Sums
advanced under
this Act.

XXX. And be it further enacted, That it shall and may be lawful for the Trustees of the *Wolverhampton Trust*, and they are hereby authorized and required, with and out of the said additional Tolls, (subject and without Prejudice to the Payment of the said several Sums of Nine thousand Pounds and Three thousand Pounds, and the Interest thereof respectively,) to repay to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, the Sum or Sums to be advanced under the Provisions of this Act, and applied in altering and improving the Road within the District of the said Trustees, and repairing the same, as hereinbefore directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from time to time remain due and unpaid.

XXXI. ' And Whereas under and by virtue of the Powers and ' Authorities of the said recited Act of the First and Second ' Years of the Reign of His present Majesty, for improving the ' Roads between *London* and *Holyhead*, a Sum of Two thousand ' Pounds was, by the Commissioners for the Issue of Exchequer ' Bills, acting in execution of Three several Acts passed, the First ' thereof in the Fifty-seventh Year of the Reign of His late Ma-
' jesty.

' jesty, intituled *An Act to authorize the Issue of Exchequer Bills,* 57 G. 3. c. 84.
 ' *and the Advance of Money out of the Consolidated Fund, to a*
 ' *limited Amount, for the carrying on of Public Works and Fisheries*
 ' *in the United Kingdom, and Employment of the Poor of Great*
 ' *Britain, in manner therein mentioned; the Second of the said*
 ' *Acts in the same Fifty-seventh Year, intituled An Act to amend* 57 G. 3. c. 124.
 ' *an Act made in the present Session of Parliament, for authorizing*
 ' *the Issue of Exchequer Bills, and the Advance of Money for car-*
 ' *rying on of Public Works and Fisheries, and Employment of the*
 ' *Poor; and the last of the said Acts in the First Year of the Reign*
 ' *of His present Majesty, intituled An Act to amend and continue* 1 G. 4. c. 60.
 ' *Two Acts passed in the Fifty-seventh Year of His late Majesty*
 ' *King George the Third, for authorising the Issue of Exchequer*
 ' *Bills, and the Advance of Money for carrying on of Public Works*
 ' *and Fisheries, and Employment of the Poor; and to extend the*
 ' *Powers of the Commissioners for executing the said Acts in Great*
 ' *Britain; advanced to the Commissioners for executing the said*
 ' *recited Act of the Fifty-fifth Year of the Reign of His late*
 ' *Majesty, and applied by them towards making a Variation*
 ' *between Knowles Bank and Mumporn Hill, from Knowles Bank*
 ' *to the Toll Bar, and from the Toll Bar to Mumporn Hill, which*
 ' *said Sum of Two thousand Pounds was to be repaid out of cer-*
 ' *tain additional Tolls to be raised and received by the Trustees*
 ' *of the Shiffnall District of the Watling Street Road, as in the*
 ' *said last-mentioned Act is directed: And Whereas, in pursuance*
 ' *of the Provisions contained in the said Act, the said additional*
 ' *Toll has been collected, and the Monies arising therefrom ap-*
 ' *plied in or towards Payment of the Principal and Interest of the*
 ' *said Sum of Two thousand Pounds: And Whereas under the*
 ' *Provisions of the said recited Act of the Sixth Year of the Reign*
 ' *of His present Majesty, for further improving the Road from*
 ' *London to Holyhead, the Sum of Four thousand Pounds has*
 ' *been applied by the Commissioners acting in execution of the*
 ' *said recited Act of the Fourth Year of the Reign of His pre-*
 ' *sent Majesty, for further improving the Road within the Limits*
 ' *of the said Trustees of the Shiffnall District of the Watling Street*
 ' *Road; and the said last-mentioned Trustees were by the said*
 ' *recited Act of the Sixth Year of the Reign of His present*
 ' *Majesty, as aforesaid, required to continue the additional Tolls*
 ' *by them imposed and raised, and then levied, for the Purpose of*
 ' *paying off the said Sum of Two thousand Pounds and Interest,*
 ' *until as well the said Sum of Two thousand Pounds and all In-*
 ' *terest then due and to become due thereon, as also the said Sum*
 ' *of Four thousand Pounds, together with all Interest thereon,*
 ' *should be fully paid off and discharged: And Whereas it will be*
 ' *necessary that some Provision should be made for the Repay-*
 ' *ment of the Sum of Five thousand five hundred Pounds herein-*
 ' *before directed to be applied in altering and improving the Road*
 ' *within the said Trust, and the Interest thereof, as hereinafter*
 ' *mentioned; Be it therefore further enacted, That the said Trust-*
 ' *tees of the Shiffnall District of the Watling Street Road shall, from*
 ' *and after the First Day of January One thousand eight hundred and*
 ' *twenty-nine, cease to demand and take the additional Tolls by the*
 ' *said recited Act of the First and Second Years of the Reign of His*
 ' *present*

After 1st Jan.
 1829, Trustees
 of Shiffnall
 Trust em-
 powered to
 take new Tolls.

present Majesty authorized to be taken, and by the said last-mentioned Act of the Sixth Year of the Reign of His present Majesty directed to be continued as therein mentioned; and in lieu thereof the said Trustees shall and they are hereby authorized and required to demand and take, at the several Turnpike Gates, Bars, or Side Gates, or Chains, which are or shall be standing and being or continued or erected by virtue of the said recited Act of the Sixth Year of the Reign of His present Majesty, for improving the Roads leading through the Town of *Shiffnall*, and the Road leading from *Oaken Gates* to *Weston*, in the Counties of *Salop* and *Stafford*, or any other Act, upon, across, or on the Side or Sides of the said Road, or any Part thereof, being Part of the *Holyhead* Mail Coach Road, besides the ordinary Tolls by the said last-mentioned Act authorized to be taken, the several Tolls following; (that is to say,) For every Horse or Mule drawing any Coach, Chariot, Chaise,

New Tolls.

Chair, or such like Carriage, Three-pence :
 For every Horse or Mule drawing any Waggon, Cart, or such like Carriage, with Wheels of the Breadth of Six Inches or upwards, Three-pence :
 For every Horse or Mule drawing any Waggon, Cart, or such like Carriage, with Wheels of less Breadth than Six Inches, Four-pence :
 For every Ass or Ox, or other Neat Cattle, drawing any Carriage, Two-pence :
 For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny :
 For every Ox, Bull, Cow, or Heifer, One Halfpenny :
 For every Calf, Pig, Sheep, or Lamb, One Farthing :

And the said additional Tolls shall be continued to be taken and collected until as well the said Two several Sums of Two thousand Pounds and Four thousand Pounds, with the Interest now due and to become due in respect thereof on so much thereof as still remains unpaid, as also the said Sum of Five thousand five hundred Pounds hereinbefore authorized to be applied in making the Alterations and Improvements in the Road within the said Trust, together with Interest for the same at the Rate of Four Pounds *per Centum per Annum*, shall be fully paid and satisfied.

Application
of additional
Tolls.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees of the *Shiffnall* District of the *Walling Street* Road, and they are hereby authorized and required, to apply the Money arising from the said additional Tolls to be so collected by them as aforesaid, in the first place, in Payment of the said Two several Sums of Two thousand Pounds and Four thousand Pounds, and the Interest thereof respectively, or so much thereof as still remains due and unpaid; in the next place, in repaying to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum of Five thousand five hundred Pounds, to be applied, under the Provisions hereinbefore contained, in making the Alterations and Improvements in the Road within the said Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing the same, on so much of the said last-mentioned Sum of Five thousand five hundred

dred Pounds as shall be for the Time being due and unpaid, such Interest to be paid by Two Half-yearly Payments in every Year; and when and so soon as the said Sum of Five thousand five hundred Pounds, together with the Interest thereon, shall be fully paid off and discharged, the said Trustees acting in execution of the said last-mentioned Act of the Sixth Year of the Reign of His present Majesty as aforesaid shall cease to collect the said additional Tolls.

XXXIII. And be it further enacted, That in case the said Tolls within the *Shiffnall* District of the *Watling Street* Road shall be let, the said Trustees shall keep distinct Accounts of the said additional Tolls, and of the ordinary Tolls by the said last-mentioned Act of the Sixth Year of the Reign of His present Majesty authorized to be taken.

Distinct Accounts to be kept of the said additional Tolls.

XXXIV. And be it further enacted, That all the said additional Tolls hereby authorized to be taken, collected, and received by the said *Highgate* Archway Company, the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty, for improving the public Roads through the City of *Coventry* aforesaid, and the Trustees of the *Shiffnall* District of the *Watling Street* Road as aforesaid, shall and may be demanded, taken, collected, and recovered by the said Company and Trustees respectively, by and under all such and the like Powers, Authorities, Provisions, and Remedies as other Tolls now are demanded, taken, collected, and recovered on the several Roads now under the Management of the said Company and Trustees respectively; and all and every Act, and all Clauses, Exemptions, Penalties, Forfeitures, and Provisions relating to the several Roads within the Limits and Districts of such Company and Trustees respectively, and to the Tolls taken thereon, shall be in full Force, Operation, and Effect, as far as the same are applicable to the said several additional Tolls hereby authorized to be taken thereon respectively, and shall be exercised and put in force by the said Company and Trustees respectively, as fully and effectually as if the same were repeated and re-enacted in and by this Act with relation to the said additional Tolls hereby authorized to be collected; and also that the several additional and other Tolls which are and which are to be continued to be levied and raised by the Trustees of the *Hockliffe* and *Stratford* Trust, the Trustees of the *Dunchurch* and *Stonebridge* Trust, the Trustees acting in the Execution of the Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, for improving the public Roads through the City of *Coventry*, and the Trustees of the *Wolverhampton* Trust, as hereinbefore is directed, shall, during the Time that they are hereby required to be continued, be levied and raised, and be accounted for and paid over, in the Manner and under the Powers and Provisions of the several Acts under which such additional and other Tolls are now collected and taken by such respective Trustees; and in case the said Company or Trustees, or any or either of them, shall refuse or neglect to levy, collect, or continue the said additional and other Tolls, or shall lower the same, or shall make Default in Payment of the Sum or Sums to be paid by them as hereinbefore directed, or the Interest thereof, before the same Sums and the Interest thereof shall

Tolls to be continued, subject to existing Powers and Provisions, with Powers for Commissioners of 4 G. 4. to take Possession of Toll Gates in case of Default.

be fully paid off and discharged, it shall and may be lawful for the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty to enter upon and take Possession of the Toll Gates, Bars, and Toll Houses of the Company or Trustees making Default, and to collect, take, receive, and recover the Tolls arising on the Road under the Care of the Company or Trustees making Default, and to pay over the same in manner directed by the said several Acts under which such additional and other Tolls are now raised, collected, and taken by such Company and Trustees, and by this Act, and to execute all the Powers, Provisions, and Authorities in and by the said several Acts in such Case given, as fully and effectually as if the same were repeated and re-enacted in and by this Act.

If the Sums applicable to the Improvements between Old Stratford and Dunchurch Hills are insufficient, the Deficiency, to the Extent of 1,000*l.* to be paid out of the Tolls.

XXXV. And be it further enacted, That in case the Sum which by the said recited Act of the Seventh Year of the Reign of His present Majesty is made applicable to the making Alterations and Improvements in the Road between *Old Stratford* in the County of *Northampton* and *Dunchurch* in the County of *Warwick*, shall be found insufficient for the Purpose of completing the Alterations and Improvements proposed to be made at *Gullet Hill*, between *Old Stratford* and *Towcester*, the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, shall certify the Amount of the Deficiency to the Trustees of the *Stratford* and *Dunchurch* Trust; and the said Trustees shall pay the Amount of such Deficiency, provided the same shall not exceed the Sum of One thousand Pounds, out of the additional Tolls to be collected on the Road within the said Trust, subject nevertheless to the Payment, in the first place, of the Two several Sums of Eight thousand Pounds and Five thousand Pounds, and the Interest thereof respectively, or such Part thereof as now remains due and unpaid, to the Commissioners for the issue of Exchequer Bills, mentioned in the said recited Act of the Seventh Year of the Reign of His present Majesty; any thing in the said recited Act of the Seventh Year of the Reign of His present Majesty, or any other Act, to the contrary notwithstanding.

XXXVI. And Whereas several new Pieces of Road have been made and completed by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty between *Towcester* and *Forster's Booth* in the County of *Northampton*, within the Limits and District of the *Stratford* and *Dunchurch* Trust; Be it further enacted, That from and after the First Day of *September* next the said new Pieces of Road shall be made over by the said last-mentioned Commissioners to and vested in the Trustees acting in execution of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for continuing and amending Three Acts of His late Majesty, for repairing the Road from Old Stratford in the County of Northampton to Dunchurch in the County of Warwick*, and shall be from thenceforth maintained, repaired, and supported by such Trustees, in the Manner, and under the same Powers, Authorities, and Provisions, as the old Roads in lieu of which such new Pieces of Road have been made was previously maintained, repaired, and supported.

The new Pieces of Road between *Towcester* and *Forster's Booth*, to be made over to the Trustees of the *Stratford* and *Dunchurch* Trust.

XXXVII. And

XXXVII. And be it further enacted, That the several Sums of Money to be from time to time paid by the Trustees of the *Highgate Archway Trust*, the Trustees of the *Hockliffe and Stratford Trust*, the Trustees of the *Dunchurch and Stonebridge Trust*, the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George the Third*, for improving the public Roads through the City of *Coventry*, the Trustees of the *Wolverhampton Trust*, the Trustees of the *Shiffnall District of the Watling Street Road*, under the Provisions hereinbefore contained, to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, in the Repayment of the Money to be advanced pursuant to the Provisions of this Act, and the Interest thereof, shall be paid by them the said last-mentioned Commissioners into the Exchequer at *Westminster*, to the Account of the Consolidated Fund; and that the Receipts of the said last-mentioned Commissioners, or any Three of them, for any Sums of Money to be so paid to them, shall be sufficient Discharges to the Trustees by whom the same shall be paid, and shall protect them from being bound to see to the Application thereof, or from being answerable for the Misapplication or Non-application thereof.

Application of the Money paid by the Highgate and other Trusts to the Commissioners.

XXXVIII. And Whereas that Part of the Road from *London* in the County of *Salop* and *Llangollen* in the County of *Denbigh*, passing by or through *Montford Bridge* and *Oswestry*, being the present Mail Coach Line of Road, and between the *Menai Bridge*, near the Town of *Bangor* in the County of *Carnarvon*, and *Holyhead* in the Isle of *Anglesea*, passing by the *New Menai Inn*, *Llanfair Toll Gate*, and the new Embankments on *Stanley Sands*, being the present Mail Coach Line of Road, is liable to be damaged by Carts, Waggon, or other Vehicles passing over the same with projecting Nails on the Wheels; Be it further enacted, That from and after the First Day of *May* One thousand eight hundred and twenty-nine, it shall not be lawful for any Person drive any Cart, Waggon, or other Vehicle over or along the said Roads between *Shrewsbury* and *Llangollen*, and between *Bangor* and *Holyhead* as aforesaid, or over or along any Part or Parts thereof respectively, the Wheels of which shall have Nails projecting beyond the Surface of the Tires, or have the Tires beyond the Breadth of Three Inches; and that the Gate Keepers on the said Roads, or either of them, shall not, after the said First Day of *May* One thousand eight hundred and twenty-nine, allow any such Cart, Waggon, or other Vehicle to pass along the same or any Part thereof; and that if any Person shall drive any such Cart, Waggon, or other Vehicle over or along the said Roads, or either of them, or any Part or Parts thereof respectively, after the said First Day of *May* One thousand eight hundred and twenty-nine, he shall forfeit and pay the Sum of Five Pounds, which Sum shall be recoverable in the same Manner as Penalties and Forfeitures under the said recited Act of the Fourth Year of the Reign of His present Majesty are by that Act authorized to be recovered, and shall be applied in the same Manner and to the same Purposes as the Tolls to be collected on the said Roads.

Carts, &c. with projecting Nails on the Wheels not to be drawn over the Holyhead Road, between Shrewsbury and Llangollen, and between Bangor and Holyhead.

XXXIX. Pro-

Commissioners empowered to make over to the Trustees of the Hockliffe and Stratford Road, Pieces of Land at Fenny Stratford not wanted for the Purposes of this Act.

XXXIX. Provided always, and be it further enacted, That when the Alterations and Improvements hereinbefore authorized to be made by the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty, in the Line of Road within the Limits and District of the *Hockliffe* and *Stratford* Trust, shall be made and completed, the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty as aforesaid shall be and they are hereby authorized and empowered to make over and convey all or any Part of the Ground which they may be possessed of, or which may be acquired by them in taking down the several Houses at *Fenny Stratford* in the County of *Buckingham*, mentioned in the Schedule hereto annexed, and which may not be wanted for the Purposes of this Act, to the said Trustees of the *Hockliffe* and *Stratford* Road, acting in execution of the said recited Act of the Forty-ninth Year of the Reign of His late Majesty King *George* the Third as aforesaid; and the same shall thenceforth be vested in such last-mentioned Trustees, and shall and may be appropriated and applied by them in such Manner and for such Purposes as they shall think expedient.

XL. And Whereas by the said in part recited Act of the Seventh and Eighth Year of the Reign of His present Majesty it was (amongst other Things) also enacted, that it should be lawful for the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty to enquire into the State of the several Trusts in which the several Roads forming the Lines of Communication by which His Majesty's Mails travelled between *London* and *Holyhead*, and between *London* and *Liverpool*, were comprised, and to ascertain the Amount of the annual Income from Tolls, and Expenditure, of such several Trusts, and of the Proportions of such Income and Expenditure received and expended in respect of maintaining and repairing the said several Roads forming the said Communication, and also to enquire into the Method in which the said Roads were maintained and repaired; and that for the Purposes aforesaid it should be lawful for the said Commissioners, or any Three of them, to summon before them any Surveyors, Treasurers, Clerks, or other Officers employed by the said Trustees or Commissioners in respect of the said Roads, and the said Surveyors, Treasurers, Clerks, or other Officers should, if required, produce all Books of Account, Plans, Maps, Papers, Documents, and Writings in their Possession respectively, and should allow the said Commissioners, or any or either of them, or any Person or Persons appointed for that Purpose by them or any Three of them, by any Writing under their Hands, to inspect, examine, and take Copies of or Extract from the same or any or either of them: And Whereas it is expedient that some Provision should be made for defraying the Expences incurred by any Treasurers, Surveyors, Clerks, or other Officers who may from time to time be required by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, to attend before them, in pursuance of the said recited Provision for that Purpose contained in the said last in part recited Act:

Be

Be it therefore enacted, That it shall be lawful for the said last-mentioned Commissioners, and they are hereby authorized and empowered, by and out of the Monies applicable to the Purposes of the said in part recited Act of the Seventh and Eighth Year of the Reign of His present Majesty, or of this Act, to pay and allow to such Treasurers, Surveyors, Clerks, or other Officers who may be from time to time required by the said Commissioners to appear before them in pursuance of the said Provision for that Purpose contained in the said Act of the Seventh and Eighth Year of His present Majesty, such reasonable Sum or Sums of Money as they the said Commissioners may think proper, for defraying the Expences which may be incurred by any such Treasurer, Surveyor, Clerk, or other Officer, in travelling to and from the Place or Places at which he may be required to attend before such Commissioners, and during the Time he or they may be in such Attendance.

Commissioners empowered to defray the Expences of Surveyors, &c. required to attend before them for the Purposes of the Enquiry directed by 7 & 8 G. 4. c. 35.

XLI. 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.

The SCHEDULE to which this Act refers.

Fenny Stratford Improvement.

PROPERTY.	PROPRIETORS.	TENANTS.	UNDERTENANTS.
House and Barber's Shop	James Law - -	Joseph Warner.	
House - -	Ditto - -	Thomas Brooks.	
House - -	Ditto - -	William Cook.	
House, Blacksmith's Shop, and Garden	William Herbert	Self.	
House - -	James Law - -	Mary Smith.	
House - -	Ditto - -	George Stevens.	
House - -	Ditto - -	Thomas Pool.	
<i>Wolverhampton Improvement.</i>			
Small Nook of Land - -	Thomas Robinson	Thomas Robinson.	
A Croft - -	{ Marquis of } { Cleveland }	Ditto.	
A Garden - -	Ditto - -	Ditto - -	{ Joseph Walter, junior.
A House, Yard, and Shed - -	Joseph Walker -	Robert Nabs.	
Ditto - -	Ditto - -	Francis Weaver.	
A Garden - -	Chamberlain Parks	John Pool.	
Ditto - -	{ William Tom- } { kys Price, }	Samuel Morris.	
Ditto - -	{ Esq. - - }	Elizabeth Wright.	

PROPERTY.	PROPRIETORS.	TENANTS.	UNDERTENANTS.
A Garden -	{ William Tom- kys Price, Esq. }	William Macdough.	
Ditto - -	Ditto - -	Thomas Jones.	
Ditto - -	Ditto - -	John Jones.	
Ditto - -	Ditto - -	William Thomas.	
Ditto - -	Ditto - -	Hannah Whitehouse.	
Ditto - -	Ditto - -	Dorothy Draper.	
Road to Gardens	Ditto	Joseph Allen.	
Garden - -	Ditto - -	Ditto.	
Ditto - -	Ditto - -	Dorothy Draper.	
Ditto - -	Ditto - -	William Tudor.	
Part of a Brick } Field - }	{ Marquis of } Cleveland }	{ Messrs. Thomas } Timmens and } John Moreton }	{ Joseph Baker, William Tudor. }
Other Part of } Ditto - }	Ditto - -	Ditto - -	Joseph Baker.
A Garden - -	Ditto - -	Ditto - -	John Howell.
Ditto - -	Ditto - -	Ditto - -	Thomas Allen.
Ditto - -	Ditto - -	Ditto - -	Thomas Brisband.
Ditto - -	Ditto - -	Ditto - -	{ Thomas Mason and Thomas Phibbs. }
Ditto - -	Ditto - -	{ Messrs. Thomas } Timmens and } John Moreton }	John Fairbank.
Ditto - -	Ditto - -	Ditto - -	{ Thomas Mere- dith, Thomas Harwick. }
Ditto - -	Ditto - -	Ditto - -	John Bennett.
Ditto - -	Ditto - -	Ditto - -	John Lloyd.
Ditto - -	Ditto - -	Ditto - -	{ William Gre- gory, Samuel Whatmore. }
Ditto - -	Ditto - -	Mr. William Ryton	John Langman.
Ditto - -	Ditto - -	Ditto - -	Joseph Baker.
Ditto - -	Ditto - -	Ditto - -	Sarah Scott.
Ditto - -	Ditto - -	Ditto - -	Edward Griffin.
Ditto - -	Ditto - -	Ditto - -	Thomas Shall.
House - -	Ditto - -	Ditto - -	Ditto.
Stable - -	Ditto - -	Ditto - -	Thomas Plunkett.
House - -	Ditto - -	Ditto - -	William Morrison.
Garden - -	Ditto - -	Ditto - -	Ditto.
House and Garden	Ditto - -	Ditto - -	William Smith.
Ditto - -	Ditto - -	Ditto - -	George Biddle.
Garden - -	Ditto - -	William Lewis	John Walker.
Ditto - -	Ditto - -	Ditto - -	Thomas Plunkett.
Ditto - -	Ditto - -	Ditto - -	{ Self, and Wil- liam Gregory. }
Ditto - -	Ditto - -	Benjamin Cresswell.	

PROPERTY.	PROPRIETORS.	TENANTS.	UNDERTENANTS.
A Garden	{ Marquis of } { Cleveland }	Edward Walker.	
House, Shop, and Premises }	John Penn	{ James and Richard } { Shipman.	
House, Yard, Garden, and Premises }	Ditto - -	{ Misses Mary Isaac } { and Mary Brooke.	
House, Malt- house, Yard, and Premises }	Ditto	Self.	
Buildings and Yard, Road, &c. }	Ditto - -	Ditto.	
Croft - -	Ditto	Ditto.	
Rope Walk- -	{ The Preben- } { dary of Kni- } { vaston - - }	Alexander Hor- } dern, Esq. }	Edward Griffin.
Croft - -	Ditto - -	Ditto - -	Joseph Crowshawe
House, Shop, and Premises }	Ditto	Ditto - -	Richard Newman.
House and Pre- mises - - }	Ditto - -	Ditto - -	John Earp.
House, Yard, Garden, and Premises - }	Ditto - -	Ditto - -	Joseph Crowshawe
House and Pre- mises - - }	Ditto - -	Ditto - -	Richard Mason.
House, Yard, Garden, and Premises }	Ditto - -	Ditto - -	Sarah Brierley.
House and Shop	Elizabeth Hollis	Thomas Parry.	
Ditto - -	Ditto	Thomas Pughton.	
Ditto - -	Ditto	Robert Finchet.	
Ditto - -	Ditto	Richard Foster.	
Ditto - -	Ditto	Elizabeth Lamsdale.	
House - -	James Coley-	Isaac Stanniford.	
Ditto	Ditto - -	Self.	
Plot of Land	Richard Fryer, } Esq. - - }	Self.	
House - -	Sarah Brierley	Benjamin Paulton.	
Ditto - -	Thomas Bird	Henry Leatherhead.	
Ditto - -	Ditto - -	Daniel Nixon.	
Ditto - -	Ditto - -	Charles Wood.	
Ditto - -	Ditto - -	Thomas Tonks.	
Ditto - -	Ditto - -	Ditto.	
House and Shed	Benjamin Pitt	Richard Bennett.	
House - -	Ditto - -	Joseph Amos.	
Ditto - -	Ditto - -	Enoch Cresswell.	
Ditto - -	Ditto - -	Richard Bridgen.	
Ditto	Thomas Dutton	Mary Bennett.	

PROPERTY.	PROPRIETORS.	TENANTS.	UNDERTENANTS.
House - -	Thomas Dutton	James Hill.	
Ditto - -	Ditto - -	John Evans.	
Ditto - -	Joseph Jones -	Richard Chebsey.	
Ditto - -	James Hill - -	John Cresswell.	
Ditto - -	Ditto - -	Charles Hilton.	
Ditto - -	Thomas Dutton	Hannah Gruby.	
Ditto - -	Sarah Brierley -	Thomas Millwood.	
Ditto - -	John Welch - -	Self.	
House and Brewhouse - }	James Johnson -	Charles Wilkes.	
House - -	John Fisher - -	William Hamlet.	
Ditto - -	Elizabeth Ward	Richard Coley.	
Ditto - -	Joseph Jones -	Self.	
Ditto - -	George Brooks -	Isaac Cresswell.	
Ditto - -	Ditto - -	George Brooks.	
Shop - -	Ditto - -	Ditto.	
<i>Shiffnal Improvement.</i>			
House - -	Hon ^{ble} Sidney Her-	Walter Brook.	
	bert - -		
Ditto - -	Ditto - -	William Cullwick.	
Ditto - -	Ditto - -	Charles Fox Cullwick.	
Ditto - -	Ditto - -	Thomas Sherrard.	
Ditto - -	John Powell - -	Edward Williams.	
Public House } (King's Head) }	Ditto - -	James Sandford.	
Stable and Barn	Josiah Harding, William Eyke, and William Jellicoe (Peter Harding's De- visees) - -	} John Hassall.	
Open Yard - -	Ditto - -		Ditto.
Court Yard - -	Ditto - -	Ditto.	
Garden - -	Ditto - -	Ditto.	
Stables and Yard	Robert Pidgeon	Self.	
House - -	Hon ^{ble} Sidney } Herbert }	Gilbert Brown.	
Shop - -	Ditto - -	Ditto - -	Joseph Wright.
Ditto - -	Ditto - -	Ditto - -	William Higgins.

C A P. LXXVI.

An Act to amend the Laws relating to the Customs.

[25th July 1828.]

WHEREAS several Acts were passed in the Sixth Year of His Majesty's Reign, for consolidating the Laws of the Customs, and it is found necessary to make certain Alterations and Amendments therein; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the

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 *August* One thousand eight hundred and twenty-eight, the several Enactments, hereinafter contained shall come into and be and continue in full Force and Operation, for all the Purposes mentioned therein.

II. 'And Whereas one of the said Acts was passed for the Management of the Customs, and it is expedient to amend the said Act;' Be it therefore enacted, That no Commissioner or Assistant Commissioner of Customs, nor any Officer of Customs, or Person employed in the Collection or Management of or accounting for the Revenue of Customs, or any Part thereof, nor any Clerk or other Person acting under them, shall, during the Time of his acting as such Commissioner or Assistant Commissioner, or as such Officer, or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the Case may be, be compelled to serve as a Mayor or Sheriff, or in any Corporate or Parochial or other Public Office or Employment, or to serve on any Jury or Inquest, or in the Militia; any Law, Usage, or Custom to the Contrary thereof notwithstanding.

III. 'And Whereas one other of the said Acts was passed for the general Regulation of the Customs, and it is expedient to amend the said Act;' Be it therefore enacted, That so much of the said Act as restricts the Importation of Wine except in certain Quantities, and also so much of the said Act as prohibits the Importation of Segars in Packages containing One hundred Pounds Weight of Segars, shall be and the same is hereby repealed.

IV. 'And Whereas it is expedient to prohibit the Importation of Clocks and Watches having false Marks or Names thereon;' Be it therefore enacted, That it shall not be lawful to import any Clock nor any Watch impressed with any Mark or Stamp appearing to be or to represent any legal *British* Assay Mark or Stamp, or purporting by any Mark or Appearance to be of the Manufacture of the United Kingdom, or not having the Name and Place of Abode of some Foreign Maker Abroad visible on the Frame and also on the Face, or not being in a complete State with all the Parts properly fixed in the Case; and that such Prohibition shall be complied with and enforced in like Manner as if the same were set forth in a certain Table denominated "A Table of Prohibitions and Restrictions Inwards," contained in the said Act for the general Regulation of the Customs.

V. And be it further enacted, That no Goods which are prohibited to be imported into the United Kingdom from Foreign Countries shall be imported from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, although the Manufacture of any of those Islands, if the Materials of which such Goods be made are the Produce of any Foreign Country; and that this Prohibition shall be obeyed and enforced in like Manner as if the same were set forth in a certain Table contained in the said Act for the general Regulation of the Customs, and denominated "A Table of Prohibitions and Restrictions Inwards."

VI. 'And Whereas by the said last-mentioned Act it is enacted, that no Overcharge of Duty shall be returned, unless the same be claimed within Three Years from the Date of the Payment;

Time of the Commencement of the Act.

Management.

Officers of Customs not liable to serve Parochial and other local Offices.

Regulation.

Packages for Wine or for Segars.

Clocks, &c. with false Marks prohibited.

Prohibited Goods from Guernsey, &c.

Regulation.

Duties over-
charged not to
be repaid after
Three Years.

and much Inconvenience has arisen, as well from the Uncertainty in many Cases of the Proceeding which shall constitute a Claim, as from the Neglect of Parties, after a Claim or supposed Claim has been made, in prosecuting the Adjustment of their Demand according to the true Meaning of the Law; Be it therefore enacted, That from and after the Fifth Day of *January* One thousand eight hundred and twenty-nine, no Overcharge of Duty of Customs shall be returned, nor shall any Certificate or other Document granted for the Return of any such Overcharge be paid, unless such Certificate or other Document be presented for Payment within Three Years from the Day on which such Duty had been paid.

Smuggling.

Persons detained under the Smuggling Laws, One Justice may commit before hearing the Case.

VII. 'And Whereas one other of the said first-mentioned Acts was passed for the Prevention of Smuggling, and it is expedient to amend the said Act: And Whereas by the said Act it is enacted, that Two Justices of the Peace may order any Person or Persons who shall have been arrested and detained for any Offence against any Act for the Prevention of Smuggling, to be detained a reasonable Time, as well before as after any Information shall have been exhibited against such Party: And Whereas great Difficulty has arisen in procuring the Attendance of the same Two Justices who ordered the Party to be detained, to hear and determine the Case; and it is expedient that One or more Justices should have the Power to direct such Person or Persons to be detained a reasonable Time, as well before as after any Information shall have been exhibited against such Party: Be it therefore enacted, That in all Cases where any Person or Persons shall be detained for any Offence against the Laws now in force or hereafter to be made for the Prevention of Smuggling, or relating to the Revenue of Customs or Excise, and shall be taken before One or more Justices of the Peace, to be dealt with according to Law, if it shall appear to such Justice or Justices that there is reasonable Cause to detain such Person or Persons, such Justice or Justices may, and he and they is and are hereby authorized to order such Person or Persons to be detained a reasonable Time, as well before as after any Information has been exhibited against such Party, and at the Expiration of such Time any Two or more Justices may proceed finally to hear and determine the Matter; any Law, Custom, or Usage to the contrary notwithstanding.

Navigation.

Honduras Ships to trade with Possessions in America.

VIII. 'And Whereas one other of the said first-mentioned Acts was passed for the Encouragement of Shipping and Navigation, and it is expedient to amend the said Act: And Whereas by the Law of Navigation contained in the said Act certain Ships built in the *British Settlements at Honduras* are, under certain Conditions and Regulations, entitled to the Privileges of *British* registered Ships in all direct Trade between the United Kingdom and the said Settlements; and it is expedient to permit such Ships to trade in like Manner with the *British Possessions in America*: Be it therefore enacted, That under the Conditions and Regulations aforesaid, contained in the said Act, such Ships shall be entitled to the Privileges of *British* registered Ships in all direct Trade between any of the *British Possessions in America* and the said Settlements.

IX. And be it further enacted, That no *Mediterranean Pass* shall be issued for the Benefit of any Person, as being an Inhabitant of *Malta* or of *Gibraltar*, but not being a Person entitled to be an Owner of a *British* registered Ship, unless such Person shall have resided at *Malta* or at *Gibraltar* respectively upwards of Fifteen Years prior to the Tenth Day of *October* One thousand eight hundred and twenty-seven.

Navigation.
—
Mediterranean
Passes issued
to Inhabitants
at *Malta*, &c.

X. 'And Whereas one other of the said first-mentioned Acts was passed for granting Duties of Customs, and it is expedient to amend the said Act;' Be it therefore enacted, That instead of the Duties imposed by the said last-mentioned Act upon the several Articles mentioned in the Tables contained in this Act, and denominated "Table of New Duties Inwards, 1828," and "Table of New Duties Outwards, 1828," the several Duties set forth in Figures in the said Tables shall, in respect of such Goods as are mentioned therein, be raised, levied, collected, and paid unto His Majesty, in like Manner as if such Duties had been imposed in and by the said last-mentioned Act, and had been set forth in the Tables thereunto annexed; (that is to say,)

Duties.
—
New Duties.

TABLE OF NEW DUTIES INWARDS, 1828.

	£	s.	d.
Alkali imported from any Place within the Limits of the East India Company's Charter, viz.			
— any Article containing Soda or Mineral Alkali, whereof Mineral Alkali is the most valuable Part, (such Alkali not being otherwise particularly charged with Duty)			
- - - - if not containing a greater Proportion of Mineral Alkali than 20 per Centum,			
- - - to the 6th of January 1829 - the Ton	8	10	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	6	10	0
- - - from and after the 5th of January 1830 the Ton	5	0	0
- - - - if containing more than 20 per Centum, and not more than 25 per Centum, of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	11	5	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	8	12	0
- - - from and after the 5th of January 1830 the Ton	6	12	0
- - - - if containing more than 25 per Centum, and not more than 30 per Centum, of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	14	10	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	11	0	0
- - - from and after the 5th of January 1830 the Ton	8	10	0

	£	s	d
Alkali—any Article containing Soda, &c.			
- - - - - if containing more than 30 per Centum, and not more than 40 per Centum of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	18	10	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	14	0	0
- - - from and after the 5th of January 1830 the Ton	11	0	0
- - - - - if containing more than 40 per Centum of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	22	6	8
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	17	0	0
- - - from and after the 5th of January 1830 the Ton	13	0	0
Bottles of green or common Glass, full, but not containing Wine or Spirits, computing all Bottles of not greater Content than Half a Pint, as of the Content of Half a Pint; and all Bottles of greater Content than Half a Pint, and not of greater Content than a Pint or a reputed Pint, as of the Content of a Pint or of a reputed Pint, viz.			
—— imported from any Foreign Place - the Dozen Quarts Content	0	2	0
—— imported from any British Possession, and although containing Wine or Spirits, the Dozen Quarts Content	0	1	0
Bugles - - - - - the lb.	0	2	0
Castor Nuts or Seeds, imported from any British Possession the cwt.	0	0	6
Castor Oil, imported from any British Possession - the lb.	0	0	3
Cedar Wood, imported from any British Possession - the Ton	0	10	0
Ceiba Tree Cotton or Silk Cotton, imported from any British Possession - - - - - the cwt.	0	0	4
Coir Rope - - - - - the cwt.	0	5	0
—— old, and fit only to be made into Mats - the Ton	0	5	0
Fustic, imported from any British Possession - the Ton	0	3	0
Gum, viz.			
—— Arabic, imported from any British Possession - the cwt.	0	6	0
—— Guaiacum, imported from any British Possession - the lb.	0	0	3
—— Senegal, imported from any British Possession - the cwt.	0	6	0
Hair, viz.			
—— Horse Hair - - - - - the cwt.	0	0	6
—— Human Hair - - - - - the lb.	0	1	0
—— not particularly charged with Duty in this or any other Act, for every 100 ^l . of the Value - - - - -	5	0	0
Hides, viz. Horse, Mare, Gelding, Buffalo, Bull, Cow, or Ox Hides, viz.			
—— tanned and not otherwise dressed - the lb.	0	0	6
- - - the Produce of, and imported from any British Possession - - - - - the lb.	0	0	3
- - - cut or trimmed - - - - - the lb.	0	0	9

	£	s.	d.
Hides—tanned, &c.			
- - - the Produce of, and imported from any British Possession - - - the lb.	0	0	4½
— and Pieces of Hides tawed, curried, or in any way dressed - - - the lb.	0	0	9
- - - the Produce of, and imported from any British Possession - - - the lb.	0	0	4½
- - - cut or trimmed - - - the lb.	0	1	2
- - - the Produce of, and imported from any British Possession - - - the lb.	0	0	7
Latten, viz.			
— Black - - - - - the cwt.	0	8	0
— Shaven - - - - - the cwt.	0	12	0
Leaf Metal (except Leaf Gold) - the Packet, containing 250 Leaves	0	0	3
Lead Ore, from the 1st of December 1828 - the Ton	1	5	0
Leather, Pieces of Leather, or Leather cut into Shapes, or any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described, for every 100℥ of the Value	30	0	0
Logwood, imported from any British Possession - the Ton	0	3	0
Mahogany, imported from Jamaica - - - the Ton	4	0	0
— Mats and Matting, imported from any British Possession, - for every 100℥ of the Value	5	0	0
Oil, viz.			
— of Carraway - - - - - the lb.	0	4	0
— of Olives, imported in a Ship belonging to any of the Subjects of the King of the Two Sicilies, and not warehoused before the 1st of August 1828, in addition to the Duties imposed by any other Act the Tun	1	1	0
— of Hempseed, Linseed, and Rape Seed, and Seed Oil, not particularly charged with Duty in this or any other Act, imported from any British Possession, the Tun	1	0	0
Opium - - - - - the lb.	0	4	0
Orsedew - - - - - the lb.	0	0	6
Pictures, being 200 square Feet or upwards - each	10	0	0
Plums, dried - - - - - the cwt.	1	7	6
Prunelloes - - - - - the cwt.	1	7	6
Rice, the Produce of, and imported from any British Possession, viz.			
— in the Husk - - - - - the Quarter	0	0	1
— not in the Husk - - - - - the cwt.	0	1	0
Rhubarb - - - - - the lb.	0	2	8
— imported from any British Possession, - the lb.	0	2	6
Sago, imported from any British Possession, viz.			
— Pearl - - - - - the cwt.	1	0	0
— Common - - - - - the cwt.	0	1	0
— Powder - - - - - the cwt.	1	0	0
Skins, viz. Calf or Kip Skins, viz.			
— tanned, and not otherwise dressed - the lb.	0	0	9

	£	s.	d.
Skins—tanned, &c.			
- - - - the Produce of, and imported from any British Possession - - - - the lb.	0	0	4½
- - - - cut or trimmed - - - - the lb.	0	1	2
- - - - the Produce of, and imported from any British Possession - - - - the lb.	0	0	7
— tawed, curried, or in any way dressed - - - - the lb.	0	1	0
- - - - the Produce of, and imported from any British Possession - - - - the lb.	0	0	6
- - - - cut or trimmed - - - - the lb.	0	1	6
- - - - the Produce of, and imported from any British Possession - - - - the lb.	0	0	9
— Kangaroo Skins, raw and undressed, imported from any British Possession, for every 100l. of the Value	5	0	0
— Martin Skins, undressed, imported from any British Possession - - - - the Skin	0	0	9
Spirits, or Strong Waters, the Produce of any British Possession within the Limits of the East India Company's Charter, not sweetened or mixed with any Article so that the Degree of Strength cannot be exactly ascertained by Sike's Hydrometer ;			
— for every Gallon of any Strength not exceeding the Strength of Proof by Sike's Hydrometer, and so in proportion for any greater Strength than the Strength of Proof - - - -	0	15	0
Tallow, imported from any British Possession in Asia, Africa, or America - - - - the cwt.	0	1	0
Tiles, viz.			
— Dutch Tiles - - - - for every 100l. of the Value	15	0	0
Tortoise Shell, unmanufactured, imported from any British Possession - - - - the lb.	0	0	6
Turmeric, imported from any British Possession - - - - the cwt.	0	2	4
Wax, Bees, viz.			
— imported from any British Possession, viz.			
- - - unbleached - - - - the cwt.	0	10	0
- - - in any Degree bleached - - - - the cwt.	1	0	0
Wool, viz.			
— Cotton Wool, or Waste of Cotton, imported from any British Possession, - - - - the cwt.	0	0	4

TABLE OF NEW DUTIES OUTWARDS, 1828.

	£	s.	d.
Wool, viz.			
— of Sheep or Lambs, and of Hares and of Conies, the cwt.	0	1	0
Woollen Manufactures, viz.			
— Woolfels, Mortlings, Shortlings, Yarn, Worsted, Woolflocks, Cruels, Coverlids, Waddings, or other Manufactures or pretended Manufactures, slightly wrought up or put together, so as the same may be reduced to and made use of as Wool again, Mattresses or Beds stuffed with combed Wool, or Wool fit for combing or carding - - - - the cwt.	0	1	0

XI. And be it further enacted, That the several Duties now payable upon the Importation of Silk and Silk Manufactures, which by an Act passed in the Seventh Year of His Majesty's Reign, intituled *An Act to regulate the Importation of Silk Goods until the Tenth Day of October One thousand eight hundred and twenty-eight, and to encourage the Silk Manufactures by the Repeal of certain Duties*, are to be payable until the Tenth Day of October One thousand eight hundred and twenty-eight, shall be further continued until the End of the next Session of Parliament.

Duties.

For further continuing the Duties on the Importation of Silk and Silk Goods.

XII. And be it further enacted, That so much of the said Act for granting Duties of Customs, as extends to charge any Duty of Importation upon Cables, not being Iron Cables, or upon Cordage, or upon Sails respectively, in use of any *British Ship*, being fit and necessary for such Ship, and in the actual Use of the same, and not otherwise disposed of, shall be and so much of the said Act is hereby repealed; and that whenever such Cables, Cordage, or Sails shall be otherwise disposed of, then, in lieu of the Duty now payable on the same respectively, there shall be paid a Duty of Twenty Pounds upon every One hundred Pounds of the Value thereof.

Duty on Cordage and Sail Cloth in use repealed.

XIII. And be it further enacted, That if any Mahogany which had been imported direct from the Bay of *Honduras*, in a Ship cleared out from the Port of *Belize*, into a free warehousing Port in any of the *British Possessions in America*, and there warehoused as having been so cleared and imported, shall be exported from the Warehouse, and imported direct into the United Kingdom, such Mahogany shall be subject in the United Kingdom to the same Duty as it would have been subject to if it had been imported direct from the Bay of *Honduras* in a *British Ship* cleared out from the Port of *Belize*, provided it be stated in the proper Clearance of the Ship importing the same into the United Kingdom, that such Mahogany had been so warehoused, and exported from the Warehouse as aforesaid.

Honduras Mahogany warehoused in Possessions in America.

XIV. 'And Whereas one other of the said first-mentioned Acts was passed for the Warehousing of Goods; and it is expedient to amend the said Act;' Be it therefore enacted, That it shall be lawful for the Commissioners of the Customs to permit any Stuffs or Fabrics of Silk, Linen, Cotton, or Wool, or of any Mixture of them or of any of them with any other Material, to be taken out of Warehouse to be cleaned, refreshed, dyed, stained, or calendered, or to be bleached or printed, without Payment of Duty of Customs, under Security, nevertheless, by Bond to their Satisfaction, that such Goods shall be returned to the Warehouse within the Time that they shall appoint; and that it shall be lawful for the said Commissioners, in like Manner and under like Security, to permit any Rice, the Produce of Places within the Limits of the *East India Company's Charter*, to be delivered out of Warehouse to be cleaned, making such Allowance for Waste as to the said Commissioners shall appear to be reasonable.

Warehousing.

Silks, Linens, &c. to be delivered out of Warehouse, to be cleaned, &c. or bleached; also Rice of the East Indies, to be cleaned.

XV. And be it further enacted, That all Corn, Grain, Meal, or Flour, or other ground Corn, may be imported into the United Kingdom to be warehoused under the Regulations of the said last-mentioned Act, or of any Act in force for the Time being made for the Warehousing of Goods, without Payment of Duty at the

Corn, &c. to be warehoused under the General Warehousing Acts.

Time

Time of the First Entry thereof, or notwithstanding that such Goods may be prohibited to be imported for Home Use; any thing in any Act in force in any Part of the United Kingdom to the contrary notwithstanding.

Bounties.

XVI. ' And Whereas one other of the said first-mentioned Acts was passed to grant certain Bounties and Allowances of Customs; and it is expedient to amend the said Act: And Whereas the several Bounties granted by the said Act on the Exportation of Linen from the United Kingdom are to be reduced from Year to Year by equal Tenth Parts, until the whole shall expire, and which will happen on the Fifth Day of *January* One thousand eight hundred and thirty-four: And Whereas Five such Tenth Parts will have ceased on the Fifth Day of *January* One thousand eight hundred and twenty-nine; and it is expedient to suspend for a limited Time the further Reduction of the said Bounties, and fix on an earlier Time when the whole shall expire; and it is also expedient to reduce and to discontinue in like Manner the Bounty payable under the said Act on the Exportation of Sail Cloth; ' Be it therefore enacted, That the Proportions of the several Bounties on Linen which will be payable under the said Act on the Fifth Day of *January* One thousand eight hundred and twenty-nine shall continue payable, without further Reduction, until the Fifth Day of *January* One thousand eight hundred and thirty-two, and on the said Fifth Day of *January* One thousand eight hundred and thirty-two the whole of such Bounties shall cease, and no Part thereof shall thenceforth be payable; and that on the said Fifth Day of *January* One thousand eight hundred and twenty-nine One Half of the Bounty now payable on the Exportation of Sail Cloth shall cease, and that on the said Fifth Day of *January* One thousand eight hundred and thirty-two the whole of the said Bounty shall cease.

Bounties on
Linen and Sail
Cloth, when to
cease.

XVII. ' And Whereas by the said last-mentioned Act certain Drawbacks are granted on Deals and Timber used as therein mentioned, and Regulations are therein made for the issuing of Debentures to the Parties respectively Once only for each Year, and it is expedient to permit more frequent Payment of such Drawback to be made; ' Be it therefore enacted, That under the like Regulations it shall be lawful for the Officers of the Customs to issue such Debentures Twice for every Year, (that is to say) Once after the Fifth Day of *July*, and Once after the Fifth Day of *January*: Provided always, that no Debenture for any such Drawback shall be paid after the Expiration of Three Years from the Day on which the Duty on any of the Deals or Timber mentioned in such Debentures had been paid: Provided also, that the same Amount of Drawback, and no other, shall be allowed in respect of such Deals and Timber when the same had been imported in a Foreign Ship, as is granted by the said Act in respect of such Deals and Timber when the same had been imported in a *British* Ship.

Drawback on
Timber used in
Mines.

XVIII. ' And Whereas by the last-mentioned Act a Bounty is allowed on the Exportation of Double Refined Sugar, and it is expedient that the said Bounty should be allowed upon all Sugar equal in Quality to Double Refined Sugar; ' Be it therefore

fore enacted, That there shall be provided by and at the Expence of the Committee of Sugar Refiners in *London*, and in like Manner by and at the Expence of the Committee of Merchants in *Dublin*, as many Loaves of Double Refined Sugar prepared in Manner hereinafter directed as the Commissioners of Customs shall think necessary; which Loaves, when approved of by the said Commissioners, shall be deemed and taken to be Standard Samples, one of which Loaves shall be lodged with the said Committees respectively, and one other with such Person or Persons as the said Commissioners shall direct, for the Purpose of comparing therewith Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, entered for Exportation for the Bounty; and fresh Standard Samples shall in like Manner be again furnished by such Committees respectively, and in like Manner lodged, whenever it may be deemed expedient by the said Commissioners: Provided always, that no Loaf of Sugar shall be deemed to be a proper Sample Loaf of Double Refined Sugar as aforesaid, if it be of greater Weight than Fourteen Pounds, nor unless it be a Loaf complete and whole, nor unless the same shall have been made by a distinct Second Process of Refinement from a Quantity of Single Refined Sugar, every Part of which had first been perfectly clarified and duly refined, and had been made into Loaves or Lumps which were of a uniform Whiteness throughout, and had been thoroughly dried in the Stove.

XIX. And be it further enacted, That in respect of Refined Sugar which is equal in Quality to Double Refined Sugar, the like Bounty shall be paid as is granted by the said last-mentioned Act in respect of Double Refined Sugar: Provided always, that no Sugar shall be entitled to Bounty as Double Refined Sugar, or as Sugar equal in Quality to Double Refined Sugar, unless it be in Loaves complete and whole, not weighing more than Fourteen Pounds each Loaf, nor unless it corresponds with or be equal in Quality to the Samples Loaves aforesaid.

XX. And be it further enacted, That in case any Sugar which shall be entered in order to obtain the Bounty on Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, shall, on Examination by the proper Officer or Officers, be found to be of a Quality not equal to such Standard Sample, all Sugar so entered shall be forfeited and may be seized.

XXI. And be it further enacted, That the several Bounties on Refined Sugar granted by the said last-mentioned Act shall be granted equally in respect of all Refined Sugar, without regard to whether the same be made of Sugar the Produce of the *British Plantations* or of the *East Indies*, or of Sugar the Produce of any other Place; any thing in the said Act to the contrary notwithstanding.

XXII. 'And Whereas one other of the said first-mentioned Acts 'was passed to regulate the Trade of the *British Possessions* 'Abroad, and it is expedient to amend the said Act;' Be it therefore enacted, That upon the Entry Outwards of any Goods in any of the *British Possessions* in *America*, to be exported to any other of such Possessions or to the United Kingdom, it shall be stated in such Entry either that such Goods are the Produce of the *British Possessions* in *America*, or that they are of Foreign Pro-

Bounties.

Committee of Sugar Refiners to provide Sample Loaves of Double Refined Sugar.

Sugar equal in Quality to Double Refined Sugar like Bounty to be paid for same.

Sugar entered not equal to the Standard shall be forfeited.

Bounties on Sugar to be granted, whether of *British Plantations* or not.

Possessions.

Entry of Goods in Colonies for Exportation as *British Plantation* or as Foreign.

Possessions.

Production, as the Case may be; and if any Goods not being the Produce of any of the *British Possessions in America* be stated in such Entry to be such Produce, the same shall be forfeited; and that no Goods shall be stated in the Certificate of the Clearance of any Ship from any *British Possession in America* to be the Produce of such Possessions, unless such Goods shall have been expressly stated so to be in the Entry Outwards; and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of the *British Possessions in America* shall, at the Place of Importation in any other such Possessions, or in the United Kingdom, be deemed to be of Foreign Production.

Certain Goods imported into Colonies from Warehouse in the United Kingdom, to be Duty-free.

XXIII. And be it further enacted, That the several Sorts of Goods hereinafter enumerated, having been warehoused in the United Kingdom, (that is to say) Corn, Grain, Seeds, Meal, Flour, Bread, Biscuit, Rice, Fruits, Pickles, Woods of all Sorts, Hemp, Flax, Tow, Oakum, Pitch, Tar, Rosin, Turpentine, Ochres, Brimstone, Saltpetre, Gums, Drugs, Vegetable Oils, Burr Stones, Dog Stones, Hops, Cork, Sago, Tapioca, Spunge, Sausages, Cheese, Cider, Wax, Spices, Tallow, being imported into any of the *British Possessions in America* direct from the Warehouse in the United Kingdom, shall be so imported Duty-free; and that Horses, Mules, Asses, Neat Cattle, and all other Live Stock, shall be imported or brought into the said Possessions Duty-free; and that Tallow and Raw Hides brought by Land or by Inland Navigation into any of the said Possessions, shall be so brought Duty-free.

Wheat in Colonies delivered to be ground.

XXIV. And be it further enacted, That upon the Entry of any Wheat to be warehoused in any Warehousing Port in the *British Possessions in America*, it shall be lawful for the Officers of the Customs, instead of requiring that such Wheat shall be forthwith lodged in the Warehouse, to deliver the same to the Importer or Proprietor thereof to be first ground into Flour, and also to deliver any warehoused Wheat to be ground into Flour, under Condition, by Bond to the Satisfaction of the said Officers, that within Three Months from the Date of the Bond there shall be lodged in the Warehouse One Barrel of good and merchantable Flour in return for every Five Bushels of Wheat so delivered; and such Flour so warehoused shall be held to be Flour imported and warehoused under the Conditions and Regulations of the said last-mentioned Act.

Importation of Wine into Guernsey, &c.

XXV. And be it further enacted, That so much of the said last-mentioned Act as restricts the Importation of Wine, except in certain Quantities, into the Islands of *Guernsey, Jersey, Alderney, or Sark*, shall be and the same is hereby repealed.

Nothing in 7 G. 4. c. 48. shall be construed to repeal so much of 3 G. 4. c. 119. as relates to Arbitrators.

XXVI. And be it enacted and declared, That nothing contained in an Act passed in the Seventh Year of His Majesty's Reign, intituled *An Act to alter and amend the several Laws relating to the Customs*, did or doth repeal, or shall be construed to have repealed, so much of an Act passed in the Third Year of His Majesty's Reign, intituled *An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other Purposes relating to the said Provinces*, as relates to the Appointment of Arbitrators to determine the Claims of the Province of *Upper Canada* upon the Province of *Lower Canada*, or as relates to the Powers and Duties of such Arbitrators, or to any Award to be made by them,

or to the Payment of any Sum by them awarded, or to the Payment of Duties made payable under any Act or Acts of the Province of *Lower Canada* on the Importation of any Goods, Wares, or Commodities into the said Province.

XXVII. 'And Whereas one other of the said first-mentioned Acts was passed for Regulation† the Trade of the *Isle of Man*, and it is expedient to amend the said Act; Be it therefore enacted, That no Spirits or Strong Waters shall be imported into the *Isle of Man*, other than such and so much as may and shall be imported with the Licence of the Commissioners of Customs under the Provisions of the said Act; and that this Prohibition shall be obeyed and enforced in like Manner as if the same were set forth in a certain Schedule contained in the said Act, and denominated "Schedule of Prohibitions:" Provided always, that it shall be lawful for the said Commissioners to grant Leave from time to time for the Importation into the said Island in reasonable Quantities of perfumed or medicinal Spirits.

XXVIII. And be it further enacted, That before any Goods shall be shipped in the *Isle of Man* for Exportation to the United Kingdom, as being the Produce or Manufacture of that Island, Proof shall be made by the written Affidavit of some competent Person, to the Satisfaction of the Collector and Comptroller of the Customs at the Port of Shipment, that such Goods, describing and identifying the same, are the Produce or the Manufacture, as the Case may be, of the said Island, and in such Affidavit shall be stated the Name of the Person by whom such Goods are intended to be entered and shipped, and such Person at the Time of Entry (not being more than One Month after the Date of such Affidavit), shall make Oath before such Collector or Comptroller, that the Goods to be shipped in virtue of the Entry are the same as are mentioned in such Affidavit; and thereupon the Collector and Comptroller shall, on Demand, give to the Master of the Ship in which the Goods are to be exported a Certificate of such Proof of Produce or of Manufacture having been made in respect of such Goods, describing the same, and setting forth the Name of the Exporter and of the exporting Ship, and of the Master thereof, and the Destination of the Goods; and such Certificate shall be received at the Port of Importation in the United Kingdom, instead of the Certificate of the Governor, Lieutenant Governor, or Commander-in-Chief of the said Island, required by one of the said first-mentioned Acts, intituled *An Act for the general Regulation of the Customs*.

XXIX. 'And Whereas Steam Vessels according to their Register Tonnage afford greater Accommodation for Passengers than Sailing Vessels; Be it therefore enacted, That for the Purposes of an Act passed in the Fourth Year of His Majesty's Reign, intituled *An Act for regulating Vessels carrying Passengers between Great Britain and Ireland*, every Steam Vessel which is of the Register Tonnage of One hundred and forty Tons or upwards shall be deemed to be a Vessel of Two hundred Tons at least.

Possessions.
—

Isle of Man.
—

† *Sic.*

Spirits imported into the *Isle of Man*.

Certificate for Goods the Produce of the *Isle of Man*.

Passengers.
—

Tonnage of Steam Vessels carrying Passengers to and from Ireland.

C A P. LXXVII.

An Act to amend the Acts for regulating Turnpike Roads.

[25th July 1828.]

3 G. 4. c. 126. ' WHEREAS an Act was passed in the Third Year of the
' Reign of His present Majesty, intituled *An Act to amend*
' *the General Laws now in being for regulating Turnpike Roads*
' *in that Part of Great Britain called England*: And Whereas
4 G. 4. c. 95. ' another Act was passed in the Fourth Year of the Reign of His
' present Majesty, intituled *An Act to explain and amend an Act*
' *passed in the Third Year of the Reign of His Majesty, to amend*
' *the general Laws now in being for regulating Turnpike Roads in*
' *that Part of Great Britain called England*: And Whereas another
7 & 8 G. 4. c. 24. ' Act was passed in the Seventh and Eighth Years of the Reign
' of His present Majesty, intituled *An Act to amend the Acts for*
' *regulating Turnpike Roads in England*: And Whereas the said
' Acts require to be further 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 Par-
liament assembled, and by the Authority of the same, That so
much of the said recited Act of the Fourth Year of the Reign of
His present Majesty as enacts that all and every Book and Books
containing the Accounts and Proceedings of the Trustees and
Commissioners for executing any Act for making or maintaining
any Turnpike Road, or containing any Orders or Agreements
made or entered into by them, such Book or Books being kept
and signed in manner therein mentioned, should and might be
given in Evidence in all Cases of Appeal, and in all Prosecutions,
Suits, and Actions whatsoever, shall be and the same is hereby
repealed.

So much of
recited Act
of 4 G. 4. as
enacts that
Books of Ac-
counts and
Proceedings
shall be re-
ceived as
Evidence re-
pealed.

Books of Ac-
counts and
Proceedings
to be received
in Evidence,
without proving
their Contents,
notwithstand-
ing the Act
under which
they have been
kept is repealed;
and to be open
to Inspection.

II. And be it further enacted, That all Books kept for regis-
tering Mortgages or Assignments, and all Entries therein, and all
Books containing the Accounts and Proceedings of the Trustees
in the Execution of any local Turnpike Act, kept according to
the Directions and Provisions of any such Act, or of the said
recited Act of the Third Year of the Reign of His present Ma-
jesty or of this Act, and made Evidence thereby, shall be ad-
mitted in Evidence in all Courts, and by all Judges, Justices, and
others, without proving the Facts therein contained, unless such
Facts, or any of them, shall be first controverted, notwithstanding
any former Act, under the Provisions of which such Books may
have been originally kept, may be repealed; and all such Books
shall be preserved and kept by the Clerk for the Time being of
such Trustees, and shall at all seasonable Times be open to the
Inspection of the said Trustees, and of any Creditor or Creditors
of the Tolls, without Fee or Reward; and the said Trustees and
Creditors, or any of them, shall and may take Copies of or Extracts
from the said Book or Books, or any Part or Parts thereof respec-
tively, without paying any thing for the same; and in case the
Clerk to the said Trustees shall refuse to permit, or shall not
permit, the said Trustees, or such Creditors, or any of them, to
inspect

inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for every such Offence.

III. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His present Majesty as directs that no Toll Gate shall be erected on the Side of any Turnpike Road, unless the same be ordered by the Trustees or Commissioners at a Public Meeting, in manner therein mentioned, shall be and the same is hereby repealed.

Restriction of 3 G. 4. c. 126. s. 45, as to the Erection of Toll Gates repealed.

IV. And be it further enacted, That so much of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty as directs that it shall be lawful for the Trustees of any Turnpike Road to order and direct any Turnpikes, Toll Gates, or Side Bars to be removed, as therein directed, shall be and the same is hereby repealed.

So much of 7 & 8 G. 4. c. 24. as directs Trustees to remove Toll Gates, repealed.

V. And be it further enacted, That it shall be lawful for the Trustees of any Turnpike Road, and they are hereby authorized and empowered, to continue all and every or any of the Toll Gates or Toll Houses now standing or being in, upon, or across any such Turnpike Road, or on the Sides thereof, and from time to time, at any special Meeting to be holden for that Purpose, of which Meeting Public Notice, specifying the Time and Place and the Purpose thereof, shall have been given in some Newspaper published or circulated in the County or Counties through which any such Turnpike Road passes, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, or Side Bars (if any) which shall be then standing on such Road, Fourteen Days previously to such Meeting, to order and direct, by some Order in Writing, to be signed by Three at least of the Trustees present at such Meeting, that there be erected and built, in, upon, or across any such Turnpike Road or any Part thereof, or upon the Sides thereof, or any Part thereof, when and where they shall judge necessary, such and so many Toll Gates, Turnpikes, Side Bars, and Chains, with Toll Houses, Outhouses, and other Conveniences thereto, and also to take in and inclose on the Sides of such Road, or any Part thereof, suitable Garden Spots for each of such Toll Houses, not exceeding One Eighth of a Statute Acre to each Toll House, as the said Trustees shall direct or appoint; and also shall and may from time to time at any such Meeting, or at any other Meeting to be called as aforesaid, and by such Order as aforesaid, from time to time order and direct any of such Toll Gates, Turnpikes, Side Bars, and Chains to be taken down or discontinued, or to be removed and placed elsewhere, upon, across, or on the Sides of such Road, in such Situations as to them the said Trustees may appear fit or eligible: Provided that nothing in this Act contained shall authorize any Toll Gate, Turnpike, Side Bar, or Chain to be erected or built in any Place or Places where it is or may be provided by any local Turnpike Act there shall be no Turnpike, Toll Gate, Side Bar, or Chain erected, built, or placed.

Power to continue or erect Toll Gates.

VI. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His present Majesty as directs the Payment and Recovery of any Sum or Sums of Money to be subscribed or agreed to be advanced for the making or maintaining

So much of 3 G. 4. c. 126. as relates to the Recovery of Money, repealed.

maintaining of any Turnpike Road, shall be and the same is hereby repealed.

Recovery of
Subscriptions.

VII. And be it further enacted, That the several and respective Persons who shall subscribe for or agree to advance any Money for or towards the making or maintaining any Turnpike Road or Roads, or Highway intended to be made Turnpike, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time or Times, and in such Parts and Proportions, as shall be expressed in the Writing which shall be subscribed by them or on their Behalf, or as the Trustees of any such Turnpike Road shall order and direct; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof, as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any one of such Trustees or of their Treasurer or Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as in the Act for making or maintaining any such Turnpike Road or Roads shall be mentioned.

§ G. 4. c. 126.
as to shortening
Roads, repealed.

VIII. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His present Majesty as authorizes the Trustees of any Turnpike Road to make, divert, shorten, vary, alter, and improve any such Road, shall be and the same is hereby repealed.

Trustees may
shorten, vary,
and alter
Roads.

IX. And be it further enacted, That it shall be lawful for the Trustees of any Turnpike Road, and they are hereby authorized and empowered, (subject to the Restrictions in the said recited Acts and this Act contained) to make, divert, shorten, vary, alter, and improve the Course or Path of any of the several and respective Roads under their Care and Management, or of any Part or Parts thereof; and to divert, shorten, vary, alter, and improve the Course or Path of any of the said several and respective Roads, or any Part or Parts thereof, upon, in, through, or over any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby; and also upon, in, over, or through any Common or Waste Lands, without making any Satisfaction for such Common or Waste Lands, in such Manner as they shall think proper; so that any such Road shall not exceed Sixty Feet in Width, together with such Footpath, Causeways, Bridges, Arches, Banks, Culverts, Ditches, Drains, and Fences on the Line of such Road, as they shall think necessary or expedient; and it shall also be lawful for such Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carts or Carriages, from time to time to enter upon the Lands and Grounds or Hereditaments through which or whereupon such Road, Footpath, Causeways, Bridges, Arches, Banks, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, to stake out the same in
such

such Manner as such Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of the Act, for making or maintaining any such Turnpike Road; and if any Person shall pull up, remove, or destroy any Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

X. And be it further enacted, That where, at the Time of the Expiration or Repeal of any Act for making and maintaining any Turnpike Road, any Monies which may have been borrowed, subscribed, or advanced under the Provisions of such Act shall be due and owing on the Credit of the Tolls thereby granted, the Term and Tolls to be granted by all and every subsequent Act and Acts for maintaining such Turnpike Road shall be and the same are hereby made subject and liable to the Payment of the Monies which shall so remain due and owing on the Credit of such Tolls, and of all Interest to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due on the Credit or Security of the Tolls to be granted by such subsequent Act or Acts; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying any such former Act into Execution, shall be liable to the Payment thereof to the Trustees for executing any such subsequent Act or Acts, and such Monies shall be applied by them for the Purposes of such subsequent Act or Acts.

XI. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities, made or entered into by any Person or Persons to or with the Trustees for carrying any local Turnpike Act into Execution, or by any other Person or Persons on behalf of the said Trustees, according to the Provisions of any such Act, shall remain in full Force and Effect, notwithstanding the Expiration or Repeal of such Act, and shall be and continue available in all Courts, and before all Judges and Justices having Jurisdiction, as the Case may require, until the same are fully satisfied and performed, on Account and for the Benefit of the Trust to be created by any subsequent Act for maintaining the same Turnpike Road, or any Part thereof.

XII. And be it further enacted, That the Trustees appointed by virtue of any local Turnpike Act may receive in and cancel all or any of the Mortgages granted under the Trusts of any former Act for the same Turnpike Road, or any Part thereof, and instead and in lieu thereof give and execute another Mortgage or other Mortgages, at the Expence of the Parties requiring the same.

XIII. And be it further enacted, That in all Cases where it shall appear by the Books kept by the Clerk or Treasurer to the Trustees of any Turnpike Road, or by any satisfactory Evidence adduced at any Meeting of such Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls authorized by any local Turnpike 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

Mortgages under former Acts to remain good.

Bonds, Contracts, &c. to remain in full Force, notwithstanding the Repeal of any Act.

Trustees may cancel Mortgages, and execute others.

And renew Mortgages, &c. lost or mislaid.

destroyed, it shall and may be lawful for the said Trustees, 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 any such local Turnpike 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.

Persons employed under former Acts to deliver up Books, &c.

XIV. And be it further enacted, That all Persons who may be or shall have been employed, or who shall have received any Tolls or other Money on account of or for the Purposes of any Act for making or maintaining any Turnpike Road which may have expired or been repealed, or who may have or shall have had in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to any such Turnpike Road, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees for executing any subsequent Act for maintaining such Turnpike Road, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and of any local Turnpike Act, are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty required to pay or account for the same.

Officers to hold their Offices after any Act is repealed, unless removed by Trustees.

XV. And be it further enacted, That the Treasurer, if appointed consistently with the Provisions of the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer, appointed under or employed in the Execution of any Act for making or maintaining any Turnpike Road, which may have expired or been repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom respectively by the Trustees for executing any subsequent Act for maintaining the same Turnpike Road; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Powers and Authorities for the Purpose of any such subsequent Act, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been appointed under or by virtue of such subsequent Act.

Tolls to be collected.

XVI. And be it further enacted, That it shall and may be lawful for the Trustees of any Turnpike Road, or any Person appointed or continued to be appointed Collector of the Tolls to be taken by virtue of any local Turnpike Act, to demand and take every Day (such Day, for the Purposes of all local Turnpike Acts, being computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night) the several and respective Tolls to be mentioned in any such Act, at the several and respective Toll Gates and Turnpikes, or Side Bars and Chains, which are or shall be continued or erected by virtue of this Act, or of any local Turnpike Act, in, upon, across, or on the Sides of any Turnpike Road, or any Part or Parts thereof; and which Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horses, Cattle, or Carriage whatsoever shall be

be permitted to pass through any Toll Gate or Turnpike, or Side Bar or Chain; and the Tolls or Sums of Money to be levied and collected by virtue of any local Turnpike Act shall be and the same are hereby vested in the Trustees of such Act for the Purposes thereof, in manner to be thereby directed.

XVII. And be it further enacted, That if any Person or Persons shall claim or take the Benefit of any of the Exemptions mentioned in any local Turnpike Act, not being entitled to the same, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulent Claim of Exemptions.

XVIII. And be it further enacted, That no Person or Persons shall or may be convicted of any Offence or Offences contrary to the Provisions of this Act, or of the said recited Acts, or of any local Turnpike Act, in a summary Way, before any Justice or Justices of the Peace, after the Expiration of Six Months from the Time when any such Offence or Offences shall or may have been committed.

Actions to be brought within Six Months.

XIX. And be it further enacted, That all the Powers, Authorities, Clauses, Provisions, Penalties, Matters, and Things contained in the said Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty (save and except such Parts thereof respectively as are varied, altered, or repealed) shall extend and be construed to extend to this Act; and all the Powers, Authorities, Clauses, Penalties, Forfeitures, Matters, and Things contained in the said Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty (except such Parts thereof respectively as are varied, altered, or repealed), and all the Powers, Authorities, Clauses, Provisions, Penalties, Matters, and Things contained in this Act, shall extend and be construed to extend to every local Turnpike Act, and shall be applied and put in execution as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of such local Turnpike Act, and were made Part thereof; and that the said recited Acts and this Act shall not be recited in any such local Turnpike Act, save and except as to such Powers, Authorities, Clauses, Provisions, Penalties, Matters, and Things as shall be expressly referred to for the Purpose of being varied, altered, or repealed by any such local Turnpike Act.

Power of former Acts extended to this Act.

Powers of this Act to extend to all local Turnpike Acts.

Acts not to be recited unless for the Purpose of being altered.

XX. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts contained shall extend, or be construed, adjudged, deemed or taken to extend, to the Turnpike Road called the *Commercial Road*, or the several Branches leading from and out of the same, authorized to be made, repaired, and maintained under and by virtue of an Act passed in this Session of Parliament, intituled *An Act for more effectually repairing and improving the several Roads called the Cannon Street Roads, the Commercial Road, the Horseferry Branch of Road, the East India Dock Road, the Barking Road, and the Shadwell and Mile End Branch of Road, in the Counties of Middlesex and Essex; and for laying down a Stoneway on the said Commercial, East India Dock, and Barking Roads*; or to affect, encroach upon, vary, alter, or interfere with any of the Tolls, Weights, or Duties

This Act not to extend to the Commercial Road, (9 G. 4. c. cxii.) or the Road from Glasgow to Carlisle, (56 G. 3. c. lxxxiii. 58 G. 3. c. 44. 59 G. 3. c. xc. 1 & 2 G. 4. c. cxvii.)

created by virtue of such Act, or any of the Powers and Authorities given to or vested in the Trustees acting under or by virtue of such Act; nor shall extend, or be deemed, construed, or taken to extend, to an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act for improving the Road from the City of Glasgow to the City of Carlisle*, or to Three several Acts amending the same, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty, and in the First and Second Years of the Reign of His present Majesty.

C A P. LXXVIII.

An Act for extending the Acts passed in the Forty-third and Fifty-ninth Years of the Reign of His late Majesty King *George the Third*, for the Sale and Mortgage of Estates of Persons found Lunatics by Inquisition taken in *England* and *Ireland*, so as to authorize such Sale and Mortgage for some Purposes; and for rendering Inquisitions on Commissions of Lunacy taken in *England* available in *Ireland*, and like Inquisitions taken in *Ireland* available in *England*. [25th July 1828.]

‘ **W**HEREAS an Act was passed in the Forty-third Year of the Reign of His late Majesty King *George the Third*, to authorize the Sale, Mortgage, Charge, or Incumbrance of the Estates of Persons found lunatic by Inquisition in *England* or *Ireland* respectively; and the said Act was extended by an Act passed in the Fifty-ninth Year of the same Reign: And Whereas it is desirable that the Powers of Sale, Mortgage, Charge, and Incumbrance of the Estates of Persons found lunatic or of unsound Mind, and incapable of managing their Affairs, which were given by the said Acts should not be confined to the Objects expressed in the first of the said Acts; but that, for the Purpose of providing a Fund by means of which better Provision may be made for such Persons, or their Estates may be improved, or other beneficial Objects may be effected, more extended Powers of Sale and Mortgage of such Estates should be given:’ 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 such of the Powers and Provisions contained in the said recited Acts as authorize the Sale, Mortgage, Charge, Incumbrance, or other Disposition of Estates belonging to Persons found and to be found lunatic or of unsound Mind, and incapable of managing their Affairs, and the doing and executing all such Acts, Deeds, Surrenders, and Assurances for effectuating any such Sale, Mortgage, Charge, Incumbrance, or other Disposition, may extend to the Sale, Mortgage, Charge, Incumbrance, or other Disposition of such Estates, for the Purposes of raising Money for Payment of the Debts and Engagements of such Lunatics, the Discharge of any Incumbrances on their Estates, the Costs of applying for and obtaining the Commission of Lunacy, and in opposition thereto, and all Proceedings under the

So much of recited Acts as authorize the Sale, Mortgage, or other Disposition of Estates of Lunatics in certain Cases, extended to authorize Sales, &c. for any Purpose which the Lord Chancellor, &c. shall direct.

same Commission, or incurred by any Person or Persons under the Order of such Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain* and of *Ireland* respectively, being intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic or of unsound Mind, and incapable of managing their Affairs, and the Costs of such Sales, Mortgages, Charges, and Incumbrances and other Dispositions, or for any of such Purposes as such Lord Chancellor, Lord Keeper, or Lords Commissioners shall respectively direct; and that the Monies arising from any such Sale, Mortgage, Charge, Incumbrance, or other Disposition may be paid, laid out, and applied in Payment of the Debts and Engagements of such Lunatics, the Discharge of any Incumbrances on their Estates, the Costs of applying for and obtaining the Commission of Lunacy, and in opposition thereto, and all Proceedings under the same Commission, or incurred by any Person or Persons under the Order of such Lord Chancellor, Lord Keeper, or Lord Commissioners, and the Costs of such Sales, Mortgages, Charges, and Incumbrances, and other Dispositions, in such Manner as the said Lord Chancellor, Lord Keeper, or Lords Commissioners, intrusted as aforesaid, shall direct.

II. Provided always, and be it enacted, That on any Sale, Mortgage, Charge, Incumbrance, or other Disposition which shall be made in pursuance of this Act, the Person whose Estate shall be so sold, mortgaged, charged, incumbered, or otherwise disposed of, and his or her Heirs, next of Kin, Devisees, Legatees, Executors, Administrators, or Assigns, shall have such and the like Interest in the Money raised by such Sale, Mortgage, Charge, Incumbrance, or other Disposition, and which shall not be wholly applied and exhausted for the Purposes aforesaid, or otherwise, in pursuance of this Act, as he, she, or they would have had in the Estate by the Sale, Mortgage, Charge, Incumbrance, or other Disposition of which such Money shall be raised, if no such Sale, Mortgage, Charge, Incumbrance, or other Disposition had been made, and such Money shall be of the same Nature and Character as the Estate so sold, mortgaged, charged, incumbered, or disposed of; and it shall be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of the United Kingdom and of *Ireland* respectively, being intrusted as aforesaid, to make such Orders, and to direct such Acts and Deeds to be done and executed, as shall be necessary for carrying the aforesaid Objects into Effect, and for the due Application of such surplus Monies.

III. 'And Whereas it is desirable that in some Cases Inquisitions taken in *England* on a Commission in the Nature of a Writ De lunatico inquirendo, and Writs of Supersedeas of any such Commission, should be acted upon in *Ireland* in the same Manner as the same may be acted upon in *England*, and for that Purpose should be placed on Record in *Ireland*; and that Inquisitions on a like Commission executed in *Ireland*, and Writs of Supersedeas of any such Commission, should be acted on in *England*, and for that Purpose should be placed on record there;' Be it therefore enacted, That in all Cases where any

The Person whose Estate is so sold shall have the like Interest in the Money raised by such Sale as he would have had in the Estate sold.

Lord Chancellor, &c. to make the necessary Orders.

Inquisitions on Person Commissions

under the Great Seal of Great Britain, and Writs of Supersedeas thereon, to be transmitted and entered of Record in Ireland, and acted on there; and vice versâ.

Person has been or shall be found lunatic or of unsound Mind, and incapable of managing his or her Affairs, by any Inquisition on a Commission in the Nature of a Writ De lunatico inquirendo under the Great Seal of *Great Britain*, it shall be lawful for the proper Officer, by Order of the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, intrusted as aforesaid, to transmit a Transcript of the Record of such Inquisition to the Chancery of *Ireland*, and such Transcript shall thereupon be entered of Record, and be as of Record there; and in case a Writ of Supersedeas of any such Commission shall issue, the Issue of such Writ shall be certified and transmitted and recorded in like Manner; and the Copies of the Record of any such Inquisition or Supersedeas, so transmitted and entered as of Record in the Chancery of *Ireland*, shall, if the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland*, intrusted as aforesaid, shall see fit, and so long only as he or they shall so see fit, be acted upon by him or them respectively, and be of the same Force and Validity, and have the same Effect, to all Intents and Purposes, in *Ireland*, as if such Inquisition had been taken on a Commission under the Great Seal of *Ireland*, and such Writ of Supersedeas had been issued under the Great Seal of *Ireland*; and that in all Cases where any Person has been or shall be found lunatic or of unsound Mind, and incapable of managing his or her Affairs, by any Inquisition on a Commission in the Nature of a Writ De lunatico inquirendo under the Great Seal of *Ireland*, it shall be lawful for the proper Officer, by Order of the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland*, intrusted as aforesaid, to transmit a Transcript thereof in like Manner to the Chancery of *England*, and such Transcript shall thereupon be entered as of Record there; and in case a Writ of Supersedeas of any such Commission shall issue, a Transcript thereof shall be certified and transmitted to the Chancery of *England*, and recorded in like Manner; and such Entry of Record of any such Inquisition or Supersedeas shall, if the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, intrusted as aforesaid, shall see fit, and so long only as he or they shall so see fit, be acted upon by him or them respectively, and be of the same Force and Validity, and have the same Force and Effect, as if such Inquisition had been taken on a Commission under the Great Seal of *Great Britain*, and such Writ of Supersedeas had been issued under the Great Seal of *Great Britain*.

C A P. LXXIX.

An Act to repeal an Act passed in the Third Year of His present Majesty, for apportioning the Burthen occasioned by the Military and Naval Pensions and Civil Superannuations, by vesting an equal Annuity in Trustees for the Payment thereof. [25th July 1828.]

‘ WHEREAS An Act was passed in the Third Year of His present Majesty’s Reign, intituled *An Act for apportioning the Burthen occasioned by the Military and Naval Pensions and Civil*

' *Civil Superannuations, by vesting an equal Annuity in Trustees for the Payment thereof*: And Whereas it is expedient that the said Act should be repealed: 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 Fifteenth Day of *July* One thousand eight hundred and twenty-eight, the said Act shall be and the same is hereby repealed.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any Clause, Matter, or Thing contained in an Act made in the Fourth Year of His present Majesty's Reign, intituled *An Act to confirm an Agreement entered into by the Trustees under an Act of the last Session of Parliament, for apportioning the Burthen occasioned by the Military and Naval Pensions and Civil Superannuations, with the Governor and Company of the Bank of England*; any thing hereinbefore contained to the contrary notwithstanding.

Act not to affect
4 G. 4. c. 22.

C A P. LXXX.

An Act to enable Bankers in *Ireland* to issue certain unstamped Promissory Notes, upon Payment of a Composition in lieu of the Stamp Duties thereon.

[25th *July* 1828.]

' **W**HEREAS it is expedient to permit all Persons carrying on the Business of Bankers in *Ireland* to issue their Promissory Notes payable to Bearer on Demand on unstamped Paper, upon Payment of a Composition in lieu of the Stamp Duties which would otherwise be payable upon such Notes, and subject to the Regulations hereinafter 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 First Day of *September* One thousand eight hundred and twenty-eight, it shall be lawful for any Person or Persons carrying on the Business of a Banker or Bankers in *Ireland*, who shall have duly registered the Firm of his or their House according to Law, and who shall have obtained a Licence and given Security by Bond in manner hereinafter mentioned, to make and issue on unstamped Paper his or their Promissory Notes, for Payment to the Bearer on Demand of any Sum of Money not exceeding the Sum of One hundred Pounds.

Bankers in
Ireland may
issue certain
Promissory
Notes on
unstamped
Paper.

II. And be it further enacted, That it shall be lawful for any Two or more of the Commissioners of Stamps, or any Officer of Stamps duly authorized by the said Commissioners in that Behalf, to grant Licences to all Persons carrying on the Business of Bankers in *Ireland* who shall have duly registered the Firm of their House according to Law, and who shall require such Licences authorizing such Persons to issue such Promissory Notes as aforesaid on unstamped Paper; which said Licences shall

The Commis-
sioners of
Stamps or their
Officers may
grant Licences
to issue un-
stamped Pro-
missory Notes.

shall be and are hereby respectively charged with a Stamp Duty of Thirty Pounds for every such Licence.

Bankers to take out a separate Licence for every Place where unstamped Notes shall be issued, but not to take out more than Four Licences for any Number of such Places.

III. And be it further enacted, That a separate Licence shall be taken out in respect of every Town or Place where any such unstamped Promissory Notes as aforesaid shall be issued: Provided always, that no Person or Persons shall be obliged to take out more than Four Licences in all for any Number of Towns or Places in *Ireland*; and in case any Person or Persons shall issue such unstamped Notes as aforesaid at more than Four different Towns or Places, then after taking out Three distinct Licences for Three of such Towns or Places, such Person or Persons shall be entitled to have all the rest of such Towns or Places included in a Fourth Licence; and that if any Person or Persons, after having taken out Four distinct Licences under the Authority of this Act, shall begin to issue such unstamped Notes as aforesaid at any other Town or Place not named in any of the said Four Licences, it shall not be necessary to include such last-mentioned Town or Place in any Licence until the Twenty-fourth Day of *March* next following the beginning to issue thereat such Notes as aforesaid.

Regulations respecting Licences.

IV. And be it further enacted, That every Licence granted under the Authority of this Act shall specify all the Particulars required by Law to be specified in the Certificates to be taken out by Persons in *Ireland* issuing Promissory Notes payable to Bearer on Demand, and allowed to be re-issued; and every such Licence which shall be granted between the Twenty-fourth Day of *March* and the Twenty-fifth Day of *April* in any Year, shall be dated on the Twenty-fifth Day of *March*; and every such Licence which shall be granted at any other Time, shall be dated on the Day on which the same shall be granted; and every such Licence shall (notwithstanding any Alteration which may take place in any Copartnership of Persons to whom the same shall be granted) have effect and continue in force from the Day of the Date thereof until the Twenty-fourth Day of *March* then next following, both inclusive, and no longer.

Commissioners of Stamps to cancel Certificates taken out for issuing Promissory Notes payable to Bearer on Demand, and to grant Licences under this Act in lieu thereof.

V. Provided always, and be it further enacted, That where any Banker or Bankers shall have taken out the Certificate required by Law for issuing Promissory Notes payable to Bearer on Demand at any Town or Place in *Ireland*, and during the Period for which such Certificate shall have been granted, shall be desirous of taking out a Licence to issue at the same Town or Place unstamped Promissory Notes under the Provisions of this Act, it shall be lawful for the Commissioners of Stamps, or their Officers, to cancel and allow as spoiled the Stamp upon such Certificate, and in lieu thereof to grant to such Banker or Bankers a Licence under the Authority of this Act; and every such Licence shall, during its Continuance in force, also authorize the re-issuing of all Promissory Notes payable to the Bearer on Demand, which such Banker or Bankers may have previously issued on Paper duly stamped, until the Twenty-fourth Day of *March* inclusive then next following, provided such Notes may so long be lawfully re-issued.

Bankers licensed under this Act to issue

VI. Provided always, and be it further enacted, That if any Banker or Bankers who shall take out a Licence under the Authority

Authority of this Act shall issue, under the Authority either of this or any other Act, any unstamped Promissory Notes for Payment of Money to the Bearer on Demand, such Banker or Bankers shall, so long as he or they shall continue licensed as aforesaid, make and issue on unstamped Paper all his or their Promissory Notes for Payment of Money to the Bearer on Demand, of whatever Amount or Value (not exceeding the Sum of One hundred Pounds) such Notes may be; and it shall not be lawful for such Banker or Bankers, during the Period aforesaid, to issue, for the first Time, any such Promissory Note as aforesaid on stamped Paper.

VII. And be it further enacted, That before any Licence shall be granted to any Person or Persons to issue any unstamped Promissory Notes under the Authority of this Act, such Person or Persons shall give Security by Bond to His Majesty, His Heirs and Successors, with a Condition that if such Person or Persons do and shall from time to time enter or cause to be entered, in a Book or Books to be kept for that Purpose, an Account of all such unstamped Promissory Notes as he or they shall so as aforesaid issue, specifying the Amount or Value thereof respectively, and the several Dates of the issuing thereof, and in like Manner also a similar Account of all such Promissory Notes as, having been issued as aforesaid, shall have been cancelled, and the Dates of the cancelling thereof; and do and shall from time to time, when thereunto requested, produce and shew such Accounts to and permit the same to be examined and inspected by the said Commissioners of Stamps, or any Officer of Stamps appointed under the Hands and Seals of the said Commissioners for that Purpose; and also do and shall deliver to the said Commissioners of Stamps Half-yearly (that is to say), within Fourteen Days after the First Day of *January* and the First Day of *July* in every Year, a just and true Account in Writing, verified upon the Oaths or Affirmations (which any Justice of the Peace is hereby empowered to administer), to the best of the Knowledge and Belief of such Person or Persons, and of his or their Cashier, Accountant, or Chief Clerk, or of such of them as the said Commissioners shall require, of the Amount or Value of all unstamped Promissory Notes issued under the Provisions of this Act in Circulation, within the Meaning of this Act, on a given Day, that is to say, on *Saturday* in every Week, for the space of Half a Year prior to the Half-yearly Day immediately preceding the Delivery of such Account, together with the Average Amount or Value of such Promissory Notes so in circulation according to such Account; and also do and shall pay or cause to be paid to the Receiver General of Stamp Duties in *Ireland*, or to some other Person duly authorized by the Commissioners of Stamps to receive the same, as a Composition for the Duties which would otherwise have been payable for such Promissory Notes issued or in Circulation during such Half Year, the Sum of One Shilling and Sixpence for every One hundred Pounds and also for the fractional Part of One hundred Pounds of the said Average Amount or Value of such Notes in Circulation, according to the true Intent and Meaning of this Act; and on due Performance thereof such Bond shall be void, but otherwise the same shall be and remain in full force and virtue.

all their Promissory Notes of Payment of Money to the Bearer on Demand on unstamped Paper.

Bankers issuing unstamped Notes to give Security by Bond for the due Performance of the Conditions herein contained.

VIII. And

For what
Period Notes
are to be deemed
in Circulation.

VIII. And be it further enacted, That every unstamped Promissory Note issued under the Provisions of this Act shall, for the Purpose of Payment of Duty, be deemed to be in Circulation from the Day of the issuing to the Day of the cancelling thereof, both Days inclusive, excepting nevertheless the Period during which such Note shall be in the Hands of the Banker or Bankers who first issued the same, or by whom the same shall be expressed to be payable, or, in case of Copartnerships of more than Six Persons, which shall be in the Hands of the Public Officers of such Copartnership.

Regulations
respecting the
Bonds to be
given pursuant
to this Act.

IX. And be it further enacted, That in every Bond to be given pursuant to the Directions of this Act, the Person or Persons intending to issue any such unstamped Promissory Notes as aforesaid, or such and so many of the said Persons as the Commissioners of Stamps, or their proper Officer in that Behalf, shall require, shall be the Obligors; and every such Bond shall be taken in the Sum of One hundred Pounds, or in such larger Sums as the said Commissioners of Stamps, or such Officer as aforesaid, may judge to be the probable Amount of the Composition or Duties that will be payable from such Person or Persons under or by virtue of this Act during the Period of One Year; and it shall be lawful for the said Commissioners, or such Officer as aforesaid, to fix the Time or Times of Payment of the said Composition or Duties, and to specify the same in the Condition to every such Bond; and every such Bond may be required to be renewed from time to time, at the Discretion of the said Commissioners, or of such Officer as aforesaid, and as often as the same shall be forfeited, or the Parties to the same, or any of them, shall die, become Bankrupt or Insolvent, or reside in Parts beyond the Seas.

Fresh Bonds to
be given on
Alterations of
Copartnerships.

X. And be it further enacted, That if any Alteration shall be made in any Copartnership of Persons who shall have given any such Security by Bond as by this Act is directed, whether such Alteration shall be caused by the Death or Retirement of One or more of the Partners of the Firm, or by the Accession of any additional or new Partner or Partners, a fresh Bond shall, within One Calendar Month after any such Alteration, be given by the remaining Partner or Partners, or the Persons composing the new Copartnership, as the Case may be, which Bond shall be taken as a Security for the Duties which may be due and owing or may become due and owing in respect of the unstamped Promissory Notes which shall have been issued by the Persons composing the old Copartnership, and which shall be in Circulation at the Time of such Alteration, as well as for Duties which shall or may be or become due or owing in respect of the unstamped Promissory Notes issued or to be issued by the Persons composing the new Copartnership; provided that no such fresh Bond shall be rendered necessary by any such Alteration as aforesaid in any Copartnership of Persons exceeding Six in Number, but that the Bonds to be given by such last-mentioned Copartnerships shall be taken as Securities for all the Duties they may incur so long as they shall exist, or the Persons composing the same or any of them shall carry on Business in Copartnership together, or with any other Person or Persons, notwithstanding any Alteration in such Copartnership; saving always the Power of the said Commissioners
of

of Stamps to require a new Bond in any Case where they shall deem it necessary for better securing the Payment of the said Duties.

XI. And be it further enacted, That if any Person or Persons, who shall have given Security by Bond to His Majesty in the Manner hereinbefore directed, shall refuse or neglect, for the Space of One Calendar Month, to renew such Bond when forfeited, and as often as the same is by this Act required to be renewed, such Person or Persons so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Penalty on Bankers refusing to renew their Bonds.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to exempt or relieve, from the Forfeitures or Penalties imposed by any Act or Acts now in force upon Persons issuing Promissory Notes not duly stamped as the Law requires, any Person or Persons who, under any Colour or Pretence whatsoever, shall issue any unstamped Promissory Note, unless such Person or Persons shall be duly licensed to issue such Promissory Note under the Provisions of this Act, and such Note shall be drawn and issued in strict Accordance with the Regulations and Restrictions herein contained.

This Act not to exempt from Penalties any Persons issuing unstamped Notes not in Accordance herewith.

XIII. And be it further enacted, That all pecuniary Forfeitures and Penalties which may be incurred under any of the Provisions of this Act, shall be recovered for the Use of His Majesty, His Heirs and Successors, in any of His Majesty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majesty's Attorney or Solicitor General in *Ireland*.

Penalties how and by whom to be recovered.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, or affect any of the Rights, Powers, or Privileges of the Governor and Company of the Bank of *Ireland*.

Not to affect the Privileges of the Bank of *Ireland*.

XV. ' And Whereas it may happen that Bankers who may be desirous to issue unstamped Promissory Notes payable to Bearer on Demand, under the Provisions of this Act, may have provided themselves with Stamps for such Notes, which may not have been issued, and which may by this Act be rendered useless or unnecessary, and it is expedient to enable the Commissioners of Stamps and their Officers to cancel and allow such Stamps in manner hereinafter mentioned; ' Be it therefore enacted, That where any Banker or Bankers who shall take out a Licence under the Authority of this Act shall have in his or their Possession Stamps for re-issuable Promissory Notes payable to the Bearer on Demand, which shall be rendered useless or unnecessary in consequence of such Banker or Bankers electing to issue such Notes on unstamped Paper under the Provisions of this Act, it shall be lawful for the said Commissioners of Stamps or their Officers, and they are hereby authorized and empowered, to cancel and allow such Stamps so as aforesaid rendered useless or unnecessary, and to repay the Amount or Value thereof in Money, deducting therefrom the Sum of One Pound Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum than One hundred Pounds of such Amount or Value, provided Proof be made, by Affidavit or Affirmation, to the Satisfaction of the said Commissioners, that such Stamps have not been issued, and provided

Commissioners of Stamps to cancel re-issuable Promissory Note Stamps rendered unnecessary, and to repay the Amount.

provided Application be made for such Allowance within Six Calendar Months next after the passing of this Act.

6 G. 4. c. 42.

XVI. ' And Whereas by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in Ireland*, any Certificate granted by the Commissioners of Stamps in *Ireland*, to any Society or Copartnership of Bankers in *Ireland* exceeding Six in Number, of the Registry of the Firm and Name of such Society, is liable to the Stamp Duty payable by Law on Certificates to be taken out yearly by any Banker or Bankers in *Ireland*, that is to say, a Stamp Duty of Thirty Pounds : And Whereas it is provided by the said recited Act, that a separate and distinct Certificate, with a separate and distinct Stamp, shall be granted for and in respect of every Town or Place where any such Bills or Notes as in the said Act are mentioned shall be issued by any such Society or Copartnership : And Whereas it is expedient that no such Society or Copartnership should be required to take out more than Four Certificates in any One Year, although it should issue such Bills or Notes as aforesaid at more than Four Towns or Places in *Ireland* ;' Be it therefore further enacted, That no Society or Copartnership of Bankers in *Ireland* exceeding Six in Number, and carrying on the Trade or Business of Bankers under the Authority of the said recited Act, shall be obliged to take out more than Four Certificates in any One Year of the Entry and Registry of the Firm or Name of such Society or Copartnership ; and in case any such Society or Copartnership shall issue such Bills or Notes as aforesaid, by themselves or their Agents, at more than Four different Towns or Places in *Ireland*, then after taking out Three distinct Certificates for Three of such Towns or Places, such Society or Copartnership shall be entitled to have all the Remainder of such Towns or Places included in a Fourth Certificate ; any thing in the said Act of the Sixth Year of the Reign of His present Majesty to the contrary notwithstanding.

No Society or Copartnership of Bankers shall be obliged to take out more than Four Certificates in One Year.

Certificates to continue in force notwithstanding any fresh Registry.

XVII. And be it further enacted, That every Certificate which hath been or shall at any Time hereafter be taken out by any such last-mentioned Society or Copartnership as aforesaid, shall continue in force, for the issuing of such Bills and Notes as aforesaid at the Town or Place or the several Towns or Places therein named, until the Twenty-fifth Day of *March* next following the Date of such Certificate, notwithstanding any fresh Entry or Registry of the Name or Firm of such Society or Copartnership ; and that if any fresh Entry or Registry shall be made from any Cause whatever, after any such Society or Copartnership shall have taken out Four such distinct Certificates as aforesaid, such Society or Copartnership shall not be required to take out any further Certificate, in respect of any Town or Place not included in any of such Four Certificates, until the Twenty-fourth Day of *March* next following such fresh Entry or Registry.

Act may be altered.

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

C A P. LXXXI.

An Act for making Promissory Notes payable, issued by Banks, Banking Companies, or Bankers, in *Ireland*, at the Places where they are issued. [25th July 1828.]

WHEREAS divers Banks, Banking Companies, and Bankers, in *Ireland*, have made and issued Promissory Notes, without making the same payable in Coin of the Realm at the several Places respectively where such Notes have been issued or re-issued: And whereas it is expedient that in future all such Promissory Notes, and all Bank Post Bills, issued by such Banks, Banking Companies, or Bankers, should be made payable at the Places where the same shall be issued or re-issued;

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 *April* One thousand eight hundred and twenty-nine, no Bank, Banking Company, or Banker, in *Ireland*, shall, by themselves, or by any Agent or Agents, Partner or Partners, or other Person or Persons whomsoever on their or his Behalf, or on their or his Account, make, issue, or re-issue, in any Place in *Ireland* where such Bank, Banking Company, or Banker shall have any House or Establishment for Business, or any authorized resident Agent or Agents, any Promissory Note or Bank Post Bill of any Denomination whatsoever, being or purporting to be the Note or Notes, Bank Post Bill or Bank Post Bills of the Bank, Banking Company, or Banker, making, issuing, or re-issuing the same, which shall not be payable at the Places respectively where the same shall be made, issued, or re-issued by or on behalf of such Bank, Banking Company, or Banker; and in every such Note the Place where the same shall have been issued or re-issued shall be expressly mentioned: Provided nevertheless, that if any such Promissory Note or Bank Post Bill shall be issued or re-issued contrary to the Provisions of this Act, the same shall nevertheless not only be valid against the Bank, Banking Company, or Banker issuing or re-issuing the same by any of the Ways or Means aforesaid, but such Bank, Banking Company, or Banker shall be liable and bound to pay, in the lawful Coin of the Realm, double the Amount of the Sum specified in each such Note or Bank Post Bill, (to be sued for and recovered by the Holder thereof in any of His Majesty's Courts for the Recovery of Debts in *Ireland*, by Action of Debt, Bill, Complaint, or Information,) either at the Place where the same shall have been issued or re-issued by or on behalf of such Bank, Banking Company, or Banker, or at any other Place where such Bank, Banking Company, or Banker shall have any House or Establishment for Business, notwithstanding such Note or Bank Post Bill shall not be expressed to be so payable, or shall be or expressed to be otherwise payable: Provided always, that nothing herein contained shall extend to prevent any such Promissory Note or Bank Post Bill from being made payable at several Places, if One of such

No Banker in *Ireland* to issue Notes which shall not express to be payable at the Place where issued.

Notes issued contrary hereto shall be valid against the Party issuing; who shall also be liable in double the Amount.

Not to prevent Notes being made payable at several Places.

such Places shall be the Bank or Place where the same shall be so issued as aforesaid.

C A P. LXXXII.

An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns, in Ireland, in certain Cases. [25th July 1828.]

‘ WHEREAS by an Act made in the Parliament of Ireland in the Fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing, reviving and amending several temporary Statutes, and for empowering the Grand Jury of the County of Kilkenny, at the Assizes, to increase the yearly Salary of the Treasurer of the said County,* certain Provisions were made with respect to the lighting and cleansing of Cities, for the lighting and cleansing of which no particular Provision was made by any Acts of Parliament then in force: And Whereas the said Provisions were amended by an Act made in the Parliament of Ireland in the Thirteenth and Fourteenth Years of the Reign of His said late Majesty, intituled *An Act for amending the Laws relative to the lighting and cleansing of several Cities, and for establishing of Market Juries therein, and for other Purposes:* And Whereas the said recited Act of the Fifth Year aforesaid, so far as the same relates to the lighting and cleansing of the said Cities, was further amended and continued by an Act made in the Parliament of Ireland in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act for reviving, continuing, and amending several temporary Statutes:* And Whereas by an Act made in the Thirty-sixth Year of the Reign of His late Majesty, intituled *An Act to explain and amend several Acts heretofore passed for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns,* the Regulations and Powers of the said hereinbefore recited Acts were extended to Towns Corporate and Market Towns, not being Cities: And Whereas by an Act made in the Parliament of the United Kingdom in the Forty-seventh Year of His said late Majesty's Reign, so much and such Parts of the said hereinbefore recited Acts as relate to the lighting, cleansing, and watching of any Cities, Towns Corporate, or Market Towns, in Ireland, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament in force in Ireland, were continued for Twenty-one Years; and by an Act made in this present Session of Parliament, so much and such Parts as aforesaid of the said several recited Acts are continued for One Year, and from thence until the End of the then next Session of Parliament, unless Provision shall in the meantime be made by Parliament for the Repeal of the said Acts, or of any of them: And Whereas the Provisions so made have not answered the good Purposes thereby intended, and it would greatly tend to the Improvement, good Order, and Security, and much promote the Trade and Prosperity, of the several Cities, Towns Corporate, Boroughs, Market Towns, and other Towns throughout Ireland, if effectual Provisions were established for the Purposes aforesaid.

Irish Acts,
5 G. 3. c. 15.
s. 11. 22.

13, 14 G. 3.
c. 20. s. 1. 7.

25 G. 3. c. 54.
s. 3.

36 G. 3. c. 51.

All continued
by 47 G. 3.
st. 1. c. 42. for
21 Years.

‘ said, in lieu of the Provisions contained in the said recited Acts, and also for the Purpose of paving such Cities, Towns Corporate, Boroughs, and Market Towns, and for such Purposes as are hereinafter mentioned;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much and such Parts of the said several hereinbefore recited Acts, or any of them, as relate to the lighting, cleansing, and watching of any Cities, Towns Corporate, or Market Towns, in *Ireland*, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament in force in *Ireland*, shall be and the same are hereby repealed.

The recited Acts, so far as they relate to lighting, &c. of Cities and Towns, repealed.

II. And be it further enacted, That from and after the passing of this Act, upon the Application of Twenty-one or more Householders residing in any City, Town Corporate, Borough, Market Town, or other Town, in *Ireland*, the lighting, watching, cleansing, or paving of which is not provided for by or under any Act of Parliament, each of such Householders occupying a Dwelling House or other Tenement of the annual Value of Twenty Pounds or more, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to authorize the carrying this Act into Execution, and for that Purpose to order and direct that the Mayor or other Chief Magistrate of any such City, Town Corporate, or Borough, or any Two or more Justices of the Peace resident within Ten Miles of any such Borough or Market Town, or other Town, not being a Town Corporate, shall convene a Meeting for the Purpose of carrying this Act into Execution, and shall preside thereat; such Orders and Directions to be signified by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors, or in his Absence by the Under Secretary; and a Copy of such Orders and Directions, with the Names of the Parties signing the Application for the same, shall be inserted, under the Direction of such Chief Secretary, in the *Dublin Gazette*, and in some One or more public Newspaper or Newspapers published in such City, Town Corporate, Borough, Market Town, or other Town, if any be therein published, and if none be therein published, then and in such Case in the Newspaper published nearest to such City, Town Corporate, Borough, Market Town, or other Town.

On Application of 21 Householders of any City, &c. the lighting of which is not provided for, the Lord Lieutenant may order the Mayor, &c. of such City to convene a Meeting for the Purpose of carrying this Act into Execution.

III. And be it further enacted, That such Meeting shall be holden at some convenient Place within such City, Town Corporate, Borough, Market Town, or other Town, and that the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall, within Ten Days after the Receipt of such Orders and Directions signified as aforesaid, appoint and notify a Time and Place for the said Meeting; and that the Time appointed for holding the said Meeting shall not be less than Ten Days and not more than Twenty-one Days from the Time of the first Notification of the same; and that such Notification shall be made by affixing a Notice on the principal outer Door or Doors of any and every Parish Church, situate within such City, Town Corporate, Borough, or Market Town or other Town, and also on the principal

Notice of Meeting shall be given within Ten Days after Receipt of Orders, and Meeting shall be held 21 Days after Notice. Notice to be affixed on Church Door, Sessions House, &c.

principal Market House or Place where Markets are usually holden in the same, and also on the Guildhall or Townhall, if any, and also on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for such City, Town Corporate, Borough, or Market Town, or for the Division in which any such Market Town or other Town shall be situate, and also by causing a Notice to be inserted Three Times in some One Newspaper published within such City, Town Corporate, Borough, Market Town, or other Town, if any be therein published, and if none be therein published, then and in such Case in the Newspaper published nearest to such City, Town Corporate, Borough, Market Town, or other Town.

At such Meetings, all Inhabitants of Houses rated at 5l. in the City, &c. or within One Mile thereof, shall vote.

IV. And be it further enacted, That at any Meeting convened as hereinbefore directed, every Person who shall reside within the City, Town Corporate, Borough, Market Town, or other Town where such Meeting shall be held, and who shall have been assessed or charged by the last Rate made at Vestry in the Parish wherein such Person shall dwell, for or in respect of a Dwelling House or other Tenement of the computed annual Value, according to the said Rate, of Five Pounds or more, shall be admitted and entitled to vote, and no other Person whatsoever; and that wherever it shall happen that the Limits of any Town may not be defined, every Person shall be admitted to vote who, being assessed as aforesaid, shall reside within the Distance of One Irish Mile from the principal Market House of such Town, if any there be, and if none, then within the Distance of One such Mile from the Verge or Boundary of the Place where the principal Market of such Town is usually held.

Persons liable to Parish Rates, and consenting to be rated, may vote.

V. Provided always, and be it enacted, That when any Person shall have become liable to be rated in any such Parish at any Time after the making of the last preceding Rate, and shall consent to be rated in like Manner as if he had been actually rated for the same, such Person shall, if otherwise qualified, be entitled to vote as if he had been actually rated; and that every Person residing in any Extraparochial Part or Place, and occupying therein a Dwelling House or Tenement of the annual Value of Five Pounds or more, shall be entitled to vote, although not charged in any Parochial Rate to the same; any thing hereinbefore contained to the contrary notwithstanding.

Persons neglecting to pay on Demand shall not vote.

VI. Provided also, and be it enacted, That no Person who shall have refused or neglected to pay any Rate duly imposed at Vestry as aforesaid, and which shall have been demanded from him, shall be entitled to vote or to be present at such Meeting called as has been hereinbefore directed, until he shall have paid and satisfied such Rate.

Right of voting shall be decided by Chairman of Meeting.

VII. And be it further enacted, That if any Controversy shall arise at any such Meeting, as to the Qualification or Right of voting, or Eligibility of any Person claiming to vote or to be qualified or eligible, such Controversy shall be determined by the Mayor or other Chief Magistrate or Justices, as the Case may be, presiding at such Meeting.

Mayors, &c. shall preside at the Meeting, which shall

VIII. And be it further enacted, That the Mayor, Chief Magistrate, or Justices (as the Case may be) to whom such Orders or Directions shall be given as aforesaid, shall preside at any Meeting

ing assembled as hereinbefore directed, and shall read or cause to be read the Requisition whereupon he or they have summoned such Meeting, and shall require the Persons assembled thereat to determine, by Plurality of Votes, whether the Provisions of this Act, as hereinafter set forth, for the several Purposes of lighting, watching, cleansing, paving, and the other Purposes of the same, shall or shall not be adopted and acted upon within such City, Town Corporate, Borough, Market Town or other Town, and the Liberties and Suburbs thereof, or any Part of such Liberties and Suburbs.

IX. And be it further enacted, That if such Meeting shall determine against adopting the said Provisions, such Meeting shall adjourn *sine Die*, and it shall not be competent for any Householders within the same City, Borough, or Town to make any such Application as has been hereinbefore described, nor shall any such Orders and Directions as have been described issue for convening a like Meeting within the same City, Borough, or Town, for and during the Term of Three Years, computed from the Term of Adjournment aforesaid; and at and after the Completion of such Term it shall become again competent to make such Application, and thereon to issue such Orders and Directions as aforesaid; provided that if at any Time after the Completion of such Term of Three Years a Second Application should be made, and such Orders and Directions a Second Time issued, and a Meeting thereupon convened, and that such Second Meeting should in like Manner determine against adopting the Provisions of this Act, such Meeting shall adjourn *sine Die*, and it shall not be lawful to make such Application as has been hereinbefore described, nor thereupon issue such Orders and Directions, for and during another Term of Three Years, to be computed from the Time of Adjournment of such Second Meeting, and so for ever *toties quoties*; it being hereby intended, and it is hereby enacted, that no such Application shall be made, nor such Orders and Directions issued, nor Meeting thereupon convened, as has been hereinbefore described, within any such City, Borough, or Town for and during the Space of Three Years from the Time of the Adjournment of any former Meeting of the like Nature, such former Meeting having determined against the Adoption of the Provisions of this Act: Provided also, that upon the Completion of such Term of Three Years from any such Adjournment, the Powers, Ability, Competency, Authority, and Duties by this Act created or conferred, for the Purpose of bringing the Provisions of this Act into Operation within any such City, Borough, or Town, shall revive and be restored, and be of the same Force, Effect, Validity, and Obligation, as if no former Meeting had been at any Time convened.

X. Provided always, and be it enacted, That if any such Meeting convened as aforesaid should determine against adopting the Provisions of this Act for all and every the Purposes of the same, it shall and may be lawful for any Person entitled to vote at any such Meeting as aforesaid to propose the Adoption of the Provisions of this Act for any One or more of such Purposes, and if such Meeting should determine to adopt such Provisions for any One or more of the said Purposes, then and in such Case the Pro-

determine whether this Act shall be executed in the Place where Meeting is held.

If Meeting determine against adopting Provisions of this Act, it shall be adjourned *sine Die*, not to be again convened for Three Years from Time of Adjournment, and so *toties quoties* every Three Years.

Meeting may adopt the Provisions of this Act for any One or more of the Purposes thereof; in such Case the Act to be applied to such Purposes

only; but may be afterwards extended to the Purposes omitted or excepted.

If Meeting determine to proceed in the execution of this Act, Commissioners shall be elected from Residents rated to 20l. a Year.

Mode of electing Commissioners.

visions of this Act shall be valid and effectual to accomplish, and shall and may be applied to, and all the Powers by this Act conferred upon any Person or Persons shall extend to accomplish, the Purpose or Purposes comprised in the Resolution of such Meeting only, as if any other Purpose or Purposes had not been mentioned in this Act: Provided also, that the Provisions of this Act, with regard to any Purpose or Purposes omitted or excepted out of such Resolution, may be proposed for Adoption and brought into Operation in the Manner before appointed, and subject to the like Provisions and Regulations appointed for bringing this Act into Operation generally.

XI. And be it further enacted, That if at any such Meeting it shall be determined that the Provisions of this Act shall be adopted for all or any of the Purposes of this Act, then and in such Case it shall forthwith be determined at such Meeting, that a Number of Commissioners, not being less than Nine nor more than Twenty-one, shall be elected to carry such Purposes into Effect, and upon such Determination such Number of Commissioners shall be elected in manner hereinafter mentioned; and every Person who shall reside within such City, Borough, or Town, and who shall have been assessed or charged, by the last Rate made at Vestry in the Parish wherein such Person shall dwell, for or in respect of a Dwelling House or other Tenement of the computed annual Value, according to the said Rate, of Twenty Pounds or more, shall be eligible to be elected a Commissioner for the Purposes of this Act; provided nevertheless, that in the Case of any Town the Limits of which may not be defined, every Person assessed as aforesaid, who shall reside within One *Irish* Mile of the principal Market House of such Town, if any there be, and if none, then within One such Mile of the Verge or Boundary of the Place where the principal Market of such Town is usually held, shall be eligible as aforesaid; and that every Person residing in any Extra-parochial Part or Place, occupying therein a Dwelling House or other Tenement of the annual Value of Twenty Pounds or more, although not charged in any Parochial Rate for the same, shall also be eligible as aforesaid; and provided further, that the Mayor, Chief Magistrate, or Justices presiding at such First Meeting and Election, shall not be eligible to be elected thereat, but shall and may be eligible at any subsequent Election under this Act.

XII. And be it further enacted, That such Commissioners shall be elected in manner following; that is to say, each Candidate shall be proposed at the said Meeting by some Person duly qualified to vote thereat, and shall be seconded by some other Person in like Manner qualified, and if more Candidates than the Number of Commissioners required shall be proposed, and that a Poll shall be demanded by any Ten Persons qualified to vote on behalf of any of such Candidates, then the Mayor or other Chief Magistrate or Justices presiding, as the Case may be, shall adjourn the said Meeting until Ten of the Clock in the Forenoon of the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and shall at such Time and at the same Place open and proceed with such Poll, and in a Book or Books prepared for that Purpose, which Book or Books he or they is and

and are hereby required previously to prepare, enter or cause to be entered the Names of all such Candidates, and the Name of every Person duly qualified to be present and vote, who shall desire to vote, together with his Description and Abode, and shall register the Vote of every such Person for every or any such Candidate as every such Person may respectively require; and if the Votes of all the Persons duly qualified and desirous to vote cannot be conveniently collected and registered by Four of the Clock of the same Day upon which the said Poll shall have been commenced, then the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall adjourn such Poll to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and if such Second Day shall likewise prove insufficient, shall adjourn to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and so proceed, *de Die in Diem*, to collect and register the Votes of all Persons duly qualified and applying to vote; and on each Day to which an Adjournment shall be made, the Poll shall open at Ten of the Clock in the Forenoon, and close at Four of the Clock in the Afternoon; provided nevertheless, that the Poll shall finally close so soon as all the Persons duly qualified and desirous to vote shall have voted, or after the Lapse of One Hour without any Person offering to vote; and so soon after the Close of the Poll as may be possible, the Result thereof shall be proclaimed at the Place where the Election may have been holden; and such Mayor or other Chief Magistrate or Justices, as the Case may be, shall forthwith, by public Advertisement, and by Notice to be given in manner hereinbefore directed for convening the First Meeting, appoint and notify a Time and Place whereat the Persons so elected Commissioners as aforesaid shall assemble, and the Names of the Persons so elected shall, together with the Number of Votes given for each of them respectively, be set forth in such Notice, and the Time appointed for the assembling of such Persons so elected as aforesaid shall be not less than Seven Days, and not more than Fourteen Days, from the Date of such Notification; and the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall, out of the First Monies raised by virtue of the Assessment hereinafter directed to be made, be reimbursed all such reasonable Charges and Expences as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby prescribed to them, and the said Commissioners are hereby empowered and required to make such Reimbursement of such Monies accordingly; provided that in case the said Meeting shall determine against the Adoption of this Act for all or any of the Purposes of the same, the said Mayor, Chief Magistrate, or Justices shall be reimbursed all such Charges and Expences incurred as aforesaid by and out of the Funds applicable to such general Purposes, under the Direction of the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors, and the said Chief Secretary is hereby empowered and required to direct such Reimbursement accordingly.

Expences of
Elections.

XIII. And be it further enacted, That over and above the Number of Commissioners appointed to be elected in any City or Town

Mayor of a
City, &c. may
be a Commis-

sioner in Right
of his Office.

Corporate, the Mayor or other Chief Magistrate of such City or Town Corporate for the Time being, if not elected to be a Commissioner by virtue of this Act, shall and may by virtue of his Office be one of such Commissioners, and shall and may attend and vote at all Meetings of the Commissioners; but such Mayor or other Chief Magistrate, if not elected to be a Commissioner, shall not be eligible to be Chairman of such Commissioners, nor shall he, unless elected as aforesaid, be subject or liable to any Fines or Penalties by reason of Nonattendance at any Meeting of the Commissioners, or to become disqualified or vacate his Place by reason of Absence from such Meetings for any Period; provided that in all Cases where in this Act Mention may be made of a certain Quorum or Proportion of the entire Number of Commissioners, as required to do or perform certain Acts and Functions, such Mayor or Chief Magistrate, although not elected to be a Commissioner, shall and may when present be reckoned for such special Purpose among the Persons making up the required Proportion of the whole Number of Commissioners.

Commissioners
shall go out of
Office on the
31st of July, at
the End of
every Three
Years, but may
be re-elected.

XIV. And be it further enacted, That all Persons who shall be first elected Commissioners in any City, Town Corporate, Borough, or Town, at the First Meeting held under the Provisions of this Act, shall go out of Office on the Thirty-first Day of *July* in the Third Year from the said First Election; and in place of such Commissioners so going out of Office a like Number of other Commissioners, to be elected as hereinafter provided, shall come into Office, and remain in Office for a Term of Three Years, and at the Expiration of such last-mentioned Term of Three Years shall in like Manner go out of Office, and be succeeded by other Commissioners, who shall remain in Office for a like Term of Three Years, and so on for ever: Provided always, that any of such out-going Commissioners, except the Chairman of the said Commissioners who shall hold and preside at the Election of Commissioners as hereinafter directed, 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.

Property vested
in Commis-
sioners going
out shall vest in
their Successors.

XV. And be it further enacted, That whenever and so soon as any Body of Commissioners shall have completed their appointed Term of Office, all Right, Title, and Interest in and to any Monies, Books, Papers, Lands, or Tenements, and all other Property whatsoever, Real or Personal, theretofore vested in or appertaining to such Commissioners by virtue of this Act, or acquired by or arising from the Powers by this Act created, shall be divested from and out of such Body of Commissioners, and shall be transferred to and shall become vested in the Body of Commissioners elected to supply the Places of such former Commissioners, to all Intents and Purposes, as fully and effectually as if the same had been assigned, transferred, or conveyed by any Instrument or Assurance in Law, by Delivery of Seisin, or of actual Possession.

Triennial
Meetings, for
electing Com-
missioners,
shall be held
on the First

XVI. And be it further enacted, That at all Meetings for the Election of Commissioners for the Execution of this Act, which shall be held subsequent to the First Election of Commissioners, saving and excepting the Elections hereinafter appointed to be made by the surviving or remaining Commissioners, in any City, Borough,

Borough, or Town, every Person shall be admitted and entitled to vote who shall occupy, and who for Twelve Months then next previous shall have occupied, within such City, Borough, or Town, or the Liberties or Suburbs thereof, to which, as determined by the Commissioners for such City, Borough, or Town, in virtue of the Discretion hereinafter vested in them, the Purposes of this Act shall extend or be extended, a Dwelling House of the annual Value of Five Pounds at the least, and none other Person whatsoever, and the Registry hereinafter directed to be made shall be conclusive Evidence of the afore-mentioned Qualification; and the Chairman of the Commissioners for the Time being for the Execution of this Act shall, previous to the First *Monday* in *July* in the Year in which such Election shall take place, give due Notice, in manner by this Act required with respect to the First Meeting to be held under this Act, that a Meeting will be holden on such First *Monday* in *July* for the Election of Commissioners for the Execution of this Act for the Three Years next succeeding; and such Chairman shall at and in such Election proceed in such Manner as the Mayor or other Chief Magistrate or Justices presiding at the First Meeting to be held under this Act are hereinbefore directed to proceed in the Election of the Commissioners to be first appointed for the Execution of this Act, and shall decide all Questions which may arise as to the Eligibility or Qualification of any Persons whatsoever, and as to all other Matters whatsoever connected with the said Election, and shall certify the Result of the same to the Commissioners for the Time being for the Execution of this Act in such City, Borough, or Town as aforesaid, where such Election shall be made.

XVII. And be it further enacted, That in case any Commissioner shall die, or become disqualified by Change of Residence or otherwise, or shall refuse or neglect to act, and in case of any casual Vacancy happening in any Manner whatever, it shall be lawful for the Chairman of the Commissioners for the Time being, and he is hereby required, within Fourteen Days next after a Vacancy shall so happen, to issue a Summons for an extraordinary Meeting of the surviving or remaining Commissioners, for the Purpose of electing a new Commissioner to supply such Vacancy, such Summons to be served on the said surviving or remaining Commissioners personally, or left at their respective Dwelling Houses; and the Time appointed for such extraordinary Meeting shall be not less than Seven and not more than Fourteen Days from the Date and issuing of such Summons; and at such Meeting it shall be lawful for such Commissioners to elect a proper Person to be a Commissioner in the Room of the Person who shall have ceased to be such Commissioner as aforesaid; provided always, that until such casual Vacancy or Vacancies shall be supplied, the remaining Commissioners shall, notwithstanding any such Vacancy or Vacancies, be fully competent to do all Acts and Things which by this Act such Commissioners are authorized, empowered, or required to do; and the Commissioner elected upon any such casual Vacancy shall, on coming into Office, occupy the Place of the Person in the Room of whom he shall have been elected, and remain in Office for the Residue of the

Monday in July by Chairman of Commissioners, at which Inhabitants of Houses rated at 5l. a Year shall vote.

In case of any casual Vacancy, the Chairman shall, within Fourteen Days, call a Meeting of the Commissioners to supply such Vacancy.

Term during which the said former Commissioner might or would have remained in Office if such Vacancy had not occurred.

Chairman neglecting or refusing so to do, to forfeit 100*l*.

XVIII. And be it further enacted, That if such Chairman of the Commissioners for the Execution of this Act for the Time being shall neglect or refuse at such Time as has been hereinbefore appointed for the Election of new Commissioners, or he being thereunto required by any Person included in the Registry hereinafter directed to be made shall neglect or refuse, upon the Occurrence of any Vacancy among the Commissioners, occasioned by Death, Disqualification, or any other Cause whatsoever as hereinafter is provided, to notify the same, and to convene a Meeting for the Election of a new Commissioner or Commissioners, as the Case may be, and thereat and thereupon to proceed as herein directed, such Chairman shall cease to be a Chairman or Commissioner, and shall forfeit to any Person, being a Householder in the same City, Borough, or Town, who shall sue for the same, the Sum of One hundred Pounds, such Sum to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Dublin*, wherein respectively no Essoign, Wager of Law, or more than One Imparance, shall be allowed; provided that no such Sum be recovered, unless some Prosecution, Action, or Suit for Recovery of the same be commenced within Six Calendar Months after such Forfeiture shall have been incurred; and upon such Default of such Chairman, the senior Commissioner (such Seniority to be determined by Priority of Election) shall convene such Meeting, and shall proceed to make and certify such Election, and shall convene such Meeting upon some Day not less than Seven Days and not more than Fourteen Days from the Expiration of the Time limited and appointed for the convening of such Meeting by such Chairman, and shall notify the same and proceed thereat as the said Chairman ought to have done, and the Election so made and held shall be to all Intents and Purposes a good and valid Election, as if made by the said Chairman in conformity to this Act; and in Default of such senior Commissioner, the Commissioner next in Seniority shall convene such Meeting, and so on the Duty and Competency to call such Meeting devolving upon each Commissioner successively on Default of the next senior Commissioner; and each individual Commissioner shall by his Default incur the like Disqualification and Forfeiture, to be recovered in the like Manner, as was incurred by the Chairman upon his Default.

Upon such Default, Commissioners, according to their Seniority, required to act, under the like Penalty as the Chairman.

Commissioners shall be Occupiers of Houses of 20*l*. a Year.

XIX. And be it further enacted, That no Person shall, at any Election subsequent to the First Election held pursuant to this Act, be eligible to be elected a Commissioner for any City, Town Corporate, Borough, Market Town or other Town, unless he shall occupy, and shall for Twelve Months next previous have occupied, an House of the clear annual Value of Twenty Pounds or upwards, situate within the same City, Borough, or Town, or the Suburbs or Liberties thereof, to which, as determined by the said Commissioners pursuant to the Power hereinafter vested in them, the Purposes of this Act shall extend or be extended; and the Registry hereinafter directed to be made shall be conclusive Evidence of the afore-mentioned Qualification.

XX. And

XX. And be it further enacted, That if any Person duly elected to be a Commissioner under this Act shall refuse or neglect to attend some One of the Three first Meetings of Commissioners which shall be held immediately subsequent to his Election, and thereat to take the Oath or make the Affirmation by this Act appointed to be taken or made by Commissioners, the Appointment of every such Person so refusing or neglecting shall become void, and his Place or Office shall be declared vacant, unless it shall be made appear to the Satisfaction of the other Commissioners acting in the Execution of this Act in the same City or Place, that such Person was prevented from attending by some Illness or other sufficient Cause, to be allowed by the Majority of such Commissioners present at any such Meeting; and if any Commissioner shall absent himself from the Meetings of the Commissioners for Six Calendar Months, the Clerk of the said Commissioners shall, in the first Summons or Notice of Meeting issued after the Expiration of such Six Calendar Months, insert a Notification to that Effect; and if such Person shall fail to attend the Meeting of Commissioners required to be holden by such Summons or Notice, he shall be deemed to have neglected to act as a Commissioner, and his Place shall be declared vacant, unless in the Case of Illness or other sufficient Cause to be shown to and allowed by the Commissioners at the Meeting for which such Notice shall have been given: Provided always, that it shall and may be lawful for a Majority of the Commissioners to dispense with the Attendance of any One or more such Commissioners, not exceeding One Fourth Part of the whole Number of Commissioners, for more than Three Meetings, or for any Period of Time not exceeding Six Calendar Months, in case of the necessary and *bonâ fide* Absence from Home of any such Commissioner or Commissioners respectively, but not in any other Case.

Commissioner neglecting to attend Three first Meetings, or for Six Months, his Place shall be declared vacant, unless in case of Illness, &c.

XXI. And be it further enacted, That it shall be lawful for the Commissioners for the Time being for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, under this Act, and they are hereby authorised, empowered, and required, to determine the Limits of such City, Town Corporate, Borough, Market Town or other Town, respectively, and of the Suburbs and Liberties thereof respectively, to which the Purposes of this Act shall extend; and to cause to be kept, and from time to time with all Diligence and Care, and upon reasonable Requests at all Times, to revise and amend a Registry of all the Householders resident within such City, Town Corporate, Borough, Market Town or other Town, or the Limits of the Suburbs and Liberties thereof respectively determined by such Commissioners as aforesaid, and occupying Houses of the annual Value of Five Pounds or upwards; and such Registry shall distinguish such of the said Householders as shall occupy Houses of the annual Value of Twenty Pounds or upwards, their Descriptions and Abodes; and such Commissioners shall cause a Ticket containing an Extract from such Registry to be prepared and delivered to every Person so registered who shall demand the same, and such Ticket shall be subscribed by the Chairman of the Commissioners and by the Clerk of the said Commissioners for the Time being; and no Person shall be admitted to vote at any Election, except

Commissioners shall define Limits of the respective Cities and Towns, and make out a Registry of Persons occupying Houses of 5l. per Annum or upwards, distinguishing Houses of 20l.

Tickets shall be delivered to each Occupier.

the first Election held pursuant to this Act, unless such Person shall exhibit such Tickets at the Time of voting, if required so to do; and it shall be lawful for such Commissioners at their Discretion to take Measures to preclude the Intrusion of any Persons not provided with Tickets into the Place of Meeting.

Penalty for forging such Ticket, or fraudulently voting.

XXII. And be it further enacted, That any Person exhibiting a forged Ticket, or personating the true Party named therein, or fraudulently procuring his Vote to be registered without having a Ticket, well knowing himself to be without a due Qualification, and who shall be thereof convicted before any One Justice of the Peace within whose Jurisdiction such Offence may be committed, shall for every such Offence forfeit the Sum of Twenty Pounds, and in default of Payment, shall and may be committed to the next Gaol or Bridewell within such Jurisdiction, there to be kept to hard Labour for Six Calendar Months.

Commissioners to meet on the First Monday in every Month, at Noon.

XXIII. And be it further enacted, That the Commissioners for executing this Act in any City, Town, Borough, or Place, shall meet on the First *Monday* in every Month, at Noon, at some convenient Place or Office previously publicly notified; and at such monthly Meeting it shall be lawful for any Householder residing within any such City, Town, Borough, or Place, or the Liberties or Suburbs thereof, to which the Purposes of this Act may be extended, to appear and prefer any Matter of Complaint which he may think proper, concerning any Matter or Thing done by force or in pursuance of or under Pretence of the Provisions of this Act.

Commissioners shall attend monthly Meetings in Rotation of One Third of the whole Number; Penalty on Neglect, 40s.;

XXIV. And be it further enacted, That such Commissioners shall attend such monthly Meetings in Rotation, not less than One Third of the whole Number of such Commissioners attending at each Meeting; but it shall be lawful for any Commissioner to attend and vote at such monthly Meetings, if he thinks proper so to do, although it be not his Turn to attend; and if any Commissioner whose Turn it shall be to attend, shall fail to attend or to procure some other Commissioner to attend in his stead, such Commissioner so making Default shall forfeit the Sum of Forty Shillings, to be paid to the Treasurer or Clerk of the Commissioners; and if any such Commissioner shall fail or refuse to pay such Fine or Penalty within Ten Days after the same shall be demanded of him personally by the said Treasurer or Clerk, he shall thereupon cease to be and shall be disqualified from acting as such Commissioner; provided always, that in case of Sickness or other unavoidable Absence, such Fine or Penalty may be remitted at any Meeting of such Commissioners.

and on Non-payment, Disqualification.

Special Meetings of Commissioners, on Requisition of One Third of them, &c.

XXV. And be it further enacted, That such Commissioners shall meet at all other Times and so often as at any previous Meeting shall be determined upon; and it shall be at all Times competent for not less than One Third of the whole Number of such Commissioners, by Writing under their Hands, to require the Clerk of such Commissioners to summon the Commissioners for any special Purpose therein named, and for such Time as shall be therein named, subject to such Restrictions as is hereinafter provided; and that at all Meetings of such Commissioners any Number not less than One Third of the whole Number of such Commissioners shall constitute a Quorum for transacting Business, except upon such Occasions as are otherwise specially provided

Quorum.

for

for by this Act; and the Chairman shall have a casting Voice, but shall not be allowed to vote unless the Commissioners present be equally divided.

XXVI. And be it further enacted, That all such Commissioners shall be summoned to every Meeting by Summons delivered to them personally or left at their respective Dwelling Houses at least Forty-eight Hours before the Time of Meeting, such Summons specifying the Business to be transacted at such Meeting as settled at the last preceding Meeting, or in case of a Special Meeting, as named by the Commissioners calling the same; and if any Matter other than that plainly and distinctly set out in such Summons shall be determined at any Meeting, such Determination may be rescinded at any subsequent Meeting, due Notice to that Effect being first given in the Summons convening such subsequent Meeting: Provided, that the Decision of any Meeting upon a Matter duly set out in the Summons convoking such Meeting shall be final, unless rescinded by a Majority of the whole Number of Commissioners at a Meeting of such Commissioners.

Forty-eight Hours Notice of each Meeting to be given, stating the Business.

XXVII. And be it further enacted, That the Commissioners first elected in any City, Town Corporate, Borough, Market Town, or other Town, shall assemble at such Time and Place as shall have been appointed and notified by the Mayor or other Chief Magistrate or Justices, as the Case may be, presiding at the Meeting for the Election of such Commissioners, and at such Time and Place such Mayor or other Chief Magistrate or Justices, as the Case may be, shall attend; and it shall be lawful for such Mayor or other Chief Magistrate or Justices, or either of them, and he and they is and are hereby authorized and required, to administer to any and every of the Persons elected Commissioners who shall be present at such Meeting, and every such Commissioner shall make and take and subscribe, an Oath to the Effect following; (that is to say,)

First Meeting of Commissioners to be appointed by Mayor, &c.

Oath of Commissioners to be administered by Mayor.

‘ I A. B. do swear, That I am duly qualified to act as a Commissioner under an Act made in the Ninth Year of the Reign of King George the Fourth, intituled *An Act [here set forth the Title of this Act]*, and that I will faithfully, impartially, and honestly execute the Powers and Trusts reposed in me as a Commissioner appointed by virtue of the said Act, to the best of my Knowledge and Ability, for the Purposes in the said Act mentioned. ‘ So help me GOD.’

Oath.

And if any Person elected a Commissioner shall be a Quaker, the solemn Affirmation of such Person to the above Effect shall be received instead of his Oath; and all Persons elected Commissioners, who shall not be present at such first Meeting, or who shall be elected Commissioners at any subsequent Election, shall take such Oath (or, if Quakers, make such Affirmation) at a Meeting of the Commissioners for the Time being, and any One of such Commissioners is hereby authorized to administer such Oath in the Presence of the other Commissioners at such Meeting; and the Form of such Oath or Affirmation shall be entered by the Clerk in a Book to be prepared for the Minutes of the Proceedings of the said Commissioners, and shall be subscribed in such Book by

Affirmation if a Quaker.

Oath may be administered by sworn Commissioners;

and shall be entered and signed in Minute Book.

Penalty on
Commissioner
acting without
being sworn,
100L.

by every Commissioner making or taking the same; and such Entry shall, upon Oath of any subscribing Commissioner, be received as conclusive Evidence that such Oath or Affirmation was duly taken or made; and if any Person at any Time elected a Commissioner shall vote, or shall do any other Act or Thing as a Commissioner under this Act, without having previously taken such Oath, or made such Affirmation, such Person shall forfeit the Sum of One hundred Pounds to any Person being a Householder within the same City, Town Corporate, Borough, or Market Town or other Town, or the Suburbs and Liberties aforesaid, who shall sue for the same.

Appointment
of Chairman of
Commissioners.

XXVIII. And be it further enacted, That immediately after taking such Oath, or making such Affirmation, the Commissioners first elected in any City, Town Corporate, Borough, or Market Town or other Town, under this Act, shall proceed to elect, by Majority of Voices, One of such Commissioners to be their Chairman, who shall go out of Office on the Thirty-first Day of *July* next ensuing; and that on the First Day of *August* in every Year, the Commissioners for the Time being shall elect a Chairman for the ensuing Year; and in case any Chairman so appointed shall decline to act as Chairman, or shall die or become disqualified, or shall neglect or refuse to act as a Commissioner, or otherwise vacate his Place, a new Chairman shall be in like Manner elected to serve for the Residue of the Year for which such former Chairman was elected, and the Chairman for the Time being shall preside at all Meetings of the Commissioners at which he shall be present; and in case of Absence, such Chairman may constitute and appoint a Deputy Chairman, or if no such Deputy shall be appointed, the Commissioners present shall appoint One of their Number present at any such Meeting to act as a Chairman.

Commissioners
to appoint
Officers during
Pleasure, and
rent an Office.

XXIX. And be it further enacted, That it shall be lawful for the Commissioners elected in any City, Town Corporate, Borough, Market Town or other Town, under this Act for the Time being, and they are hereby authorized and required to appoint, during Pleasure, such Treasurer and Clerk, and Collector or Collectors, and other inferior Servants, as they shall think necessary for effectuating the Purposes of this Act, and to hire and rent a sufficient Office or House or Houses for holding their Meetings and transacting their Business, and also to appoint suitable Salaries, Wages, and Allowances to and for such Treasurer, Clerk, Collector or Collectors, and other inferior Servants, and also to agree for a reasonable Rent for such Office or House or Houses, and to pay such Salaries, Wages, and Allowances, and such Rent, out of any Monies raised or levied by such Commissioners under the Authority of this Act.

Clerk not to be
Treasurer, &c.

XXX. And be it further enacted, That the Clerk of the said Commissioners shall not be capable of being the Treasurer or a Collector under such Commissioners, nor shall such Treasurer be capable of being a Collector under such Commissioners; and that it shall be lawful for such Commissioners, and they are hereby authorized and required, to take and require from each and every of such Treasurer and Collectors a Bond, with Two sufficient Sureties, conditioned for the punctual and faithful Discharge of their respective Trusts, in such penal Sums as such Commissioners

Commissioners
shall take
Security from
Officers in
sufficient Sums,
or otherwise
shall be

shall think fit and proper, according to the Amount of Money to be received by such Treasurer or Collectors respectively; and if it shall appear that such Commissioners have taken such Bonds from such Treasurer and Collectors to a sufficient Amount, and have, to the best of their Ability, ascertained the Sufficiency and Solvency of such Treasurer and Collectors, and of their respective Sureties, and that such Commissioners have, without Covin or Partiality, provided so far as in them lay for the safe and secure keeping of such Monies and Funds by the said Treasurer and Collectors, such Commissioners shall not be liable to make good the Amount of any Defalcation or Embezzlement on the Part of such Treasurer or Collectors: Provided always, that such Commissioners shall, and each of them shall, otherwise be liable to make good the Amount of any Defalcation or Embezzlement in or of any Monies and Funds raised or accruing under this Act, as if the same had actually been received by the Hands of the said Commissioners and each of them; any thing in this Act contained to the contrary notwithstanding.

XXXI. And be it further enacted, That every such Collector shall from time to time, as such Commissioners may direct, and at all Times, so soon as his Receipts shall amount to One hundred Pounds, pay over to such Treasurer all Monies levied or collected by such Collector under or by virtue of this Act; and the Treasurer for the Time being, and none other Person whatsoever, shall have Power or Authority to receive such Monies from such Collector; and no Commissioner shall receive or meddle with any Monies levied or collected under this Act; and all Payments and Disbursements shall be made by the Hands of the Treasurer, and only upon an Order in Writing, subscribed by the Chairman and countersigned by the Clerk of the Commissioners for the Time being, or upon an Order issued pursuant to a Resolution of a Meeting of Commissioners, and expressed to be so issued, and subscribed by the Person who presided at such Meeting and by the said Clerk; provided that no Order for the Payment of any Sum exceeding Fifty Pounds shall be good, unless issued pursuant to a Resolution adopted at a Meeting whereat not less than Two Thirds of the whole Number of Commissioners shall attend; and any Order duly expressed and subscribed as hereinbefore directed shall be in the Hands of the said Treasurer a good and sufficient Warrant for any Payment made pursuant thereto, and shall be *pro tanto* an Acquittance and Discharge of such Treasurer.

XXXII. And be it further enacted, That at any Meeting of such Commissioners any Treasurer, Clerk, Officer, or Servant may be dismissed or fined for Negligence or other Misconduct, upon the Complaint of any Householder or on the Relation of any Commissioner; and in case of the Dismissal of any such Officer, he shall only be entitled to a rateable Proportion of his Salary, Wages, or Allowances, and any Fine imposed upon him shall and may be deducted thereout; and the Salary, Wages, or Allowances of any Collector appointed under this Act shall not in the whole amount to a Sum exceeding Sixpence in the Pound on the Sum collected by such Collector.

XXXIII. And be it further enacted, That such Commissioners shall cause a Book or Books to be kept, wherein shall be entered an

answerable for the same.

Collectors shall pay Monies to Treasurer when amounting to 100l., &c.

Money to be issued on Order of Chairman, &c., but no Order good if for more than 50l., unless under Vote of Commissioners at a Meeting where Two Thirds are present.

Power of Commissioners over their Servants and Officers.

Allowance to Collector.

Commissioners shall keep Accounts, and

balance same up to July 31, in each Year.

Accounts to be printed.

Commissioners shall keep a Book of Minutes of the Proceedings.

Estimate of the Value of all Houses, Shops, &c. within any City or Town shall be made and sworn to before Commissioners, who shall appoint a Place for the general Inspection thereof, and Copies may be given to Parties requiring the same.

an Account of all Monies raised or levied and paid under this Act, distinguishing the Sum raised on and levied and paid by each Individual; and also an Account of all Fines and Forfeitures levied under this Act, with a Note of the Offence whereby incurred; and also an Account of all the Salaries, Wages, Allowances, and Emoluments of the Treasurer, Clerk, Collector or Collectors, and other Officers or Servants; and also of all Disbursements made, and all Charges incurred, of what Kind soever, each Item being distinguished, in effectuating the Purposes of this Act; and the Account in such Book or Books shall be regularly balanced up to the Thirty-first Day of *July* in each Year, and a Copy of the same shall be made out and printed, and delivered to each of the Commissioners, and also to any Person subject to any Assessment under this Act, who shall demand the same, paying for such Copy the reasonable Charge of printing the same.

XXXIV. And be it further enacted, That such Commissioners shall cause their Clerk to keep a Book or Books, in which shall be entered Minutes of all their Proceedings and Transactions; and the Chairman at each Meeting shall see the Entry of the Proceedings thereat duly made, and shall subscribe the same with his Hand, and the Names of the said Commissioners present at every Meeting shall be entered; and every Book containing such Entries shall at all reasonable Times be open to the Inspection of every Person subject to Assessment under this Act, and it shall be lawful for any such Person to peruse and to make any Extract from any such Book without Fee or Reward.

XXXV. And be it further enacted, That the Commissioners first elected in any City, Town Corporate, Borough, Market Town or other Town, under this Act, shall immediately on their entering into Office appoint a proper Person or Persons, who shall proceed with all Diligence to make a Survey, with an Estimate and a Valuation of the full improved yearly Value, of all Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements situate within such City, Town Corporate, Borough, Market Town or other Town, and the Suburbs or Liberties thereof, to which the Provisions of this Act shall be applied and extended; and such Estimate and Valuation shall be laid before and delivered to such Commissioners, and shall be verified upon the Oath or Affirmation of the Person or Persons making the same before such Commissioners, which Oath or Affirmation the Chairman of such Commissioners is hereby authorized and required to administer; and such Commissioners shall forthwith cause One or more fair Copies of such Estimate and Valuation to be prepared, and shall appoint some One or more convenient Place or Places within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof as aforesaid, whereat such Estimate or a Copy or Copies thereof shall lie for Ten successive Days (*Sunday* not included in such Computation), and between the Hours of Ten in the Morning and Four in the Afternoon of each Day, open to the Inspection and Examination of every Person subject to any Assessment under this Act; and such Place or Places, and such Period, appointed for the Inspection and Examination of such Estimate or Valuation, shall be notified by such Means as is hereinbefore directed for the Notification of the First Meeting to be

be held under this Act; and every Person subject to such Assessment aforesaid, who shall demand a Copy of the Whole or any Part of such Estimate and Valuation, and shall tender the reasonable Charge of preparing the same to the Clerk of such Commissioners, shall be entitled to such Copy within Three Days after such Demand and Tender.

XXXVI. And be it further enacted, That if any Person or Persons shall or may think such Estimate or Valuation, or any Part thereof, to be erroneous, whether in respect of any excessive Estimate of any Premises belonging to such Person or Persons, or of an insufficient and inadequate Estimate of Premises belonging to any other Person or Persons, it shall and may be lawful for the Person or Persons dissatisfied with such Estimate or Valuation, at any Time during or within Seven Days from the Termination of the Period of Ten Days appointed for the Inspection of such Estimate or Valuation, to deliver to the Clerk of such Commissioners a Notice in Writing of the Intention of such Person or Persons so dissatisfied to appeal to such Commissioners against such Estimate or Valuation, or any Part thereof, and such Notice shall specify the Grounds of such Appeal; and the Clerk of such Commissioners shall make an Entry of such Notice, and shall and may receive for the same the Fee of One Shilling; and such Commissioners shall appoint a Time and a Place for hearing such Appeal, and the Clerk of such Commissioners shall, at least Seven Days before the Time so appointed, give Notice of such Time and Place to the Party lodging such Appeal, and also to any other Person or Persons immediately concerned in the Matter of such Appeal; and at the Time and Place appointed it shall be lawful for such Commissioners, Two Thirds at least of the whole Number of such Commissioners being present, to hear such Appeal, and to determine the same by Majority of Votes, and to make such Amendment in such Estimate or Valuation as to such Commissioners shall seem fit and proper.

XXXVII. And be it further enacted, That such Estimate or Valuation, as finally settled by such Commissioners, shall be conclusive upon all Persons whomsoever, until the End of the Term for which such Commissioners shall have been elected; and it shall be lawful for each successive Body of Commissioners subsequently elected, and they are hereby authorized and required, to cause the existing Estimate to be examined, and to be amended, if need be, as soon as may be after such Commissioners shall come into Office; and such Estimate or Valuation so examined, whether the same shall be amended or not, shall (before such Commissioners so coming into Office shall proceed to impose or levy any Assessment) be submitted to Inspection in like Manner as is hereinbefore directed with respect to the original Estimate; and the like Notification of Time and Place or Places for Inspection thereof shall be given, and it shall be lawful for all Persons thinking themselves aggrieved to appeal against such Estimate in like Time and Manner as is hereinbefore directed with respect to such Estimate or Valuation when originally made; and such Estimate or Valuation as finally settled on such Appeal, or in case the same shall not be appealed against, shall be conclusive during the Continuance in Office of the Commissioners

Parties dissatisfied with Estimate may appeal to Commissioners.

Every new Body of Commissioners shall, on coming into Office, examine the Assessment, and alter the same, if necessary, subject to Appeal, &c.

sioners by whom it shall have been so examined and settled, and no longer.

Commissioners upon their Election to make an Estimate of the Expences attending the Execution of the Act for the ensuing Year, and impose Rates for defraying the same.

XXXVIII. And be it further enacted, That the Commissioners first elected to carry this Act into Execution in any City, Town Corporate, Borough, Market Town or other Town, shall with all convenient Speed after the Election proceed to make an Estimate of the Expences and Charges attendant upon carrying the Purposes of this Act into Effect, until the Thirty-first Day of *July* then next ensuing, and shall fix, ascertain, and impose certain Rates and Assessments for defraying the same, to be apportioned upon and to be raised and levied from and off the Owners, Occupiers, or Tenants of all Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof, as determined by the said Commissioners; (that is to say), on the Owners, Occupiers, and Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (as computed under the Valuation hereinbefore directed to be made) of Five Pounds, and not amounting to Ten Pounds, One or more Rate or Rates not exceeding in the Whole the Amount of Sixpence in the Pound of such yearly Value; on the Owners, Occupiers, or Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (computed as aforesaid) of Ten Pounds, and not amounting to Twenty Pounds, One or more Rate or Rates not exceeding in the whole Nine-pence in the Pound of such yearly Value; and on the Owners, Occupiers, or Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (computed as aforesaid) of Twenty Pounds or upwards, One or more Rate or Rates not exceeding in the whole One Shilling in the Pound of such yearly Value; and that each individual House, Shop, Warehouse, Cellar, Mill, Yard, Garden, and Tenement shall be separately rated, without reference to or including in the Apportionment of such Rate, any other House, Shop, Cellar, Warehouse, Mill, Yard, Garden, or Tenement belonging to or occupied by the same Person; provided that all contiguous Houses, Shops, Cellars, Warehouses, Mills, Yards, Gardens, and Tenements occupied by one and the same Person or by the same Persons, and forming One entire Concern or undivided Tenancy or Holding, shall be rated together and not separately.

Scale of Rates.

Each House, &c. to be rated separately, unless One Concern.

Relative Proportion of Rates.

XXXIX. Provided always, and be it further enacted, That the Rate which shall be at any Time imposed under this Act, upon Premises of the Value of Five Pounds and not exceeding Ten Pounds, shall be equal to Two Thirds of the Rate at the same Time imposed upon Premises of the Value of Ten Pounds and not exceeding Twenty Pounds, and shall be equal to One Half of the Rate at the same Time imposed upon Premises of the yearly Value of Twenty Pounds or upwards; and that the Rate to be imposed upon Premises of the yearly Value of Ten Pounds and not exceeding Twenty Pounds, shall be equal to Three Fourths of the Rate imposed upon Premises of the yearly Value of Twenty Pounds or upwards; and that it shall not be lawful to or for such Commissioners to impose and levy any such Rate for or in respect

Rates not to extend beyond the Limits, nor

of any Premises situate beyond the Limits to which the lighting, paving, watching, and cleansing by this Act provided shall extend; and that all Premises under the yearly Value of Five Pounds, as computed under the Valuation afore mentioned, shall be exempt from any and every such Assessment.

to affect Premises under 5l. of yearly Value.

XL. And be it further enacted, That such first-elected Commissioners having determined upon and imposed such first Assessment and Applotment, shall issue Orders to their Collector or Collectors to collect such Rates as aforesaid; and such Collector or Collectors, and each of them, shall be furnished with a written Warrant or Order empowering him or them in that Behalf, subscribed by the Chairman and Clerk of the Commissioners for the Time being, and shall also be furnished with a Copy of such Applotment, or such Part thereof as shall be requisite for any such Collector, respectively attested by the Signatures of the Chairman and Clerk of the Commissioners for the Time being, and every such Collector shall, if so required, exhibit such Warrant and Copy of Applotment upon demanding the Sum applotted; and such Collector or Collectors, upon receiving the Sum applotted, shall give a Receipt for the same, and such Receipt shall be to the Party holding the same a full Acquittance and Discharge for the Sum expressed therein to have been received; and every such Collector shall proceed with all due Diligence, after receiving such Warrant and Copy of Applotment, to collect and levy the Monies assessed upon the said several Premises, and shall make Demand of the same, upon the Premises chargeable, of and from any Person found thereon in Occupation of the Whole or Part; and if no Person so occupying be found thereon, then and in such Case such Collector shall make Demand of the Monies so assessed at the Dwelling House of the Party chargeable for and in respect of such Premises, if such Person reside within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof; and if such Person do not reside therein, and if no Person be found in Occupation of the Premises chargeable, then and in such Case such Collector shall affix on some Part of such Premises a Notice, bearing Date the Day and Year of affixing the same, subscribed with the Name and Abode of the Collector affixing the same, requiring Payment of the Sum applotted within Fourteen Days from the Date of such Notice; and in case upon making Demand of the Sum applotted as before directed, either from any Person found in Occupation of the Whole or Part of the Premises rated, or at the Dwelling House of the Party chargeable, the Sum demanded be not paid, such Collector shall deliver to such Person, or shall leave at such Dwelling House, a Notice of the like Tenor and Purport, dated, subscribed, and expressed as aforesaid, and within the Fourteen Days specified in any such Notice the Money demanded may be paid to the said Collector at his House or Office; and if not paid within that Time, such Collector, or any other Collector duly authorized, shall make further Demand of the same upon the Premises chargeable, or at the Dwelling House of the Party chargeable, or shall affix a Notice of such second Demand upon some Part of the Premises chargeable, in like Manner as is hereinbefore required and directed in case of the first Demand of such Money;

Manner of proceeding in the Collection of the Rates.

Money; and if such Money be not paid to such Collector upon such second Demand, nor within Three Days after making the same, then such Collector may at any Time afterwards procure a Warrant, subscribed by the Chairman of the said Commissioners, which Warrant the said Chairman of the Commissioners is hereby authorized and required to grant, upon a Certificate, signed by the said Collector or Collectors, of such Demands having been made, and such Notices having been given or affixed, and such Money remaining unpaid, and it shall be lawful for such Collector, by virtue of such Warrant, and such Collector is hereby authorized and empowered, to enter upon the Premises chargeable, and to seize and distrain the Goods and Chattels of any Person whomsoever which he can find thereon; and if no sufficient Distress can be found thereon, then to seize and distrain the Goods and Chattels of the Party chargeable for and in respect of such Premises wheresoever the same can be found; and for that Purpose to enter any Dwelling House or other House, Shop, Warehouse, or other Tenement within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties aforesaid, belonging to such Party; and if the Sum charged be not paid within Fourteen Days from such Seizure, together with the Costs of Distress, it shall be lawful for such Collector to sell the Goods so seized by public Cant or Auction for such Sum and Costs, such Costs to be set forth and specified in the Warrant authorizing such Distress; and the Overplus, if any, shall be paid to the Party distrained, or his Representatives.

Occupiers chargeable with Rates.

XLI. And be it further enacted, That the immediate Tenant or Occupier, or Tenants or Occupiers, of any Premises charged with any Assessment or Applotment under this Act, shall be deemed chargeable with and liable to every Assessment or Applotment made and imposed in respect of the same; provided that if any Premises or any Part thereof be tenanted or occupied by the Month or any shorter Period, it shall be lawful for any Person so holding or occupying, and such Person is hereby authorized and empowered (any special Covenant or Agreement to the contrary notwithstanding), to deduct from out of the Rent paid or payable by such Person, for and in respect of such Holding, Tenancy, or Occupation, any Sum or Sums paid or levied by or from such Persons for or in respect of any such Assessment, such Person producing the Receipt for such Sum or Sums subscribed as before directed by the Collector receiving the same.

Premises shall remain at all Times chargeable; and Parties paying may recover against former Parties rated.

XLII. And be it further enacted, That if no sufficient Distress can be found on the Premises chargeable, and if the Sum or Sums assessed or charged or applotted upon or in respect of any Premises be not otherwise paid or satisfied, the Premises for or in respect of which such Sum or Sums shall have been charged shall remain at all Times chargeable with the same, into the Hands of whatsoever Person or Persons such Premises may come or fall; and so soon as at any Time sufficient Distress can be met with thereon, it shall be lawful for any such Collector or Collectors to enter upon such Premises, and to distrain any Goods or Chattels therein or thereon, and to levy all Arrears of Rates and Assessments, with all Costs, at any Time previous accrued or incurred for and in respect of such Premises: Provided always, that

that it shall and may be lawful for any Person or Persons, on whose Goods or Chattels such Arrears and Costs may be levied by Action at Law or otherwise, to recover of and from the Person or Persons, or his or their Representatives, primarily chargeable with the same, and during whose Tenancy or Holding or Enjoyment of such Premises the same may have accrued, the full Amount thereof, together with full Costs and Damages for the Injury sustained by such Levy as aforesaid.

XLIII. And be it further enacted, That so soon as conveniently may be after the First Day of *August* in every Year, the Commissioners for the Time being for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, shall estimate the Charges, Costs, and Expences of carrying the Purposes of this Act into Effect during the ensuing Year, and shall, for the Purpose of defraying such Charges, Costs, and Expences, direct any Rates, Assessments, and Applotments to be made, and shall impose, collect, and levy all such Rates, Assessments, and Applotments, and Sums of Money, in the like Manner and subject to the same Restrictions and Regulations, and in the same Proportions, as any Assessments, Applotments, Rates, and Sums of Money are directed to be made and levied by the first-elected Commissioners.

XLIV. And be it further enacted, That any Surplus or redundant Funds which may remain after defraying the Expences of any preceding Year, shall and may be applied towards defraying the Expences of a succeeding Year; and that any Deficiency of Funds on the Expenditure of a preceding Year, shall and may be made good and supplied out of the Monies raised in a succeeding Year; provided that such Monies raised in such succeeding Year shall not exceed the several Amounts hereinbefore authorized to be raised or assessed within any One Year, unless in the Case of an extraordinary Assessment to be made pursuant to the Powers hereinafter reserved, mentioned, and contained.

XLV. And be it further enacted, That in case it should happen that the Sums to be raised in any City, Town Corporate, Borough, Market Town or other Town, by the Rates of this Act hereinbefore authorized to be levied, should be deemed insufficient within any one Year, and if Two Thirds of all the Commissioners for the Time being elected for the Execution of this Act in such City, Town Corporate, Borough, Market Town or other Town, at a Meeting of such Commissioners, should be of Opinion that an extraordinary Rate or Assessment should be made and levied for the Purposes of this Act, to an Amount to be specified in a Resolution of such Commissioners, then and in such Case it shall and may be lawful for the Chairman of such Commissioners for the Time being, and he is hereby required, to appoint and convene a Special Meeting of all Persons in such City, Town Corporate, Borough, Market Town or other Town, subject to the Assessment under this Act, and duly registered as by this Act is before directed, and such Meeting shall be convened within such Time and shall be conducted in such Manner, and the Time and Place of the same shall be notified in like Manner as is hereinbefore directed with regard to any Triennial Meeting hereinbefore appointed to be convened by the Chairman of any such Commis-

Future Commissioners after 1st of August in each Year, to make an Estimate and Assessment.

Surplus of any preceding Year shall be applied to succeeding Year, and preceding Deficiencies may be supplied.

An extraordinary Assessment may be levied once in any Year, if recommended by Two Thirds of all the Commissioners, and sanctioned by a Meeting of Persons subject thereto.

sioners; and at such Meeting such Chairman shall cause the Resolution adopted as aforesaid by Two Thirds of such Commissioners to be read, and shall require such Meeting to determine by Majority of Voices whether such Resolution of such Commissioners shall be affirmed or negatived; and if at such Special Meeting of Persons subject to Assessment as aforesaid, such Resolution of such Commissioners shall be affirmed or agreed to, either to the Amount, specified in such Resolution or to any less Amount, then and in such Case it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to levy such extraordinary Assessment to such Amount as shall be so affirmed or agreed to, together with or in addition to the ordinary Assessment or Assessments, any thing hereinbefore contained to the contrary notwithstanding; and all the Powers, Duties, and Authorities by this Act given, created, or conferred, and the Regulations and Proportions ordained for the raising or levying any ordinary Assessment, shall be good, valid, obligatory, and effectual towards the levying and raising of such extraordinary Assessment; provided that such Resolution, so affirmed or agreed to, shall not be held or construed to extend the Limits or to raise the Amount of the ordinary Assessment made or to be made in or for any subsequent Year; and if such Meeting of the Persons subject to such Assessment shall wholly negative such Resolution of such Commissioners, then and in such Case such Meeting shall adjourn *sine Die*, and it shall not be competent for such Commissioners, at any Time within One Year from the Day of such Adjournment, to propose or adopt any Resolution for any such extraordinary Assessment, nor for the Chairman of such Commissioners to convene any such Meeting of the Persons subject to Assessment, as hereinbefore directed, nor in any Manner to impose or levy any Assessment other than the ordinary annual Assessment, nor otherwise than subject to the Limitations hereinbefore appointed to be observed in such ordinary annual Assessment: Provided also, that upon and after the Expiration of such Year, it shall and may be competent for such Commissioners to propose and to adopt such Resolution, and thereupon to convene such Meeting, and to proceed thereat in manner hereinbefore directed, and so on for ever *toties quoties*.

Streets, &c. to be lighted by Gas or Oil, by Contract or otherwise.

XLVI. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, and they are hereby authorized and empowered, to direct and cause the several Streets, Squares, Lanes, and Passages within such City, Town Corporate, Borough, Market Town or other Town, to be lighted in such Manner as such Commissioners shall judge proper, either with Oil or Gas, and to contract with any Company or Companies of Proprietors, or any Body Corporate, or any other Person or Persons for that Purpose; and also to order Lamp Posts to be erected in the Streets, and Lamp Irons to be fixed on the Walls of Houses and other Buildings, and from time to time to alter and remove the same, as such Commissioners shall judge proper.

And to be watched.

XLVII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered,

powered, to appoint a sufficient Number of able Watchmen, to keep watch within any such City, Town Corporate, Borough, or Market Town, or the Suburbs and Liberties thereof, and to appoint and pay proper Salaries and Wages for such Watchmen, and to provide proper Watch-houses, and all necessary Articles for such watching, and to appoint the Times of Watch, and the Stations and the Duties of the several Watchmen, and to fine and dismiss any such Watchmen at the Pleasure of such Commissioners.

XLVIII. And be it further enacted, That it shall be lawful for such Watchmen, and they are hereby authorized and empowered, to apprehend all such idle and disorderly Persons as they or any of them shall find committing any Breach of the Peace during the Night, or making any improper Noise or Disturbance, and to detain such Persons till Morning, and then to carry such Person or Persons before any of His Majesty's Justices of the Peace for the Borough, City, Town, or Place in which such Person or Persons shall have been apprehended, to be dealt with according to Law.

Powers of
Watchmen.

XLIX. And be it further enacted, That if any Victualler, Publican, or other Person or Persons selling Spirituous Liquors, shall entertain or harbour in his or her or their House any Watchmen appointed under this Act, during such Watchman's appointed Hours of Duty, every such Victualler, Publican, or other Person shall forfeit for such Offence any Sum not exceeding Twenty Shillings.

Penalty for
harbouring
Watchmen
during the
Hours of Duty

L. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, to employ or contract with Scavengers to cleanse and sweep and water the Streets, Squares, Lanes, and Passages within any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof; and to direct in what Manner and how often the said Streets, Squares, Lanes, and Passages shall be swept and cleansed and watered, and to provide all necessary Articles for such Purposes.

Streets, &c. to
be cleansed.

LI. And be it further enacted, That if any Person or Persons shall take or carry away any Dirt, Dung, Ashes, or Soil out of any of the said Streets, Squares, Lanes, and Passages, other than the Scavengers or other Persons authorized so to do by the said Commissioners as before mentioned, every such Person shall for such Offence forfeit a Sum not exceeding Twenty Shillings.

Penalty on
Persons
carrying away
Dirt, not duly
authorized.

LII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, and they are hereby authorized and empowered, to employ or contract with any Person or Persons to pave, flag, maintain, and keep in order the Streets, Squares, Lanes, and Passages within any such City, Town Corporate, Borough, Market Town or other Town, and the Suburbs or Liberties thereof as aforesaid, in such Manner as such Commissioners shall direct, and to provide all necessary Articles for the said Purpose; and any Street forming Part of a Road running through any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof as aforesaid

Streets to be
paved, and if
formerly re-
paired as a
Turnpike or
Presentment
Road, may be
put under
Commissioners
for this Act.

said, which may at any Time before the Appointment of such Commissioners have been paved, maintained, or repaired as Part of such Road by any Board of Turnpike Commissioners or Trustees, or by Grand Jury Presentment, or by any other Body or Person or Persons, or in any other Manner whatsoever, shall and may, from and after the Appointment of Commissioners for the Execution of this Act in any such City, Town Corporate, Borough, Market Town or other Town, be paved, maintained, and repaired only by such Commissioners, if such Commissioners shall think fit so to determine and require: Provided that nothing herein contained shall extend or be construed to exonerate any such Turnpike Commissioners or Trustees, or any other Body or Person or Persons whatsoever, from his or their Duty or Obligation to maintain and repair such Street or Road, unless such Commissioners shall desire to take upon themselves such Duty or Obligation; and in such Case such Commissioners shall become liable in like Manner as the Party or Parties originally liable to such Duty or Obligation, and shall in like Manner answer for and be punishable for any Default in the Discharge or Observance of such Duty or Obligation.

Wells, Pumps,
&c. to be dug
and made.

LIII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause Wells to be dug, and Pipes to be laid, and Pumps to be erected in any Streets, Squares, Lanes, and Passages of any City, Town Corporate, Borough, Market Town or other Town, as such Commissioners shall think most advantageous for supplying Water to the Inhabitants; and also to make and maintain, or cause to be made and maintained, Fire Plugs for extinguishing Fire.

Sewers, Drains,
&c. to be made,
and Fire
Engines kept.

LIV. And be it further enacted, That it shall and may be lawful for such Commissioners, and they are hereby authorized and empowered, to make or cause to be made Common Sewers, Drains, and Watercourses, and the same from time to time to repair and cleanse, and to purchase One or more Fire Engine or Engines, with all necessary Apparatus, and to name and appoint, during Pleasure, or to contract with a proper Person or Persons to take charge of such Engine or Engines, with such Number of Persons as may be necessary to work such Engine or Engines, with such Salaries and Allowances, and under such Regulations, as such Commissioners shall judge proper, and to hire or rent any convenient House or Houses for keeping such Engine or Engines.

Drains, &c. to
be cleansed
under the In-
spection of the
Commissioners.

LV. And be it further enacted, That all private Drains or Sewers within any such City, Borough, or Town, issuing into any Public Drain or Sewer, shall, when and as the said Commissioners shall require, be repaired or cleansed under the Inspection and Direction of any Person thereto authorized or appointed by the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Premises to which the said private Sewers or Drains may belong.

Streets, &c. to
be named,
and Houses
numbered.

LVI. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause the said Streets, Squares, Lanes, and Passages to be named, and the Name of each to be painted or otherwise inscribed at or near the End or Corner thereof; and also to cause the Houses,

Houses, Buildings, Shops, and Warehouses to be numbered, and the Figures denoting the Numbers to be painted on the Doors.

LVII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause any Penthouse, Bow Window, Sign or Sign Post, or Irons or Fences, or Grates, or any Cellar or other underground Apartment, or any Stairs or Opening into such Apartment, or any other Thing encroaching upon or projecting into any Street, Lane, Square, or Passage, which may seem dangerous to Passengers, to be removed, altered, closed up, or grated over, or otherwise sufficiently secured; and for such Purposes it shall be lawful for such Commissioners to require any Alteration to be made, in such Manner as they may deem fit, and within such Time as they shall appoint, by written Order, signifying their Desire in such respect, and subscribed by the Chairman and Clerk of the Commissioners for the Time being, issued and expressed to be issued pursuant to a Resolution adopted at a Meeting of such Commissioners, and delivered to the Occupier of the Premises causing such Encroachment, if the same be occupied, and if not occupied, then and in such Case to the Owner of such Premises, if resident within the same City, Town Corporate, Borough, or Town, and if not resident within the same, and if the Premises be unoccupied, then and in such Case affixed on some Part of the same Premises; and if any such Alteration shall not be made, done, or performed agreeably to such Order, within the Time therein specified, it shall be lawful for such Commissioners to cause the same to be made, done, and performed, and to levy the Expences thereof, together with the Costs of Distress, upon any Goods and Chattels found upon such Premises, or upon the Goods and Chattels of the Owner wheresoever found; and every such Distress shall be made in like Manner as by this Act is directed in the Case of Distress for Assessments remaining unpaid, and with and subject to the like Powers and Regulations.

LVIII. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, in any City, Borough, Town Corporate, Market Town or other Town, and they are hereby authorized and empowered, so often as to them may seem fit, to break up or open, or by Warrant, subscribed by the Chairman and Clerk of the Commissioners for the Time being, to authorize any Person or Persons with whom they shall or may contract to break up or open any Street, Square, Lane, or Passage within any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof as aforesaid, for the Purpose of laying Pipes or digging Wells, or any other of the Purposes of this Act, notwithstanding any such Street, Square, Lane, or Passage may form Part of a Turnpike Road or County Road: Provided that such Commissioners shall and they are hereby required to cause such Holes and Openings to be properly secured and fenced at Night, and Lights set up thereby, so as to warn Passengers and prevent Accidents.

LIX. And be it enacted, That it shall and may be lawful for the Commissioners acting in Execution of this Act, in any City, Borough, or Town, if they shall so think fit, to direct and require the respective Owners and Occupiers of all Houses or other

Cellar Stairs
or other
Nuisances to
be closed or
removed.

Commissioners
may break up or
open Streets,
Roads, &c.

Footways to
be cleansed.

Buildings or Premises abutting upon any of the Streets, Squares, Lanes, or Passages within such City, Borough, or Town, so often, and at such Times, and at and under any such Penalty as to the said Commissioners shall seem meet, not exceeding Two Shillings for each Default, to cause the Footways or Foot Pavements to be well and sufficiently swept and cleansed before, behind, and on the Sides of the same, as the Situation thereof shall require, and the Dirt and Soil arising from such sweeping and cleansing to be collected and put together in such Place and Manner as to the said Commissioners shall seem meet; and the said Commissioners, if they shall think fit to establish such Order and Regulation, shall cause the same to be publicly notified in manner herein before appointed for the Notification of the Election of Commissioners under this Act.

Commissioners
liable for
Nuisances from
Gas Works.

LX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment, Action, or otherwise, against any such Commissioners, their Officers, Servants, or Workmen, or any Body Politic or Corporate, for or in respect of any Nuisance or Injury arising from or occasioned by Gas Works.

Expences of
lighting, &c. to
be defrayed
out of Funds
arising from
Assessment.

LXI. And be it further enacted, That the Expences of Printing, Stationary, Coals and Candles, for the Purposes of this Act, and all Expences of lighting, watching, cleansing, and paving, of digging Wells, laying Pipes, and erecting Pumps, of making and maintaining Fire Plugs, and making Sewers, Drains, and Watercourses, of purchasing Fire Engines and employing Workmen, and of renting Offices for the Transaction of Business, or Houses for keeping Fire Engines, and of naming the Streets, Squares, Lanes, and Passages, and numbering the Houses, Buildings, Shops, Warehouses, and all other Costs and Charges of providing the necessary Articles for all and every of the aforesaid Purposes, and relating to all other Things which under this Act any Commissioners for the Execution of this Act are directed or empowered to do in any City, Town Corporate, Borough, Market Town or other Town, shall be paid out of any Rates, Assessments, and Sums of Money authorized to be raised and levied under this Act in any City, Town Corporate, Borough, Market Town or other Town, respectively, and from the other Funds by this Act directed to be applied to such Expences: Provided always, that such Rates, Assessments, Monies, and Funds, or any Part thereof, shall not be applied to defray or satisfy any Penalties to which any such Commissioners may render themselves liable, or any Damages or Costs which may be recovered against and incurred by any such Commissioners in any Suit or Process at Law or Equity whatsoever, for or by reason of any wilful Misfeasance or Malfeasance on the Part of any such Commissioners.

Property of
Pavements, &c.
vested in the
Commissioners.

LXII. And be it further enacted, That the Property of all Pavements, Flags, Lamps, Wells, Buckets, Pipes, Pumps, Fire Plugs, Fire Engines, and any and every other Material, Article, or Thing purchased or paid for by any Monies applicable to the Purposes of this Act, shall be vested in the Commissioners for the Time being for the carrying this Act into Execution in any City,

City, Town Corporate, Borough, Market Town or other Town respectively; and it shall be lawful for such Commissioners to bring Actions or prefer Indictments against any Person stealing or carrying away or injuring any such Articles, Matters, or Things, stating the Property to be in such Commissioners by virtue of this Act; and no Change made or happening in or among the Persons composing any Body of Commissioners shall in any Action, Indictment, or other Civil or Criminal Proceeding whatsoever, by, for, or on behalf of or against or concerning the said Commissioners or their Property, abate, or otherwise stay, delay, or affect any such Action, Indictment, or Proceeding.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully injure, damage, or destroy any Watch-house, or Watchbox, or any Lamp, Lamp Iron, or Lamp Post, or any Well, Pipe, Spring, Pump, Watercourse, Fire Plug, Sewer, Drain, or Fire Engine, or shall wantonly extinguish any Lamp or Lamps, or shall tear up the Pavement or Flagway in any Street, Square, Lane, or Passage within any City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof, in which this Act shall be carried into Execution, or shall in any other Manner wilfully damage, injure, or destroy any Article or Material, Matter or Thing employed for effectuating the Purposes of this Act, or any Work which any Commissioners for the Execution of this Act may undertake for such Purposes, or any of them, it shall and may be lawful for any Person or Persons to apprehend and detain any and every such Offender, until such Offender can be carried before any Justice of the Peace; and every Person so offending, being convicted of such Offence before such Justice, shall for the First Offence forfeit a Sum not exceeding Five Pounds, and for the Second Offence a Sum not exceeding Ten Pounds, and for the Third and every subsequent Offence a Sum not exceeding Fifteen Pounds; provided that the levying any such Penalty shall be no Bar to any Action at the Suit of the said Commissioners.

Penalties for Injury or Damage, &c. to Works, &c. made under this Act.

LXIV. And be it enacted, That every Person who shall commit or be guilty of any of the Offences hereinafter specified in any City, Borough, or Town, in which this Act shall be carried into Execution, shall be subject and liable to such Penalties as are hereinafter specified and set forth; that is to say, if any Person shall, in or upon any Way, used or appointed to be used as a Footway only, in any such City, Borough, or Town, draw, drive, or carry any Truck, Sledge, Wheelbarrow, Bier, or other Carriage, except directly across such Footway, on necessary Occasions, or shall lead, ride, or drive on any such Footway any Horse or other Beast, except directly across the same as aforesaid, or shall suffer to stand or shall tie or fasten any Horse or other Beast on or across the same; or shall, in or on any of the Streets, Squares, Lanes, or Passages within any such City, Borough, or Town set up any Stall or Table, or erect any Shade or Awning, or expose any Goods or Wares for Sale, or place or leave therein or thereon any thing whatsoever, so as to create any Impediment or Annoyance to the free Passage thereof, and shall not remove the same when thereunto required by any Person whomsoever; or shall, in or on any of such Streets, Squares,

For preventing Nuisances.

Lanes, or Passages, ride or drive any Horse or other Animal in a furious and improper Manner; or shall thereon drive or suffer to proceed any Cart, Waggon, or other Carriage, without some Person leading or guiding with Reins the Horse or Horses yoked thereunto; or shall leave or suffer to remain in any of such Streets, Squares, Lanes, or Passages any Cart, Waggon, or other Carriage, with any Horse or Horses, or other Cattle or Animal being yoked thereunto, without a proper Person to take Charge of the same, or shall place or leave in or on any of such Streets, Squares, Lanes, and Passages, in such a Manner as to obstruct or endanger the Passage thereof, any Cart, Waggon, or other Carriage; or shall shew or expose any Stallion or Stone Horse kept for the Purpose of being let to Mares, except in such Place or Places as the Commissioners for the Execution of this Act shall appoint, and except in directly proceeding to and returning from such Place; or shall in or on any Cart, Waggon, or other Carriage, carry or convey any Timber, Iron, or other Thing, in such a Manner as to protrude Two Feet beyond the Wheel of such Cart, Waggon, or other Carriage; or shall, in or on any of such Streets, Squares, Lanes, and Passages, place or leave any Mortar, Lime, Sand, Bricks, Stones, Timber, or other Materials for building, or shall sift or screen any Lime, Sand, or other Thing, such Mortar or other Thing being so placed or left, or such Sifting or Screening being without the Permission of the Commissioners for the Execution of this Act, or not so defended and enclosed within a Frail or otherwise, and in conformity to such Regulations as such Commissioners at their Discretion shall impose, and which they are hereby authorised to impose; or shall cast or leave any Dung, Dirt, Rubbish, or other Thing, or suffer to flow or fall from any Slaughter House, Soap House, Tan Yard, or other Yard or Premises, any Muck, Mire, Blood, or other noisome Matter in or upon such Streets, Squares, Lanes, and Passages, except only in such Manner and in such Place or Places as such Commissioners shall direct and appoint or allow; or shall, in any of such Streets, Lanes, and Passages, kill or slaughter or scald and dress any Animal for Meat; or shall, in any of such Streets, Lanes, or Passages, play at Bullets or Quoits, or other dangerous Game, to the Annoyance or Obstruction of Passengers; or shall make any Bonfire, or let off any Fire Works or Squibs, or unnecessarily and wantonly discharge any Fire Arms; or if any Person shall do or commit any Act, or shall leave or place or set up any Material or Thing whatever, which shall cause or create any Impediment, Obstruction, Nuisance, Danger, or Annoyance in or to the free Passage of such Streets, Squares, Lanes, or Passages; every such Person shall for the first Time of committing such Offence forfeit and pay a Sum not exceeding Twenty Shillings and not less than Five Shillings, and for the Second Time of committing any such Offence shall forfeit and pay a Sum not exceeding Forty Shillings and not less than Ten Shillings, and for the Third or any subsequent Time of committing any such Offence shall forfeit and pay a Sum not exceeding Five Pounds and not less than Twenty Shillings: Provided always, that every such Offence shall be deemed to be a First Offence in all Cases, unless the same shall be proved to have been committed within One

Calendar Month next after some such former Offence of the same Nature and Quality.

LXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder any Person or Persons from selling or exposing to Sale any Horse, Beast, or other Cattle, or from placing any Stool, Bench, Stall, or Booth for the Sale of Goods and Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or other Goods, Wares, and Merchandizes whatsoever, in the usual and accustomed Market or other Place or Places within any such City, Borough, or Town, or in the usual Places of holding public Fairs, on the usual Days of such Market or Fairs; and that it shall and may be lawful for any Person to leave on any Quay, Wharf, or other Place any Timber, Flax, Seed, Bales, or Goods, Wares, Merchandizes, for such Time as the Commissioners for the Execution of this Act shall appoint and allow, and which they are hereby authorized and empowered to appoint and allow, so as the same be disposed and piled in such Manner as the said Commissioners shall direct, and so as from Sun-set till Sun-rise sufficient Lights be placed on such Timber or other Thing, so as to warn Passengers and prevent Accidents.

Not to prevent the exposing of Goods for Sale in Markets or Places of holding Fairs, &c.

LXVI. And be it further enacted, That if any Horse, Cow, Swine, or other Beast shall be found wandering or straying in or about any Streets, Squares, Laues, and Passages in any City or Borough or Town in which this Act shall be carried into Execution, it shall and may be lawful for any Person whatsoever to impound such Horse, Cow, Swine, or other Beast in the nearest Common Pound, and the Owner thereof shall for every such Beast so found wandering or straying as aforesaid forfeit a Sum not exceeding Five Shillings, together with the reasonable Charges of impounding and keeping such Beast; and such Beast shall be detained until the said Penalty and Charges shall be paid; and if the same be not paid within Seven Days after such Beast shall be impounded, it shall be lawful for any Justice of Peace acting in or for the County or Place within which such Pound shall be situate, upon the Application of the Person who shall have impounded such Beast, to appoint and notify by public Advertisement, and otherwise as to such Justice shall seem meet, a Time and Place for the Sale of such Beast, and such Time shall be not sooner than Fourteen Days from the Date of the first Notification thereof, and at the Time so appointed and notified such Beast shall be sold by public Auction, unless the said Penalty, with all the Costs and Charges of impounding and advertising such Beast, shall be then and thereupon paid; and the Money arising from such Sale shall be in the first Instance applied to the Payment of such Costs and Charges, and the Person who impounded such Beast shall thereout receive the Sum of Five Shillings, and the Residue of such Money shall be paid to the Treasurer of such Commissioners, to be by him paid, upon Application, to the Person whose Property such Beast shall appear to have been, and in default of and until such Application shall be applied to the Purposes of this Act.

Cattle found astray may be impounded, and the Owner thereof fined.

LXVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Recovery and Application

Recovery of certain Penalties before One

Justice of the
Peace.

Application whereof are not before provided for) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace or Magistrate for the City, Town Corporate, or Borough in which such Penalty shall be incurred, or of any Justice for the County, District, or Division within which any Market Town or other Town in which such Penalty shall be incurred shall be situate, on Complaint to him for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of such Proceedings, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and such Justice is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath (or Affirmation) of and concerning all or any such Offences, Matters, or Things, and to hear and determine the same; and the Overplus, if any, of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of Taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such City, Town Corporate, Borough, County, or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such City, Town Corporate, Borough, County, or Place, there to be kept to hard Labour, and to remain, without Bail or Mainprize, for any Term not exceeding One Calendar Month, if the Conviction be for a First Offence, and not exceeding Two Calendar Months, if the Conviction be for a Second Offence, and not exceeding Three Calendar Months, if the Conviction be for a Third or any subsequent Offence, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and one Moiety of such Penalties or Forfeitures, when so levied, shall be paid to the Person who shall sue or prosecute for the same, and the other Moiety shall be paid to the Treasurer or Clerk of the Commissioners for the Execution of this Act, to be applied to the Purposes of this Act, in the City, Town Corporate, Borough, Market
Town

Application of
Penalties.

Town or other Town, in which such Offence shall be committed, in such Manner as such Justice shall direct and appoint.

LXVIII. And be it further enacted, That no Contract made by any Commissioners for the Execution of this Act shall be valid or binding for any longer Term than Three Years next after making the same, nor unless made under sealed Tenders and Proposals, delivered in such Manner as such Commissioners shall by public Advertisement openly appoint and notify; and that in case any such Commissioner, or the Treasurer or Clerk of such Commissioners, or any Joint Stock Company or Partnership of or in which such Commissioner, Treasurer, or Clerk is or shall be a Member or shall have any Interest, shall be or become a Party to such Contract, the same shall be voidable, at the Discretion of the Commissioners for the Time being.

Contracts by Commissioners not valid for more than Three Years;

if any Commissioner, &c. be a Party thereto, it shall be voidable.

LXIX. And be it further enacted, That if any Commissioner for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, or any Treasurer or Clerk of any such Commissioners, shall directly or indirectly contract with, or shall be or become in any Manner beneficially interested in any Contract made with, any Commissioner for the Execution of this Act, every such Commissioner, Treasurer, or Clerk shall thereupon be and become and is hereby declared to be disqualified from continuing to act in his Capacity of Commissioner, Treasurer, or Clerk, and the Place of any such Commissioner, Treasurer, or Clerk shall be declared vacant, and shall be supplied in such Manner as by this Act is directed in case of a Vacancy occasioned by any other Cause; and such Commissioner, Treasurer, or Clerk so offending as aforesaid shall forfeit the Sum of One hundred Pounds to any Person, being an Householder within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof as aforesaid, who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record, in which no Essoign, Protection, Wager of Law, nor more than One Impar lance, shall be allowed.

Penalty on any Commissioner, &c. being interested in any Contract.

LXX. Provided always, and be it enacted, That in case any Interest in any such Contract as aforesaid shall, by Devise, Succession, or Inheritance, become vested in or devolve upon any such Commissioner, Treasurer, or Clerk, and that he shall forthwith make Discovery of the same, such Contract shall not be thereupon liable to be avoided, nor such Forfeiture as aforesaid incurred, but the Party in or on whom such Interest shall vest or devolve shall be thereby disqualified as aforesaid, and his Place supplied accordingly.

Proviso as to Contracts devolving on any Commissioner, &c. by Devise, &c.

LXXI. And be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence under this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other to the same Effect; (that is to say),

Form of Conviction.

' City, Borough, or } BE it remembered, That on the
' Place, to wit. } Day of _____ in the Year of our Lord
' _____ A. B. is convicted before me C. D.,
' one of His Majesty's Justices of the Peace for the said City,
' Borough,

‘ Borough, Town, or Place, by virtue of an Act made in the
 ‘ Ninth Year of the Reign of King *George* the Fourth, intituled
 ‘ [*here set forth the Title of this Act*], of having [*here set forth the*
 ‘ *Offence*], and I do hereby adjudge that the said *A. B.* shall for
 ‘ the said Offence forfeit the Sum of . . . Given under
 ‘ my Hand and Seal this . . . Day of . . . in the Year
 ‘ of our Lord

‘ *C. D.* [L. s.]’

And every such Justice is hereby required, in any Warrant of Committal issued in default of Payment of any such Penalty, to specify and set forth the Amount of such Penalty.

Penalty may be paid at any Time, and the Party released.

LXXII. Provided always, and be it enacted, That whenever any Fine or Penalty imposed upon or adjudged against any Offender by any Justice under this Act shall not be paid forthwith upon Conviction, and the Offender shall in default of such Payment be committed for any Term whatsoever, it shall and may be lawful for such Offender at any Time to make Payment of such Penalty, and such Offender shall then and upon such Payment be forthwith discharged out of Custody, notwithstanding the Term for which such Offender shall have been committed shall be then unexpired.

Appeal from Conviction of Justice to Sessions.

LXXIII. Provided always, and be it enacted, That it shall and may be lawful for any Person who shall think himself or herself aggrieved by the Judgment of any Justice of the Peace upon any Conviction had or made by virtue of this Act, to appeal to the Justices of the Peace at the next General Quarter Sessions to be holden for the City, Town Corporate, or Borough in which such Conviction shall have been made, or for the County or Riding in which any Place, not being a City, Town Corporate, or Borough, shall be situate; and such Person so appealing shall, before some Justice for such County, City, Town Corporate, Borough, or Place, enter into a Recognizance, with Two sufficient Sureties, conditioned in a Penalty of Double the Amount of the Fine or Penalty adjudged by such Conviction, to appear at such Sessions, and to abide the Hearing of such Appeal, and upon entering into such Recognizances such Person shall be forthwith discharged out of Custody; and it shall be lawful for the Justices at such Sessions, and they are hereby empowered and required, to hear and determine the Matter of such Appeal, and to make such Order therein as shall be agreeable to the Circumstances of the Case, and to award Costs at their Discretion against either Party; and in case such Justices shall adjudge the Party appealing to pay any Fine or Penalty or Costs, and such Party shall fail to pay the same, such Justices shall and may commit such Party for such Term as any Justice might have done in the like Case, and subject to the like Restrictions and Provisions as are hereinbefore contained in the Case of a Conviction or Committal by any such Justice.

Limitation of Actions.

Notice;

LXXIV. And be it further enacted, That no Action, Suit, or Proceeding shall be commenced or prosecuted against any Commissioner or other Person or Persons for any thing done in pursuance of this Act until after Thirty Days' Notice thereof shall be given to such Commissioner or other Person or Persons, nor after
 a suf-

a sufficient Satisfaction of Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months next after the Fact committed ; and every such Action, Suit, or Prosecution shall be laid or brought in the County, County of a City, or County of a Town where the Cause of Action shall have arisen, and not elsewhere ; and the Defendant or Defendants in every such Action, Suit, or Prosecution shall and may plead generally Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act ; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this Act, it shall and may be lawful and sufficient to and for the Defendant or Defendants or Avowant or Avowants in any such Replevin to avow, plead, or make Cognizance generally that he or they took the same Cattle, Goods, or Chattels as a Distress, by force of the Statute in that Case made and provided, without more particularly setting forth this Act or the Cause of making or detaining the said Distress, or making any other more special Plea, Avowry, or Cognizance, any thing herein contained to the contrary notwithstanding ; and if it shall appear that the Matter on which the Cause of Action arose was done, or the Distress replevied made in pursuance of this Act, or that such Action or Suit shall have been brought before the Expiration of Thirty Days after Notice thereof given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, County of a City, or County of a Town than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants ; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or shall discontinue his or their Action, Suit, or Prosecution, after the Defendant or Defendants shall have appeared, or upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of Costs given by Law.

Tender of
Amends ;
Venue, &c.

LXXV. And be it further enacted, That in all Actions, Suits, Prosecutions, or Indictments brought by or against any Commissioner or Commissioners under this Act, he or they shall be sufficiently described as a Commissioner or Commissioners of the City (or Town or Borough, as the Case may be) of appointed by virtue of an Act made in the Ninth Year of the King George the Fourth, intituled [setting forth the Title of this Act.]

Commissioners
how to be de-
scribed in
Actions, &c.

LXXVI. And be it further enacted, That in all Actions, Suits, or legal Proceedings whatsoever, brought, commenced, or had by or against any Commissioner or Commissioners for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, concerning or in respect of any Matter, Act, or Thing done by virtue or under pretence of any Provisions of this Act contained, any Inhabitant of any such City, Town Corporate, Borough, or Market Town, or the Suburbs or Liberties thereof, shall be a good and competent Witness, although such Inhabitant shall or may pay or be liable to the Payment of any Rate, Assess-

Inhabitants,
though paying
Rates, to be
competent
Witnesses.

ment,

ment, or Sum or Sums of Money under this Act, or any of the Provisions therein contained.

C A P. LXXXIII.

An Act to provide for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof, and for other Purposes relating thereto. [25th July 1828.]

4 G. 4. c. 96.

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to provide, until the First Day of July One thousand eight hundred and twenty-seven, and until the End of the next Session of Parliament, for the better Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto*; which said Act was continued until the Thirty-first Day of December One thousand eight hundred and twenty-nine, by an Act passed in the Seventh and Eighth Year of His Majesty's Reign: And Whereas it is expedient to repeal the said Acts, and to make further Provision for the Administration of Justice in, and for the more effectual Government of His Majesty's Colonies and Settlements in *New South Wales* and *Van Diemen's Land* respectively: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for His Majesty, His Heirs and Successors, by Charters or Letters Patent under the Great Seal of the United Kingdom of *Great Britain and Ireland*, to erect and establish Courts of Judicature in *New South Wales* and *Van Diemen's Land* respectively, which shall be styled "The Supreme Court of *New South Wales*," and "The Supreme Court of *Van Diemen's Land*;" and that each of such Courts respectively shall be holden by One or more Judge or Judges, not exceeding Three, and shall have such ministerial or other Officers as shall be necessary for the Administration of Justice in the said Courts respectively, and for the Execution of the Judgments, Decrees, Orders, and Process thereof; and the said Judges shall from time to time be appointed by His Majesty, His Heirs and Successors; and the said ministerial and other Officers of the said Courts respectively shall from time to time be appointed to and removed from their respective Offices, in such Manner as His Majesty, His Heirs and Successors, shall by such Charters or Letters Patent as aforesaid direct; and the said Judges shall respectively be entitled to receive such reasonable Salaries as His Majesty, His Heirs and Successors, shall approve and direct, which Salaries shall be in lieu of all Fees or other Emoluments whatsoever; and it shall and may be lawful for His Majesty, His Heirs and Successors, from time to time as Occasion may require, to remove and displace any such Judge, and in his Place and Stead to appoint another fit and proper Person: Provided that in case of the Absence, Resignation, or Death of any or either of the Judges of the said Courts in *New South Wales* or *Van Diemen's Land* respectively, or in case of any such Disease

His Majesty may establish Courts of Judicature in New South Wales and Van Diemen's Land.

Judges to be appointed by His Majesty. Appointment and Removal of Officers of the Courts.

In case of Absence or Death of any Judge,

or Infirmary as shall render any such Judge incapable of discharging the Duties of his Office, it shall be lawful for the Governor of *New South Wales* or of *Van Diemen's Land* respectively to appoint some fit and proper Person to act in the Place and Stead of any Judge so being absent, resigning, dying, or becoming incapable, until such Judge shall return to the Execution of His Office, or until a Successor shall be appointed by His Majesty, as the Case may require; and in the meantime, until such Judge shall return as aforesaid, or a Successor shall be appointed, and shall actually enter on the Discharge of his Office in the said Courts respectively, the Person so to be appointed by such Governor as aforesaid shall to all Intents and Purposes be and be deemed and taken to be a Judge of the Court to which he may be so appointed.

the Governor may appoint a Successor pro tempore.

II. Provided always, and be it further enacted, That until His Majesty shall cause such Charters or Letters Patent to be issued as aforesaid, the Supreme Courts of *New South Wales* and *Van Diemen's Land* respectively, instituted by His Majesty's Letters Patent under the Great Seal, bearing Date respectively the Thirteenth Day of *October* in the Fourth Year of His Majesty's Reign, shall retain and exercise the several Jurisdictions and Powers in such Courts vested by His Majesty's said last-mentioned Letters Patent, so far as the same may not be altered by this Act, as fully and effectually as if such Courts respectively had been instituted in virtue and in pursuance of this Act; and the said Letters Patent, and all Orders, Acts, Matters and Things made and done in pursuance of the Powers and Authorities vested in His Majesty in and by the said Act passed in the Fourth Year of the Reign of His present Majesty, shall be of the same Force and Effect as if the same had respectively been issued, made, done, and performed by virtue and in pursuance of this Act.

The Supreme Courts already constituted to continue until others are appointed.

III. And be it further enacted, That the said Courts respectively shall be Courts of Record, and shall have Cognizance of all Pleas, Civil, Criminal, or Mixed, and Jurisdiction in all Cases whatsoever, as fully and amply, to all Intents and Purposes, in *New South Wales* and *Van Diemen's Land* respectively, and all and every the Islands and Territories which now are or hereafter may be subject to or dependent upon the respective Governments thereof, as His Majesty's Courts of King's Bench, Common Pleas, and Exchequer, at *Westminster*, or either of them, lawfully have or hath in *England*; and the said Courts respectively shall also be at all Times Courts of Oyer and Terminer and Gaol Delivery in and for *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively; and the said Judges so appointed shall have and exercise such and the like Jurisdiction and Authority in *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, as the Judges of the Courts of King's Bench, Common Pleas, and Exchequer, in *England*, or any of them, lawfully have and exercise, and as shall be necessary for carrying into Effect the several Jurisdictions, Powers, and Authorities committed to the said Courts respectively.

Supreme Courts to be of Record.

IV. And be it further enacted, That the said Supreme Courts in *New South Wales* and *Van Diemen's Land* respectively shall and may enquire of, hear, and determine all Treasons, Piracies, Felonies,

Jurisdiction of Supreme Courts.

Felonies, Robberies, Murders, Conspiracies, and other Offences of what Nature or Kind soever, committed or that shall be committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral hath Power, Authority, or Jurisdiction, or committed or that shall be committed in the Islands of *New Zealand, Otaheite*, or any other Island, Country, or Place situate in the *Indian or Pacific Oceans*, and not subject to His Majesty or to any *European State or Power*, by the Master or Crew of any *British Ship or Vessel*, or any of them, or by any *British Subject* sailing in or belonging to, or that shall have sailed in or belonged to, and have quitted any *British Ship or Vessel*, to live in any Part of the said Islands, Countries, or Places, or that shall be there living; and that all Persons convicted of any of the Offences so to be enquired of, heard, and determined in the said Courts respectively, shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in force Persons convicted of the same respectively would be subject and liable to in case the same had been committed and were respectively enquired of, tried, heard, determined, and adjudged in *England*; any Law, Statute, or Usage to the contrary notwithstanding.

His Majesty's
Attorney
General may
proceed by
Information
until Juries are
constituted.

V. And be it further enacted, That until further Provision be made as hereinafter directed for proceeding by Juries, all Crimes, Misdemeanors, and Offences, cognizable in the said Courts respectively, shall be prosecuted by Information, in the Name of His Majesty's Attorney General, or other Officer duly appointed for such Purpose by the Governor of *New South Wales* and *Van Diemen's Land* respectively; and all Issues of Fact joined on every such Information shall be tried by One or more of the respective Judges of the said Courts, and Seven Commissioned Officers of His Majesty's Sea or Land Forces, whether on Full or Half Pay; and such Officers shall from time to time be nominated for the Purpose aforesaid by the Governor of *New South Wales* or *Van Diemen's Land* respectively; and the said Officers shall severally be liable to be challenged or objected to upon the special Ground of direct-Interest or Affection, to be specified in open Court at the Time of Challenge; and in case of such Challenge or Objection being allowed by the Judge or Judges of the said Courts respectively, the Officer or Officers so challenged or objected to shall be succeeded by another such Officer or other such Officers as aforesaid, who shall in like Manner be nominated by the Governor as aforesaid, and be liable in the same Manner to Challenge or Objection, until Seven Officers shall appear duly qualified for the Trial of any Offender in the said Courts respectively; and the said Officers shall thereupon severally take and repeat in open Court the same Oath as is taken by Petit Jurors impannelled for the Trial of any Crime or Misdemeanor in any Court of Record in *England*, and shall return their Verdict in open Court, by the Mouth of the Senior Officer serving on such Trial; and the Proceedings of the said Courts respectively shall be under the Control and Direction of the respective Judges thereof; and all Matters of Law arising in the Course of any such Trial shall be determined by such Judges respectively; and the Judgment of the said Courts respectively shall be pronounced by

by them in the Manner by Law established on the Trial of Persons indicted in any Court of Record in *England*: Provided nevertheless, that if at the Time of the Meeting of the Supreme Court of *Van Diemen's Land* there should not be Seven Commissioned Officers of His Majesty's Sea or Land Forces within the Distance of Ten Miles from the Place of holding such Court, or in case of the Sickness of any such Officers, the Governor of *Van Diemen's Land* shall nominate such Magistrates of the said Island, or of any District or County of the said Island, as to him shall seem meet, to act on the Trial of such Crimes, Misdemeanors, or Offences as aforesaid, together with such and so many Commissioned Officers as aforesaid as may then be within such Distance as aforesaid, and competent to act upon such Trial, so as that there may in every Case be Seven Officers or Magistrates, or Seven Officers and Magistrates, for the Trial of the said Crimes, Misdemeanors, and Offences; and the Magistrates so to be appointed by the Governor of *Van Diemen's Land* shall be liable to be challenged or objected to in such and the same Manner, and shall, if necessary, be succeeded by some other Magistrates, to be nominated by the said Governor of the said Island, and shall severally take and repeat such Oath as is hereinbefore directed with respect to the said Commissioned Officers of His Majesty's Sea and Land Forces.

VI. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons, by Leave of the said Supreme Courts respectively first had and obtained, to exhibit a Criminal Information against any other Person or Persons in the Name of the said Attorney General, or of such other Officer as aforesaid, for any Crime or Misdemeanor not punishable by Death, by him or her or them committed, or alleged to have been committed; and in granting any Rule for exhibiting any such Criminal Information the said Courts shall not be bound to require from the Parties or Party applying for the same any exculpatory Affidavits, unless the Justice of the particular Case may to such Courts appear to require that such Affidavits should be first made; and any Information so exhibited as aforesaid by Leave of the Court shall be heard, tried, and determined in such and the same Manner in every respect as any other Informations are hereinbefore required to be heard, tried, and determined.

VII. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by a Warrant or Warrants under His or Their Royal Sign Manual, at any Time hereafter to authorize the Governor of *New South Wales* or of *Van Diemen's Land* respectively for the Time being to convene a Court or Courts as often as Occasion may require, for the Trial of all Crimes and Misdemeanors committed within any Place or Places in *New South Wales* or *Van Diemen's Land*, or the Dependencies thereof, which, by any Order in Council for that Purpose issued or to be issued as after mentioned hath been or shall be appointed for the Reception of transported Felons and other Offenders; which Court or Courts shall be of Record, and shall have and exercise all the Powers and Authorities incident and belonging to a Court of Record, and shall consist respectively of a Judge, to be appointed by His Majesty, His Heirs and Successors, and

Any Person by Leave of the Courts may exhibit a Criminal Information.

His Majesty may authorize Governors of New South Wales and Van Diemen's Land to convene Courts.

such and so many proper Persons, not fewer than Three or more than Five, as shall be appointed for such Purpose by such Governor, by Commission, to be duly made and executed under his Hand and Seal; and such Persons shall be sworn in such and the like Form, and the Verdict of the whole of such Persons shall be taken and recorded in such and the like Manner, and the Proceedings of the said last-mentioned Court or Courts shall be conducted, and the Judgments thereof pronounced by the Judge or Judges presiding at every such Trial, according to such and the like Law and Usage as is hereinbefore directed with respect to the Trial of Persons prosecuted before the said Supreme Courts of Judicature of *New South Wales* and *Van Diemen's Land* respectively; and in all Cases where the Offence charged against any Person tried before any such Court or Courts so to be established, in any such Place or Places as aforesaid, shall not be punishable with Death, the Judge or Judges of the said Court or Courts respectively shall and he and they is and are hereby authorized to adjudge the Offender to any corporal Punishment, not extending to Life or Limb, as the Circumstances of the Case may require: Provided always, that the Particulars and Grounds of every such Sentence shall in all Cases be made known by the Judge or Judges of the said last-mentioned Court or Courts respectively to the Governor of *New South Wales* or *Van Diemen's Land*, as the Case may be, for his Approbation.

How Issues
shall be tried.

VIII. And be it further enacted, That in any Actions at Law to be brought in the said Supreme Courts of *New South Wales* and *Van Diemen's Land* respectively, whenever the Parties Plaintiff and Defendant in any such Action shall join Issue on any Matter of Fact, the Trial of such Issue or Issues shall be by One or more Judge or Judges of the said Courts respectively, and by Two Assessors, being Magistrates or Justices of the Peace in and for the said Colony, or some County or District thereof; and the said Magistrates shall be nominated from time to time, for the Purpose aforesaid, by the Governor for the Time being of *New South Wales* and *Van Diemen's Land* respectively, and shall be liable to Challenge upon such and the same Grounds as may lawfully be alleged as Causes of Challenge against any Person impanelled as a Juror for the Trial of any Issue of Fact joined between the Parties in any Action depending in any of His Majesty's Courts of Record at *Westminster*, and such Challenges shall be made in open Court, and decided by the Judges of the said Supreme Courts respectively; and in case any such Challenge shall be allowed by the said Judges respectively, another Justice of the Peace shall be nominated in manner aforesaid, in the Place of the Justice against whom such Challenge shall have been so allowed, who may in like Manner be challenged, until Two Justices shall appear competent to act as Assessors of the Court upon the Trial of the said Issue or Issues of Fact; and the said Two Assessors shall thereupon severally take and repeat in open Court such and the same Oath as is taken by any Juror sworn upon the Trial of any Issue of Fact in any of His Majesty's said Courts of Record at *Westminster*; and the Judges of the said Supreme Court respectively presiding at any such Trial shall, together with the said Two Assessors, give their Verdict upon every such Issue or Issues

of Fact as aforesaid; and in case any such Judge and Assessors cannot agree upon such Verdict, the Verdict of the major Part of them shall be taken, entered, and recorded as the Verdict of all: Provided always, that if either of the Parties Plaintiff and Defendant in any such Action shall be desirous of having any such Issue or Issues of Fact as aforesaid tried by a Jury, and shall apply for that Purpose to the said Supreme Courts respectively, then and in every such Case it shall be lawful for the said Courts respectively to award or to refuse a Trial by Jury, as the Justice of each particular Case may seem to such Courts to require; the Qualifications, Numbers, and Summonses of which Juries, and all other Rules for their Constitution and Proceeding, shall be fixed in each respective Colony by some General Law or Ordinance to be passed by the Governor thereof, with the Advice of his Legislative Council.

IX. And Whereas by a certain Act passed in the Fifth Year of the Reign of His present Majesty intituled *An Act for the Transportation of Offenders from Great Britain*, Provision is made for vesting in the Governor of the Colony to which Offenders may be transported, or to such other Person as therein mentioned, the Property in the Service of such Offenders, and it is expedient to make further Provision in that Behalf, so far as respects the said Colonies of *New South Wales* and *Van Diemen's Land*; Be it further enacted, That any Offender who hath heretofore been or shall hereafter be assigned to any Person or Persons within the said Colonies respectively, under and in pursuance of the said Act, shall not, by any such Assignee or Assignees, be assigned over to any other Person or Persons, except with the written Consent and Licence of the Governors of such Colonies respectively; and that it shall and may be lawful for the Governors of the said Colonies respectively from time to time, as to them shall seem meet, to revoke any such Assignments of Offenders as may have been or as shall hereafter be made in pursuance of the said Act, and to grant to any Offender or Offenders transported to the said Colonies such temporary or partial Remissions of their Sentences as to such Governors may seem best adapted for the Reformation of such Offenders, and such temporary or partial Remissions from time to time to revoke and renew, as Occasion may require; any thing in the said Act, or in any other Act of Parliament, to the contrary in anywise notwithstanding.

X. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order to be by Him or Them issued, with the Advice of His or Their Privy Council, at any Time or Times hereafter to authorize the Governor of *New South Wales* and *Van Diemen's Land* respectively, or either of them, with the Advice of the Legislative Council of the said Colonies respectively, or either of them, further to extend and apply the Form and Manner of proceeding by Grand and Petit Juries, or either of them, in the Presentment and Trial of all Crimes, Misdemeanors, Issues, Matters, and Things properly cognizable by Juries, in such Parts of the said Colonies and their Dependencies respectively, at such Times, and with, under, and subject to such Limitations, Modifications, and Rules in respect

Persons to whom Offenders are assigned not to transfer them to other Persons without the Consent of the Governor.

Governors of New South Wales and Van Diemen's Land may be authorized to extend and apply the Form of proceeding by Grand or Petit Juries.

thereof, as to the said Governors and Councils respectively shall seem meet, and as shall from time to time be specified in any Law or Ordinance to be by them made in such Behalf; and whenever and so far as such Manner of proceeding by Juries shall from time to time be extended and applied as aforesaid, then the Form and Manner of proceeding hereinbefore directed, as well in the Prosecution of Offences as in the Trial of Issues, shall cease and determine.

Supreme
Courts to be
Courts of
Equity.

XI. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Equity in *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, and shall have Power and Authority to administer Justice, and to do, exercise, and perform all such Acts, Matters, and Things necessary for the due Execution of such equitable Jurisdiction, as the Lord High Chancellor of *Great Britain* can or lawfully may within the Realm of *England*, and all such Acts, Matters, and Things as can or may be done by the said Lord High Chancellor within the Realm of *England*, in the Exercise of the Common Law Jurisdiction to him belonging.

Supreme
Courts to have
Ecclesiastical
Jurisdiction.

XII. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Ecclesiastical Jurisdiction, and shall have full Power and Authority to administer and execute, within *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, such Ecclesiastical Jurisdiction and Authority as hath been or shall be committed to the said Supreme Courts respectively by His Majesty's said Charters or Letters Patent so issued or to be issued as aforesaid; provided that in all Cases where the Executor or Executors of any Will, upon being duly cited, shall refuse or neglect to take out Probate, or where the next of Kin shall be absent, and the Effects of the Deceased shall appear to the said Courts respectively to be exposed and liable to Waste, it shall be lawful for the said Courts respectively to authorize and empower the Registrar, or other ministerial Officer of the said Supreme Courts respectively, to collect such Effects, and hold or deposit or invest the same in such Manner and Place, or upon such Security, and subject to such Orders and Directions as shall be made, either as applicable in all such Cases, or specially in any Case, by the said Courts respectively, in respect of the Custody, Control, or Disposal thereof.

His Majesty
may appoint
Circuit Courts.

XIII. And be it further enacted, That it shall be lawful for His Majesty, by any such Charters or Letters Patent as aforesaid, or by any Order or Orders to be by Him made, with the Advice of His Privy Council, to institute Circuit Courts, at such Times, and in such Districts or Counties within the said respective Colonies, as shall from time to time be deemed necessary; and the said Circuit Courts shall be holden by any One Judge of the said Supreme Courts respectively, and shall have such ministerial Officers as His Majesty shall appoint or direct; and the said Circuit Courts shall be Courts of Record, and shall have Jurisdiction to hear and determine Crimes and Misdemeanors committed within the said Colonies respectively, and to try all Issues in Fact, and to enquire into and assess Damages in any Action at Law commenced in the said Supreme Courts respectively, and shall proceed in the like Form and Manner as the said Supreme Courts,

and shall be and stand in the same relation to the said Supreme Courts as Courts of Oyer and Terminer and of Assize and Nisi Prius in *England* are and stand in relation to the King's Superior Courts of Record at *Westminster*.

XIV. And be it further enacted, That on the Trial of every Issue of Fact joined between the Parties in any Action at Law by this Act made cognizable in the said Supreme Courts, where the Sum or Matter at Issue shall exceed the Amount or Value of Five hundred Pounds Sterling, and where such Trial shall not be by a Jury, the Judges of the said Supreme Courts respectively presiding at any such Trial shall cause the Evidence to be taken down in Writing by the Clerk or other proper Officer of the said Supreme Courts respectively, and repeated in open Court to the Witnesses respectively giving the same, and the Evidence so taken and repeated shall be entered upon the Proceedings of the Court, and be of Record; and in every Case in which any Appeal to His Majesty in Council shall be made or allowed under the Provisions of this Act, Copies of all Documents and Papers which shall have been produced and given in Evidence at such Trial shall be certified by the said Clerk, or other proper Officer of the Court to be appointed for that Purpose, as authentic; and also Copies of any Documents and Papers which shall have been produced and tendered in Evidence, and rejected, shall, if required by the Party producing the same, be in like Manner authenticated, but marked by such Officer as aforesaid as rejected, in order that all such Copies may be annexed to the Record as Part thereof, in case of Appeal.

How Evidence shall be taken on Trial of Issues.

XV. And be it further enacted, That it shall and may be lawful for His Majesty, by the said Charters or Letters Patent respectively, or by any Order or Orders of His Majesty in Council, to allow any Person or Persons feeling aggrieved by any Judgment, Decree, Order, or Sentence of the said Supreme Courts respectively, to appeal therefrom to His Majesty in Council, in such Manner, within such Time, and under and subject to such Rules, Regulations, and Limitations, as His Majesty, by any such Charters, or Letters Patent, or Order or Orders in Council respectively, shall appoint and prescribe.

Appeal to His Majesty in Council.

XVI. And be it further enacted, That it shall be lawful for the Judges of the said Supreme Courts in *New South Wales* and *Van Diemen's Land* respectively to make and prescribe such Rules and Orders touching and concerning the Time and Place of holding the said Courts respectively, the Forms and Manner of proceeding, and the Practice and Pleadings upon all Indictments, Informations, Actions, Suits, and other Matters to be therein brought, the appointing of Commissioners to take Bail and examine Witnesses, the Form and Manner of Bail, the taking Examinations of Witnesses *de bene esse*, and allowing the same as Evidence, the granting of Probates of Wills and Letters of Administration, the Proceedings of the Sheriff and other ministerial Officers, the Process of Foreign Attachment, and all other the Process of the said Courts and the Mode of executing the same, the Admission of Attornies, Solicitors, and Barristers, the Fees, Poundage, or Perquisites to be lawfully demanded by any Officer, Attorney, or Solicitor in the said Courts respectively, and all other

Judges of Supreme Courts may make Rules for regulating such Courts.

Matters and Things whatsoever, as to His Majesty, His Heirs and Successors, shall seem meet, for the Conduct of Business in the said Courts respectively, and as may be adapted to the Circumstances and Condition of the said Colonies; and such Rules and Orders from time to time to alter, amend, or revoke, as to His Majesty, His Heirs and Successors, shall seem requisite; and all Rules and Orders so to be made and prescribed as aforesaid shall be of such and the like Force and Effect as if the same had been inserted in this present Act: Provided always, that all such Rules and Orders shall be subject and liable to be disallowed by His Majesty, and upon such Disallowance being signified through the Governor or Acting Governor of the said Colonies respectively, the same shall become void and of no Effect.

Governors of
New South
Wales and
Van Diemen's
Land may ap-
point Courts of
General and
Quarter
Sessions.

XVII. And be it further enacted, That it shall and may be lawful for the Governors of *New South Wales* and *Van Diemen's Land* respectively, with the Advice and Consent of their respective Legislative Councils, to institute Courts of General and Quarter Sessions within the said Colonies, by Ordinances to be from time to time for that Purpose made and enacted as hereinafter mentioned, and to give and grant to such Courts Power and Authority to take cognizance, in a summary Way, of all Crimes, Misdemeanors, and other Offences or Misconduct, not punishable by Death, which have been or shall be committed by any Felons or other Offenders who have been or shall be transported to the said Colonies respectively, and whose Sentences have not expired and have not been remitted; and also to give and grant to such Courts Power and Authority to take cognizance of all Matters and Things cognizable in Courts of General and Quarter Sessions in *England*, so far as the Circumstances and Condition of the said Colony shall require and admit: Provided always, that all Crimes, Offences, and Misdemeanors, not committed by such Felons and other Offenders as aforesaid, shall be prosecuted and tried before the said Courts of General and Quarter Sessions respectively, in such and the same Manner, and subject to all such and the same Rules and Regulations in every respect, as are hereimbefore made and prescribed with respect to Trials before the said Supreme Courts respectively.

Governors may
appoint Courts
of Civil Juris-
diction.

XVIII. And be it further enacted, That it shall be lawful for the Governors of *New South Wales* and *Van Diemen's Land* respectively, with the Advice of their said Legislative Councils, by Laws or Ordinances to be from time to time for that Purpose made and enacted as hereinafter mentioned, to institute Courts of Civil Jurisdiction, to be called "Courts of Requests," in different Parts of *New South Wales* and *Van Diemen's Land*, or the Dependencies thereof, as Occasion shall require, with full Power and Authority to hear and determine in a summary Way all Actions, Plaints, and Suits for the Payment or Recovery of any Debt, Damages, or Matter not exceeding Ten Pounds Sterling, except the Matter in question shall relate to the Title to any Lands, Tenements, or Hereditaments, or to the taking or demanding of any Duty payable to His Majesty, or to any Fee of Office, Annual Rent, or other such Matter, where Rights in future may be bound, or to any general Right or Duty, and to award Costs therein; and the Determination and Award of such Courts of Requests,

Requests, in all Cases within the Jurisdiction thereof, shall be final, and shall be carried into Execution by Attachment and Sale of the Goods and Effects, or by corporal Arrest of the Party or Parties against whom such Determination or Award shall be made; and each of the said Courts of Requests respectively shall be holden by a Commissioner to be appointed by His Majesty, with such Salary as His Majesty shall think proper to appoint, which Salary shall be in lieu of all Fees, Profits, or Emoluments whatever in respect of the Office of such Commissioner as aforesaid.

XIX. And be it further enacted, That the Governors of *New South Wales* and *Van Diemen's Land* respectively shall and may, with the Assistance of the Judges of the said Supreme Courts respectively, from time to time settle such Forms of Process, and such Rules of Practice and Proceeding, for the Conduct and Dispatch of Business in the said Courts of Sessions and Requests respectively, and appoint such reasonable Fees to be taken, as shall seem necessary and proper for expediting the Business of the said Courts with most Convenience and least Expence to the Parties concerned therein; and such Rules and Forms shall be followed, and such Fees shall be paid accordingly, and no other.

Governors may settle Forms of Process and Rules of Practice.

XX. And Whereas it may be necessary to make Laws and Ordinances for the Welfare and good Government of the said Colonies of *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof, the Occasions of which cannot be foreseen, nor without much Delay and Inconvenience be provided for, without intrusting that Authority for a certain Time, and under proper Restrictions, to Persons resident there: And Whereas it is not at present expedient to call a Legislative Assembly in either of the said Colonies: Be it therefore enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrants under His or their Sign Manual, to constitute and appoint, in *New South Wales* and *Van Diemen's Land* respectively, a Council, to consist of such Persons resident in the said Colonies respectively, not exceeding Fifteen nor less than Ten, as His Majesty, His Heirs and Successors, shall be pleased to nominate.

Appointment of Council.

XXI. And be it further enacted, That neither of the said Councils shall be competent to act unless Two Thirds at the least of the whole Number of Members on the List of such Council, exclusive of the said Governor or presiding Member, shall be actually present and assisting at the Deliberations thereof; and the Votes, Acts, and Resolutions of the major Part of the Members so present shall be deemed and taken to be the Votes, Acts, and Resolutions of the whole of such Council; and upon the Death, Resignation, Removal, or Absence of any of the Members of the said Councils, it shall be lawful for His Majesty in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; and the Governors for the Time being of the said Colonies respectively, with the Advice of the Legislative Councils, to be appointed as aforesaid, shall have Power and Authority to make Laws and Ordinances for the Peace, Welfare, and good Government of the said Colonies respectively, such Laws and

Proceedings of Council.

Ordinances not being repugnant to this Act, or to any Charter or Letters Patent or Order in Council which may be issued in pursuance hereof, or to the Laws of *England*: Provided always, that no Law or Ordinance shall be passed or made, unless the same shall first, by the said Governors respectively, be laid before the said respective Councils, nor unless Notice of the general Objects thereof shall have been sent by the Governor of the Colony for which such Law or Ordinance shall be proposed, to One or more of the Newspapers of such Colony for Insertion, Eight clear Days at least before such Law or Ordinance shall be passed, or unless, in case there be no Newspaper, such Notice shall be given by some other Mode of Public Advertisement, except when the Governor of such Colony shall consider the Circumstances of that Colony to be such as to make it probable that actual Danger would arise from the said Delay of Eight Days, in which Case the Governor and Council shall have Power to pass such Law or Ordinance in such Emergency as they shall deem requisite without any such Notice as aforesaid: Provided also, that in case all or the major Part of the Members of either of the said Councils present at any such Meeting shall dissent from any Law or Ordinance proposed by such Governor, the Members of the said Council so dissenting shall enter upon the Minutes of such Council the Grounds and Reasons of such their Dissent, and in every such Case such proposed Law or Ordinance shall not pass into a Law; and that in any Case where either of the said Governors respectively shall refuse to lay any Proposal of any Law or Ordinance before his respective Council, he shall, on the Request of any Member of such Council, lay before the said Council a Copy of his Refusal thereof, in which Copy the Proposal so refused shall be recited verbatim; and every Member or Members who may disapprove such Refusal shall be at liberty to enter upon the said Minutes the Grounds of such Disapprobation.

Laws and Ordinances to be transmitted to the Supreme Court, to be there enrolled.

XXII. And be it further enacted, That every Law or Ordinance so to be made as aforesaid, shall, within Seven Days from the Date thereof, be transmitted by the Governors of the said Colonies respectively to the said Supreme Courts, to be there enrolled and recorded, and at the Expiration of Fourteen Days from the Day of the Date thereof every such Law or Ordinance so to be made as aforesaid shall take effect and be binding upon all His Majesty's Subjects and others within the said Colonies respectively, until His Majesty's Pleasure shall be known; but if before the Expiration of the said Term of Fourteen Days the Judges of the said Supreme Courts respectively, or either of such Judges, shall transmit to such Governor a Representation that any such Law or Ordinance is repugnant to this Act, or to any Charter or Letters Patent, or Orders in Council issued in pursuance hereof, or to the Laws of *England*, then and upon the Receipt of any such Representation such Governor shall suspend the Operation of such Law or Ordinance, until the same hath been brought by him, together with such Representation as aforesaid, under the Review of the said Legislative Council; and if upon a Review by the said Governor in Council of the said Ordinance the said Governor in Council shall adhere to such Ordinance, a written Notice of such
Resolution

Resolution shall forthwith be transmitted by the said Governor to the Judges of the said Supreme Court; and such Ordinance shall thenceforward take effect and be binding upon all His Majesty's Subjects within the said Colonies, until His Majesty's Pleasure shall be known, any Repugnancy or supposed Repugnancy of such Law or Ordinance to this Act, or to any such Charter, Letters Patent, or Orders in Council as aforesaid, or to the Laws of *England*, notwithstanding; and such Judges shall and they are hereby required, in any such Representation as aforesaid, to state fully and at length the Grounds of such their Opinions; which Representation shall be forthwith transmitted by such Governor to His Majesty through One of His Majesty's Principal Secretaries of State.

XXIII. And be it further enacted, That the Governor for the Time being of the said Colonies respectively shall in Person preside at all the Meetings of the said respective Legislative Councils, except when prevented by Illness or some other adequate Cause; and that in his Absence such other Member of the said Council as His Majesty shall be pleased to appoint shall preside at such Meetings; and that such Governor or presiding Member shall be entitled to vote upon all Questions proposed at any such Meeting, and when the Votes are equally divided shall also have an additional or casting Vote.

Governor to preside at Sittings of Council.

XXIV. Provided also, and be it further enacted, That all Laws and Statutes in force within the Realm of *England* at the Time of the passing of this Act, (not being inconsistent herewith, or with any Charter or Letters Patent or Order in Council which may be issued in pursuance hereof,) shall be applied in the Administration of Justice in the Courts of *New South Wales* and *Van Diemen's Land* respectively, so far as the same can be applied within the said Colonies; and as often as any Doubt shall arise as to the Application of any such Laws or Statutes in the said Colonies respectively, it shall be lawful for the Governors of the said Colonies respectively, by and with the Advice of the Legislative Councils of the said Colonies respectively, by Ordinances to be by them for that Purpose made, to declare whether such Laws or Statutes shall be deemed to extend to such Colonies, and to be in force within the same, or to make and establish such Limitations and Modifications of any such Laws and Statutes within the said Colonies respectively as may be deemed expedient in that Behalf: Provided always, that in the meantime, and before any such Ordinances shall be actually made, it shall be the Duty of the said Supreme Courts, as often as any such Doubts shall arise upon the Trial of any Information or Action, or upon any other Proceeding before them, to adjudge and decide as to the Application of any such Laws or Statutes in the said Colonies respectively.

Laws of *England* to be applied in the Administration of Justice.

XXV. Provided also, and be it further enacted, That the said Governors and Councils shall not impose any Tax or Duty, except only such as it may be necessary to levy for local Purposes; and the Purposes for which every such Tax or Duty may be so imposed, and to or towards which the Amount thereof is to be appropriated and applied, shall be distinctly and particularly stated in the Body of every Law or Ordinance imposing every such Tax or Duty.

Governors and Councils not to impose Taxes, except for local Purposes.

XXVI. And

XXVI. ' And Whereas an Act was made in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act to stay Proceedings against any Governor or other Person concerned in imposing and levying Duties in New South Wales; to continue, until the First Day of January One thousand eight hundred and twenty-one, certain Duties; and to empower the said Governor to levy a Duty on Spirits made in the said Colony*: And Whereas the said Act hath been continued from time to time by divers Acts of Parliament, and was varied and altered by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to continue, until the First Day of January One thousand eight hundred and twenty-four, an Act passed in the Fifty-ninth Year of His late Majesty, relating to imposing and levying Duties in New South Wales; to authorize the imposing and levying other Duties on Goods imported into the said Colony; and to suspend, for Ten Years, the Payment of Duty on the Importation of certain Goods the Produce of New South Wales*; and it is expedient that the said Act of the Fifty-ninth Year of the Reign of His said late Majesty King George the Third should be made perpetual: Be it therefore enacted, That the said Act passed in the Fifty-ninth Year of His said late Majesty King George the Third shall be and the same is hereby made perpetual; and that nothing in this Act contained shall extend or be construed to extend to repeal, alter, or affect the said last-mentioned Act, or the said Act passed in the Third Year of the Reign of His present Majesty; any thing herein contained to the contrary in anywise notwithstanding.

59 G. 3. c. 114. and 3 G. 4. c. 96. allowing certain Powers of Taxation to the Governor, made perpetual.

Powers vested in Governors by former Acts to continue.

Produce of Duties to be applied as Governor may appoint by any Law or Ordinance.

Laws and Ordinances to be transmitted to His Majesty's Secretary of State.

XXVII. Provided nevertheless, and be it further enacted, That all and every the Powers and Authorities vested by the said Acts, or either of them, in the Governor of *New South Wales*, or the Person administering the Government thereof, shall henceforward be vested in and exercised by the Governors of *New South Wales* and *Van Diemen's Land* respectively, acting with the Advice and Consent of the respective Legislative Councils of the said Colonies; and that the Produce of the several Duties imposed and made payable under or by virtue of the said Acts of Parliament, or either of them, or under and by virtue of this Act, shall be applied in such Manner and to such Purposes as the said Governors and Councils may from time to time by any such Law or Ordinance appoint, and the Application thereof shall be accounted for to His Majesty in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall appoint.

XXVIII. And be it further enacted, That every Law or Ordinance so to be made as aforesaid shall, within Six Months from the Date thereof, be transmitted by the Governors for the Time being of the said Colonies respectively to One of His Majesty's Principal Secretaries of State for the Time being; and that it shall and may be lawful for His Majesty, His Heirs and Successors, from time to time, as He or They shall think necessary, to signify, through One of His or Their Principal Secretaries of State, His or Their Approbation or Disallowance of all such Laws and Ordinances; and that from and immediately after the Time when such Disallowance shall be published in the said Colonies respectively,

respectively, by Proclamation to be for that Purpose issued by the said Governors, all such Laws and Ordinances shall be null and void; but in case His Majesty, His Heirs and Successors, shall not, within the Space of Four Years from the making of such Laws and Ordinances, signify His or their Disapprobation or Disallowance thereof as aforesaid, then and in that Case all such Laws and Ordinances shall be valid and effectual and have full Force.

XXIX. Provided also, and be it further enacted, That all Laws and Ordinances to be made in the said Colonies respectively, and all Orders to be made by His Majesty, His Heirs and Successors, with the Advice of His and Their Privy Council, in pursuance of this Act, shall be laid before both Houses of Parliament within Six Weeks at latest next after the Commencement of each Session.

Laws and Ordinances to be laid before Parliament.

XXX. And be it further enacted, That the Members for the Time being of the said Councils respectively shall, by virtue of such their Office, be Justices of the Peace in and for the whole of the said Colonies of *New South Wales* and *Van Diemen's Land* respectively, and their Dependencies; and the said Members of the Council shall, before they enter upon and discharge the Duties of such their Office, severally take and subscribe, before and in the Presence of the Governor or Acting Governor thereof for the Time being, an Oath in the following Words; that is to say,

Members of the Council to be Justices of the Peace.

Members to take the following Oath.

‘ I Do swear, That I will, to the best of my Judgment and Ability, faithfully advise and assist the Governor of the Colony of *New South Wales* and its Dependencies [or *Van Diemen's Land* and its Dependencies] in all such Matters as shall be brought under my Consideration as a Member of the Council of the said Colony. ‘ So help me GOD.’

XXXI. And be it further enacted, That in case of the Death, Resignation, Absence, or Incapacity of any Member or Members of the said Legislative Councils, the Governors of the said Colonies respectively shall and may appoint some fit and proper Person to act in the Place and Stead of such Person or Persons, until the Vacancy or Vacancies so created shall be filled up by an Appointment to be made by His Majesty, His Heirs and Successors, in manner aforesaid.

In case of Death or Resignation of Members of Council, Governors may fill up Vacancies.

XXXII. ‘ And Whereas by an Act passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intitled *An Act for enabling His Majesty to authorize the Governor or Lieutenant Governor of such Places beyond the Seas, to which Felons or other Offenders may be transported, to remit the Sentences of such Offenders*, after reciting several Orders made by His Majesty, with the Advice of His Privy Council, whereby His Majesty had declared and appointed that the Eastern Coast of *New South Wales*, and the Islands thereunto adjacent, should be the Place or Places beyond Sea to which certain Felons and other Offenders should be conveyed and transported, it was enacted, that it should be lawful for His Majesty, by His Commission under the Great Seal, to authorize the Governor or Lieutenant Governor for the Time being of such Place or Places as aforesaid, by any Instrument in Writing under the Seal of the Government

' Government in which such Place or Places should be situated,
 ' to remit, either absolutely or conditionally, the Whole or any
 ' Part of the Time or Term for which any such Felons or Offenders
 ' should have been or should thereafter be respectively conveyed
 ' or transported to such Place or Places; and it was further
 ' enacted, that such Governor or Lieutenant Governor should,
 ' by the first Opportunity, transmit to One of His Majesty's Prin-
 ' cipal Secretaries of State Duplicates of every Instrument as
 ' aforesaid, and that the Names of such Felons or other Offenders
 ' respectively, which should be contained in such Duplicate,
 ' should be inserted in the next General Pardon which should
 ' pass under the Great Seal of *Great Britain* after the Receipt of
 ' such Duplicates: And Whereas in virtue of the said Act, and
 ' of His Majesty's Commission under the Great Seal, the Go-
 ' vernors of *New South Wales* for the Time being have from
 ' time to time remitted the Time or Term for which divers
 ' Felons and other Offenders have been transported to the said
 ' Places, but the Duplicates of the several Instruments by which
 ' such Times or Terms of Transportation were remitted have not
 ' been regularly transmitted to *England*, and the Names of the
 ' Felons or other Offenders respectively therein contained have
 ' not been inserted in any General Pardon under the Great Seal
 ' of *Great Britain* : ' Be it further enacted, That all Instruments
 in Writing made in conformity with the said Act before the First
 Day of *January* One thousand eight hundred and twenty-four,
 whereby any Governor or Lieutenant Governor of *New South
 Wales* for the Time being remitted or shortened the Time or Term
 of Transportation of any Felons or Offenders as aforesaid, shall
 have and shall be deemed and taken to had have within *New
 South Wales* and *Van Diemen's Land*, and their Dependencies,
 from the Days of the respective Dates of such several Instru-
 ments, such and the like Force and Effect in the Law, to all Intents
 and Purposes, as any General Pardon, if passed under the Great
 Seal aforesaid, and including the Names of such Felons or other
 Offenders respectively, could or would have had; and the same
 Instruments, whenever they shall be ratified by His Majesty, if
 His Majesty shall be pleased to ratify the same, and such Rati-
 fication shall be notified in Writing by One of His Majesty's Prin-
 cipal Secretaries of State, shall have the same Force and Effect
 within this Realm, and all other His Majesty's Dominions, from
 the Days of the respective Dates of such several Instruments, or
 from such other Days as shall be expressed in such Ratifications
 respectively.

Remission of
 Sentence by
 Governor to
 have full Force
 and Effect,
 although not
 included in
 a General
 Pardon.

Regulations as
 to Remissions
 of Sentences of
 Transportation.

XXXIII. And be it further enacted, That all Instruments in
 Writing, whereby any Governor of *New South Wales* or *Van
 Diemen's Land* respectively shall hereafter remit or shorten the
 Time or Term of Transportation of any Felons or other Offenders,
 in pursuance of the said Act passed in the Thirtieth Year of the
 Reign of His said late Majesty King *George* the Third, shall by
 such Governor be transmitted to His Majesty, His Heirs and
 Successors, for His and Their Approbation or Allowance; and in
 case His Majesty, His Heirs and Successors, shall, through One
 of His or Their Principal Secretaries of State, signify His or Their
 Approbation or Allowance of any such Remission or shortening
 of

of any such Time or Term of Transportation as aforesaid, then and in such Case only every such Instrument so transmitted as aforesaid shall be valid and effectual, and shall have and shall be deemed and taken from the Date thereof to have had within *New South Wales* and the Dependencies thereof, but not elsewhere, such and the same Effect in the Law, to all Intents and Purposes, as if a General Pardon had passed under the Great Seal aforesaid, on the Days of the Dates of such Instruments respectively, in which the Names of such Felons or Offenders as aforesaid had been included.

XXXIV. And be it further enacted and declared, That any Person or Persons who shall in any Manner contrive, aid, abet, or assist in the Escape or intended Escape from any Part of *New South Wales* or *Van Diemen's Land*, or the Dependencies thereof, of any Person or Persons there being under or by virtue of any Judgment or Sentence of Transportation, for any Term not then expired, or of any Judgment or Sentence pronounced in any Court of competent Jurisdiction in the said Colony or its Dependencies, is, and is and are and shall be and be deemed and taken to be, guilty of a Misdemeanor, and shall incur and be liable to a Fine not exceeding Five hundred Pounds, or to Imprisonment for any Time not exceeding Two Years, or to both, at the Discretion of the Court before which any such Person or Persons may be convicted; and such Misdemeanor shall and may be tried and enquired of by the Supreme Courts of *New South Wales* or of *Van Diemen's Land* respectively, or by His Majesty's Court of King's Bench at *Westminster*, or by any Court of Record in any of His Majesty's Colonies, Plantations, or Foreign Dominions.

XXXV. And be it further enacted, That it shall and may be lawful for any Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry or other Labourer, not being under the Age of Eighteen Years, by Indenture duly executed, and without a Stamp, to contract with any Person or Persons about to proceed to or actually resident in *New South Wales* or *Van Diemen's Land*, or the respective Dependencies thereof, or with the Agent or Agents of such Person or Persons, faithfully to serve, or to proceed to and faithfully serve such Person or Persons in the said Colonies, or the respective Dependencies thereof, for any Period not exceeding the full Term of Seven Years, to be computed from the Day of the Date of such Indenture.

XXXVI. And be it further enacted, That it shall and may be lawful for any Person or Persons with whom such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, shall have so contracted to serve as aforesaid, to maintain an Action on the Case against any Person or Persons who shall employ, retain, harbour, or conceal any such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with Intent to deprive the Employer of any such Person or Persons of his, her, or their Services, or otherwise with Intent to defraud or injure such Employer; and in case the Plaintiff or Plaintiffs in any such Action shall recover a Verdict, he, she,

Penalty for aiding Escape of Felons from *Van Diemen's Land* or *New South Wales*.

Artificers, &c. may bind themselves to serve for certain Periods.

Persons to whom Artificers are bound may bring Actions against Parties concealing or harbouring such Artificers.

or they shall, in addition to the Damages found by such Verdict, recover and have Treble Costs.

Court of Sessions or Justices of the Peace may punish Violation of Indenture.

XXXVII. And be it further enacted, That it shall and may be lawful for the Court of Sessions, or any Two or more Justices of the Peace in *New South Wales* or *Van Diemen's Land*, or the respective Dependencies thereof, upon Complaint made upon Oath, to punish by Fine or Imprisonment, or both, any wilful Violation of the Provisions of such Indentures as aforesaid by, or any Misdemeanor, Miscarriage, or Ill-behaviour of, such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, in such his Service or Employment as aforesaid; and also to hear and determine all Complaints, Differences, and Disputes which shall happen and arise between any such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, and the Person or Persons whom he or she shall have so contracted to serve as aforesaid, and to make such Order or Award in every such Case as to such Courts of Sessions or Justices respectively shall seem just, and every such Order or Award to enforce by Execution against the Goods, Effects, or other Property of the Party or Parties against whom such Order or Award shall be made, or by Arrest of the Persons, and Imprisonment for any Time not exceeding Three Calendar Months.

Not to affect Contracts entered into by Artificers with Australian Company.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall invalidate or be construed to invalidate any Contract which shall have been heretofore entered into by any Artificer, Handicraftsman, Clerk, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with any Person or Persons, Body Politic or Corporate, in pursuance or by virtue of the said Act passed in the Fourth Year of His Majesty's Reign, or in pursuance or by virtue of an Act passed in the Fifth Year of His Majesty's Reign, intituled *An Act for granting certain Powers and Authorities to a Company to be incorporated by Charter, to be called "The Australian Agricultural Company," for the Cultivation and Improvement of Waste Lands in the Colony of New South Wales, and for other Purposes relating thereto*; or in pursuance or by virtue of an Act passed in the Sixth Year of His Majesty's Reign, intituled *An Act for granting certain Powers and Authorities to a Company to be incorporated by Charter, to be called "The Van Diemen's Land Company," for the Cultivation and Improvement of Waste Lands in His Majesty's Island of Van Diemen's Land, and for other Purposes relating thereto*; and all such Artificers, and other Persons or Person as aforesaid, having entered into any such Contract as aforesaid, shall be subject and liable to be proceeded against in such and the same Manner as is provided in like Cases in and by this Act; and in case of any such Artificers or other Persons as aforesaid being employed, retained, harboured, or concealed by any Persons or Person in the said Colony, it shall be lawful for any Persons or Person, Body Politic or Corporate, with whom such Contract shall have been entered into, to bring and maintain such and the like Actions against the Persons or Person so employing, retaining, harbouring, or concealing them or him, as may be brought and maintained in such and the like Cases under and by virtue of this Act.

5 G. 4. c. 86.

6 G. 4. c. 39.

XXXIX. And

XXXIX. And be it further enacted, That this Act shall commence and take effect in the said Colonies of *New South Wales* and *Van Diemen's Land* respectively upon and from the First Day of *March* One thousand eight hundred and twenty-nine, and from and after that Day the said Act so passed as aforesaid in the Fourth Year of His Majesty's Reign shall be and the same is hereby repealed.

Commencement of Act.

XL. And be it further enacted and declared, That for the Purposes and within the Intent and Meaning of this Act, the Officers for the Time being administering the Government of the said Colonies respectively shall, in the Absence of the Governors thereof respectively, be deemed and taken to be the Governors of such Colonies respectively.

In the Absence of the Governors, the other Officers to act as such.

XLI. And be it further enacted, That this Act shall continue and be in force until the Thirty-first Day of *December* in the Year One thousand eight hundred and thirty-six, and thenceforward until the End of the next ensuing Session of Parliament.

Continuance of Act.

C A P. LXXXIV.

An Act to continue an Act for amending and consolidating the Laws relating to the Abolition of the Slave Trade.

[25th July 1828.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, it is amongst other Things enacted, that it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order or Orders to be by Him or Them from time to time issued, with the Advice of His or Their Privy Council, to authorize and permit, until the Thirty-first Day of *July* One thousand eight hundred and twenty-seven, and to the End of the next ensuing Session of Parliament, and no longer, the Removal of any Slaves from any Island in the *West Indies* belonging to or in the Possession of His Majesty, to any other Island in the *West Indies* belonging to or in the Possession of His Majesty, in case it shall be made appear to His Majesty, His Heirs and Successors, and His or Their Council, that such Removal is essential to the Welfare of the Slaves proposed to be so removed; and it is thereby provided, that it shall and may be lawful for His Majesty, His Heirs and Successors, by any such Order or Orders as aforesaid, to make and establish such Stipulations, Conditions, and Regulations, for the Benefit of such Slaves in the Island to which they may be so removed, as to His Majesty, His Heirs and Successors, with the Advice of His or Their Council, may seem meet, and to take Security in Double the Value of the Slaves so to be removed (such Value to be estimated according to the Price of Slaves in the Island to which such Slaves are to be taken), by Bond or Recognizance to be made and entered into by the Person or Persons to or on the Application of whom such Licence may be granted, with at least Two sufficient Sureties, for the due and faithful Observance and Performance of all such Stipulations, Conditions, and Regulations as aforesaid; and all Orders in Council to be so issued as aforesaid shall be

5 G. 4. c. 115.

‘ be laid before both Houses of Parliament within Six Weeks
 ‘ next after the Commencement of each Session: And Whereas
 ‘ it is expedient that the Powers so vested as aforesaid in His
 ‘ Majesty in Council, by the said recited Act, should be still fur-
 ‘ ther continued;’ Be it therefore enacted by the King’s most
 ‘ Excellent Majesty, by and with the Advice and Consent of the
 ‘ Lords Spiritual and Temporal, and Commons, in this present
 ‘ Parliament assembled, and by the Authority of the same, That
 ‘ the Powers so vested as aforesaid in His Majesty in Council, in
 ‘ and by the said recited Act, shall continue and be vested in His
 ‘ Majesty in Council, in such and the same Manner, and subject to
 ‘ all such and the same Conditions and Regulations, as in the said
 ‘ Act are provided and contained, until the Thirty-first Day of *July*
 ‘ One thousand eight hundred and twenty-nine, and further until
 ‘ the End of the then next Session of Parliament, if Parliament
 ‘ be then sitting, and no longer.

The Powers
 vested in His
 Majesty by the
 recited Act
 continued to
 31 July 1829.

II. ‘ And Whereas it is by the said Act amongst other Things
 ‘ provided, that where Two or more Islands are comprized in the
 ‘ same Colonial Government, nothing therein contained shall pre-
 ‘ vent or be construed to prevent any Proprietor of Slaves, law-
 ‘ fully being in any One of such Islands, from carrying away or
 ‘ removing such Slaves to any other Island within the same
 ‘ Government, for the Purpose of cultivating any Estate or Plant-
 ‘ ation belonging to such Proprietor himself; provided that such
 ‘ special Purpose of the Removal shall previously be made to
 ‘ appear to the Satisfaction of the Governor or Lieutenant Go-
 ‘ vernor, or other Person having the chief Civil Command for the
 ‘ Time being within such Government, who thereupon shall and
 ‘ may grant a Licence for such Removal, specifying therein the
 ‘ special Cause thereof; but it is enacted, that before any Slave
 ‘ or Slaves shall, by virtue of any such Licence, be so removed
 ‘ or embarked on board of any Ship or Vessel for that Purpose,
 ‘ such Clearances or Permits, and such Certificates, shall be
 ‘ obtained as are hereinafter mentioned and directed in regard to
 ‘ Domestic Slaves attending on their Owner or Master or his
 ‘ Family by Sea; and it is by the said Act further provided,
 ‘ that nothing therein contained shall prevent any Slave, who
 ‘ shall be really and truly the Domestic Servant of any Person
 ‘ residing or being in any Island, Colony, Plantation, or Ter-
 ‘ ritory, belonging to or under the Dominion or in the Pos-
 ‘ session of His Majesty, from attending such his Owner or
 ‘ Master or any Part of his Family, by Sea, to any Place what-
 ‘ ever; nevertheless, under certain Regulations therein men-
 ‘ tioned, and especially under the Regulation that the Name and
 ‘ Occupation of every such Domestic Slave or Slaves shall be
 ‘ inserted in or indorsed upon the Clearance or Permit to depart
 ‘ of such Ship or Vessel, by or in the Presence of the Collector;
 ‘ Comptroller, or other Chief Officer of the Customs of the Port or
 ‘ Place from which such Ship or Vessel shall clear Outwards on
 ‘ any Voyage, who shall, without Fee or Reward, certify under
 ‘ his Hand that the Slave or Slaves so embarked or carried
 ‘ were reported or described to him as Domestic Servants: And
 ‘ Whereas it may be necessary to effect a Removal of Slaves,
 ‘ under the Provisions aforesaid, from Islands in which no Custom
 ‘ House

' House is established, and in such Cases it would be impossible to comply with the Regulations aforesaid respecting Clearances;' Be it therefore enacted, That it shall and may be lawful for the Governor or other Person administering the Government of any of His Majesty's Colonies, by Commission under his Hand and Seal, to appoint some fit and proper Person or Persons in any One or more Island or Islands, in any such Colony wherein no Custom House shall be established, for the special Purpose of granting such Clearances and Certificates as aforesaid; and all Clearances and Certificates to be granted by any Person or Persons appointed in manner aforesaid shall be to all Intents and Purposes as valid and effectual as if the same had been granted by any Collector, Comptroller, or other Officer of Customs, as in the said recited Act in that Behalf mentioned: Provided always, that every such Commission shall and may from time to time be revoked and renewed by any such Governor, as Occasion may require.

In Colonies where no Custom House is established, the Governor may appoint some Person to grant Clearances and Certificates for the Removal of Slaves.

C A P. LXXXV.

An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes. [25th July 1828.]

' **W**HEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, and intitled *An Act to restrain the Disposition of Lands whereby the same become unalienable*, it was amongst other Things enacted, that after the Twenty-fourth Day of *June* One thousand seven hundred and thirty-six no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, corporeal or incorporeal, whatsoever, should be given, granted, aliened, limited, released, transferred, assigned, or appointed, or anyways conveyed or settled to or upon any Person or Persons, Bodies Politic or Corporate, or otherwise, for any Estate or Interest whatsoever, or anyways charged or incumbered by any Person or Persons whatsoever, in Trust or for the Benefit of any Charitable Uses whatsoever, unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments were made by Deed indented, sealed and delivered in the Presence of Two or more credible Witnesses, Twelve Calendar Months at the least before the Death of such Donor or Grantor (including the Days of the Execution and Death), and were enrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless the same were made to take Effect in Possession, for the Charitable Use intended, immediately from the making thereof, and were without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever, for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him; but it was thereby provided, that nothing thereinbefore mentioned, relating to the Sealing and Delivery of any Deed or Deeds Twelve Calendar Months at least before the Death of the Grantor, should extend or be construed to extend to any Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments, to be made really and *bonâ fide* for a full and valuable Consideration actually paid at or before the making

9 G. 2. c. 36.

' such Conveyance, without Fraud or Collusion; and it was thereby
 ' enacted, that all Gifts, Grants, Appointments, Assurances, Trans-
 ' fers, and Settlements whatsoever, of any Lands, Tenements, or
 ' other Hereditaments, or of any Estate or Interest therein, or of
 ' any Charge or Incumbrance affecting or to affect any Lands,
 ' Tenements, or Hereditaments, to or in Trust for any Charitable
 ' Uses whatsoever, which should at any Time after the said Twenty-
 ' fourth Day of *June* One thousand seven hundred and thirty-six
 ' be made in any other Manner or Form than by the said Act was
 ' directed and appointed, should be absolutely and to all Intents
 ' and Purposes null and void: And Whereas the said Provision
 ' contained in the said recited Act, in relation to the Purchase of
 ' any Estate or Interest in Lands, Tenements, or Hereditaments,
 ' for a full and valuable Consideration, was only intended to pre-
 ' vent such Purchases from being avoided by reason of the Death
 ' of the Grantor within Twelve Calendar Months after the Seal-
 ' ing and Delivery of the Deed or Deeds relating thereto: And
 ' Whereas it has notwithstanding been generally apprehended that
 ' the said last-mentioned Provision was intended wholly to ex-
 ' empt such Purchases from the Operation of the said Act, and in
 ' consequence thereof the Formalities by the said Act prescribed,
 ' in relation to the Conveyance of Hereditaments to Charitable
 ' Uses, have in divers Instances been omitted on Purchases for
 ' a full and valuable Consideration, and by reason of such Omi-
 ' sion the Title to such Hereditaments may be considered de-
 ' fective: And Whereas it is expedient that Provision should be
 ' made for remedying such Defect in manner hereinafter men-
 ' tioned: ' May it therefore please Your Majesty that it may be
 ' enacted; and be it enacted by the King's most Excellent Ma-
 ' jesty, by and with the 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 Lands, Tene-
 ' ments, or Hereditaments, or any Estate or Interest therein, have
 ' or has been purchased for a full and valuable Consideration, in
 ' Trust or for the Benefit of any Charitable Uses whatsoever, and
 ' such full and valuable Consideration has been actually paid for the
 ' same, every Deed or other Assurance already made for the
 ' Purpose of conveying or assuring such Lands, Tenements, or
 ' Hereditaments, Estate or Interest as aforesaid, in Trust or for the
 ' Benefit of such Charitable Uses, (if made to take Effect in Posses-
 ' sion, for the Charitable Use intended, immediately from the
 ' making thereof, and without any Power of Revocation, Reserva-
 ' tion, Trust, Condition, Limitation, Clause, or Agreement whatso-
 ' ever, for the Benefit of the Grantor, or of any Person or Persons
 ' claiming under him,) shall be as good and valid, and of the same
 ' Effect, both for establishing derivative Titles, and in all other
 ' respects, as if the several Formalities by the said Act prescribed
 ' had been duly observed and performed.

Deeds relating
 to Purchase of
 Lands for
 Charitable
 Purposes to be
 valid, although
 the Formalities
 prescribed by
 the recited Act
 have not been
 duly performed.

Act not to ex-
 tend to Deeds
 avoided by Suits
 at Law.

II. Provided always, and be it further enacted, That nothing in
 this Act contained shall extend to give Effect to any Deed or other
 Assurance heretofore made, so far as the same has been already
 avoided by Suit at Law or in Equity, or by any other legal or
 equitable Means whatsoever, or to affect or prejudice any Suit at
 Law or in Equity actually commenced for avoiding any such
 Deed

Deed or other Assurance, or for defeating the Charitable Uses in Trust or for the Benefit of which such Deed or other Assurance may have been made.

III. Provided also, and be it further enacted, That nothing herein contained shall be construed to dispense with any of the said several Formalities prescribed by the said recited Act, in relation to any Deed or other Assurance which shall be made after the passing of this present Act.

~~Not to dispense with prescribed Formalities.~~

C A P. LXXXVI.

An Act to amend an Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons.

[25th July 1828.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons*, it is amongst other Things enacted, that it shall and may be lawful for the Lord Warden of the Cinque Ports and Constable of Dover Castle or his Lieutenant for the Time being, and they are thereby required, to appoint and license fit and competent Persons duly skilled as Pilots for the Purpose of conducting all Ships and Vessels, sailing, navigating, and passing from or by Dungeness, up the River Thames and Medway, to London Bridge and Rochester Bridge, and all and every the several Channels, Creeks, and Docks of the same, and from the South Buoy of the Brake to the Westward, as far as the West End of the Owers; and that all Ships and Vessels sailing, navigating, and passing as aforesaid (save and except as hereinafter provided), shall be conducted and piloted, within the Limits aforesaid, by such Pilots so appointed and licensed, and by no other Pilots or Persons whomsoever: And Whereas it is expedient that no Person belonging to the Society or Fellowship of Pilots of Dover, Deal, and the Isle of Thanet, commonly called Cinque Port Pilots, should be allowed to take charge as a Pilot of any Ship or Vessel in the River Thames above or to the Westward of the public Landing Place at Gravesend, commonly called the Town Quay (except such Pilots as having qualified themselves by actual Survey of the River Thames above Gravesend previously to the passing of this Act, shall, after the passing of this Act and before the Twenty-ninth Day of September next, be expressly licensed, by the Lord Warden of the Cinque Ports or his Lieutenant for the Time being, for that Purpose); Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of August next, any Person belonging to the said Society or Fellowship of Cinque Port Pilots (except such Pilots as shall be expressly licensed as aforesaid), who shall take charge as a Pilot of any Ship or Vessel in the River Thames above or to the Westward of the

6 G. 4. c. 125.

Cinque Port Pilots (except expressly licensed) not to take charge of Vessels to

the Westward of the public Landing Place at Gravesend, or Westward of Standgate Creek.

the said public Landing Place at *Gravesend* aforesaid, and any Person belonging to the said Society or Fellowship who shall take charge as a Pilot of any Ship or Vessel in the River *Medway* Westward of the *Standgate* Creek, shall be deemed and taken to be acting out of the Limits for which he is qualified, and beyond the Extent of his Qualification, and shall incur and become liable to all such and the same Forfeitures and Penalties as within or under the Provisions of the said Act can or may be incurred by any Pilot acting out of the Limits for which he is qualified, or beyond the Extent of his Qualification; and which Forfeitures and Penalties shall be recovered and applied in the Manner by the said Act prescribed.

C A P. LXXXVII.

An Act to continue until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, and from thence to the End of the then next Session of Parliament, an Act passed in the Sixth Year of the Reign of His present Majesty, respecting deserted Children in *Ireland*.

[25th July 1828.]

4 G. 4. c. 102.

‘ WHEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws respecting deserted Children in Ireland*, which Act was to continue in force for Two Years from the passing thereof; and by an Act of the last Session of Parliament the said Act was continued and is in force until the End of the present Session of Parliament; and it is expedient to continue the same for a further Time;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby further continued in force until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, and from thence to the End of the then next Session of Parliament.

Recited Act continued until 25th March 1829.

Sums leviable to be taken as Currency of the United Kingdom.

II. And be it further enacted, That the Sum of Five Pounds and Fifty Shillings, mentioned and referred to in the said Act of the Sixth Year of His present Majesty as leviable for the Purposes in the said Act mentioned, shall from and after the passing of this Act be taken and intended as Five Pounds and Fifty Shillings of the Currency of the United Kingdom.

C A P. LXXXVIII.

An Act to repeal certain Provisions in several Acts relating to the *Butter Trade in Ireland*. [25th July 1828.]

52 G. 3. c. 134.

‘ WHEREAS by an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the Butter Trade in Ireland*, it is amongst other Things enacted, that the Public Weigh-master or Joint Public Weigh-masters in the said Act mentioned, his or their Deputy or Deputies, is and are thereby empowered

empowered and required to make Allowance on account of Soakage as therein mentioned: And Whereas by an Act passed in the Fifty-third Year of the Reign of His said late Majesty, intituled *An Act for the further Regulation of the Butter Trade* in Ireland, it is enacted, that from and after the passing of the said Act no Person shall sell or expose to Sale any Cask or Casks within any City or Liberties thereof, Town Corporate, Place of Export, or Market Town in *Ireland*, for packing of Butter for Sale or Export, or shall make up or pack any Butter in any Cask or Casks to be exposed to Sale or for Export in such City, Town Corporate, or Market Town, or Place of Export, unless such Cask or Casks be made of good seasoned Oak or Ash, Sycamore or Beech (whereof no Part to be of Bog Timber), and shall be full bound and made tight, so that each Cask shall hold Pickle, with Head and Bottom equally dooled, and set to the Cross with good and sufficient Hoops on each Cask, all well twigged with good fresh Osier Twigs: And Whereas by an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty, intituled *An Act for the better Regulation of the Butter Trade of the City of Cork and the Liberties thereof, and for the better Regulation of the said City in the other Matters therein mentioned, and in respect to Lighters and Vessels plying for Hire, and also respecting Sedan Chairs, Coaches, and Chaises plying for Hire within the City and Liberties of the City of Cork*, it is enacted that no Person or Persons shall sell or expose to Sale any Cask or Casks within said City or Liberties, for packing of Butter, nor any rendered Hog's Lard for Sale, or shall make up or pack any Butter or rendered Hog's Lard for Sale, or shall make up or pack any Butter or rendered Hog's Lard, in any Cask or Casks to be exposed to Sale in said City or Liberties, unless such Cask or Casks be made of good seasoned Oak, Ash, Sycamore, or Beech whereof no Part to be Bog Timber, and shall be made tight so that they shall hold Pickle, with Head and Bottom equally dooled, and set to the Cross with Twelve good sufficient Hoops on each Cask, all well twigged with good fresh Osier Twigs: And Whereas by an Act passed in the Third Year of His present Majesty's Reign, intituled *An Act for amending the several Acts in force for making wide and convenient Streets, Ways, and Passages in the City of Cork and the Suburbs thereof, and for paving, cleansing, lighting, and otherwise improving the said City, and for regulating the Court of Conscience established therein*, certain other Provisions are made concerning the Firkins or Casks in which Butter is to be packed: And Whereas it is expedient to repeal so much of the said Acts as has been hereinbefore recited, of the said Fifty-second, Fifty-third, and Fortieth Years of the Reign of His late Majesty, and of the Third Year of the Reign of His present Majesty: Be it therefore and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Acts so passed as aforesaid in the Fifty-second, Fifty-third, and Fortieth Years of the Reign of His late Majesty, and

53 G. 3. c. 46.

40 G. 3. (I.)

3 G. 4. c. lxxv.

So much of former Acts as is herein recited, repealed.

in the Third Year of the Reign of His present Majesty, as is hereinbefore recited, shall be and the same is hereby repealed.

C A P. LXXXIX.

An Act for raising the Sum of Sixteen Millions and forty-six thousand eight hundred Pounds, by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty-eight. [25th July 1828.]

C A P. XC.

An Act to amend the Acts for regulating the Reduction of the National Debt. [25th July 1828.]

4 G. 4. c. 19.

‘ WHEREAS by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for further regulating the Reduction of the National Debt*, it is amongst other Things enacted, that from and after the Fifth Day of April One thousand eight hundred and twenty-three, there shall be set apart and issued at the Receipt of the Exchequers, out of the Consolidated Fund, to be placed to the Account of the Commissioners for the Reduction of the National Debt, the annual Sum of Five Millions; and the said annual Sum is thereby made chargeable on the said Fund by equal quarterly Payments in each Year, to be issued and paid from time to time into the Bank of *England* or into the Bank of *Ireland*, as therein mentioned: And Whereas it has been resolved by the Commons House of Parliament, that in lieu of the Sum now directed by the said Act of the Fourth Year of His present Majesty to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, towards the Reduction of the National Debt, there shall be issued at the Receipt of the Exchequers, out of the said Consolidated Fund, to the Commissioners for the Reduction of the National Debt, such an annual Sum as, together with the annual Interest on all Capital Stock which on the Fifth Day of July One thousand eight hundred and twenty-eight was standing in the Names of the said Commissioners, will amount to the Sum of Three Millions;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the said recited Act of the Fourth Year of the Reign of His present Majesty as directs the issuing of the said Sum of Five Millions to the said Commissioners for the Reduction of the National Debt, for the Purposes required by the said Act, shall be and the same is and are hereby repealed.

So much of recited Act as requires 5,000,000l. yearly to be applied to the Reduction of the National Debt, repealed.

In future such Sum shall be so applied as, with the Interest on the Stock held by the Commissioners on 25th July 1828,

II. And be it further enacted, That from and after the passing of this Act, and until the Fifth Day of July One thousand eight hundred and twenty-nine, unless other Provision shall in the mean time be made by Parliament, there shall be set apart and issued at the Receipt of the Exchequers, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be placed to the Account of the said Commissioners for the Reduction of the National

National Debt, to be by them applied towards the Reduction of the National Debt, such Sum of Money as, together with the Interest on all Capital Stock whatever which on the Fifth Day of July One thousand eight hundred and twenty-eight was standing in the Names of the said Commissioners, either on account of the Sinking Fund, or on account of Stock transferred to them for the Purchase of Life Annuities, shall not exceed the Sum of Three Millions; and such Sum is hereby made chargeable on the said Consolidated Fund, and shall be issued by Four equal quarterly Payments in each Year; and such quarterly Payments are hereby made chargeable on the said Consolidated Fund from and after the Fifth Day of July One thousand eight hundred and twenty-eight, and shall in future be paid from time to time either into the Bank of *England* or into the Bank of *Ireland*, in such Proportions and at such Times in each Quarter of a Year as the said Commissioners for the Reduction of the National Debt shall require, according to the Provisions and Directions of any Act or Acts in force respecting Sums issued from the said Exchequers towards the Reduction of the National Debt; and for the Purpose of ascertaining the Amount of the Interest payable on the Stock standing in the Names of the said Commissioners on the said Accounts on the Fifth Day of July One thousand eight hundred and twenty-eight, such Amount shall be certified to the Commissioners of His Majesty's Treasury and to the Auditor of the Exchequer, in Writing under the Hand of the Comptroller General or Assistant Comptroller acting under the said Commissioners for the Reduction of the National Debt.

will amount to
3 Millions a
Year, by quar-
terly Payments.

III. ' And Whereas the Sum of Five hundred thousand Pounds, Part of the quarterly Sum of One million two hundred and fifty thousand Pounds, issuable under the said recited Act of the Fourth Year of the Reign of His present Majesty, was issued out of the Consolidated Fund to the Commissioners for the Reduction of the National Debt on the Seventh Day of July One thousand eight hundred and twenty-eight, in pursuance of the said recited Act; and it is expedient that the said Sum of Five hundred thousand Pounds should be deemed and taken to be Part of the quarterly Sum of Seven hundred and fifty thousand Pounds due on the Fifth Day of July One thousand eight hundred and twenty-eight, and to be issued out of the Consolidated Fund to the said Commissioners under the Provisions of this Act; Be it enacted, That between the Day of the passing of this Act and the Tenth Day of *October* One thousand eight hundred and twenty-eight, the further Sum of two hundred and fifty thousand Pounds, in addition to the Sum of Five hundred thousand Pounds hereinbefore mentioned, shall be issued out of the said Consolidated Fund to the said Commissioners, to complete the Sum of Seven hundred and fifty thousand Pounds due on the Fifth Day of July One thousand eight hundred and twenty-eight; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

500,000*l.* paid
on the 7th July
1828, under
former Act,
shall be taken
as Part of the
Payment due
on the 5th July
under this Act.

IV. And be it further enacted, That it shall and may be lawful for the said Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, to apply from time to time, if they shall deem it expedient so to do, and

Commissioners
may apply
Money issued
under this Act

in Payment of
Exchequer
Bills.

under such Regulations as the said Commissioners shall direct, any Part or Parts of the Sums of Money which shall be placed to their Account in pursuance of this Act, or any Part of the Accumulations thereof, in the Purchase of Exchequer Bills held by any Person or Persons or any Body Politic or Corporate whatever; any thing in any Act or Acts to the contrary thereof in anywise notwithstanding.

Exchequer
Bills so pur-
chased shall
be cancelled
within Five
Days after
each Quarter.

V. And be it further enacted, That the Commissioners for the Reduction of the National Debt shall cause all Exchequer Bills purchased by them or on their Account, under the Provisions of this Act, to be delivered to the Paymasters of Exchequer Bills to be cancelled within Five Days next after the Expiration of the Quarter of the Year in which such Bills shall have been so purchased by the said Commissioners; and the said Paymasters are hereby required, upon the Delivery thereof, to cancel such Exchequer Bills accordingly.

Regulations
of 4 G. 4.,
as amended,
extended to
this Act.

VI. And be it further enacted, That the several Regulations contained in the said recited Act of the Fourth Year of the Reign of His present Majesty shall be applied in the Execution of this Act, except only so far as the same are repealed or altered by this Act.

C A P. XCI.

An Act to authorize the Advance of a certain Sum out of the Consolidated Fund for the Completion of the *Welland Canal Navigation in Upper Canada.* [25th July 1828.]

‘ WHEREAS the *Welland Canal Navigation*, for connecting the Waters of Lakes *Erie* and *Ontario* in *Upper Canada*, is a Work which, when completed, will be of great Public Utility:’ 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 the Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, to order and direct that any Sum of Money, not exceeding the Sum of Fifty thousand Pounds in the Whole, shall be lent and advanced and paid, out of the Consolidated Fund of the said United Kingdom, to the President and Directors of the Company for making the said Canal, to be applied by the said President and Directors towards defraying the Expences of completing the said Canal; and such Sum of Money shall be so lent and advanced at such Times and in such Proportions as the said Commissioners of the Treasury shall think fit and proper; and the Repayment of all Sums of Money so advanced under this Act, with Interest, within the Term of Ten Years from the passing of this Act, shall be secured by an Assignment of the Tolls and Profits of the said Canal to such Persons, in such Manner, and under such Conditions and Regulations, as the said Commissioners of the Treasury shall order and direct.

The Treasury
may advance
50,000*l.* to the
Welland Canal
Company,
Repayment of
which to be
secured by
Assignment of
the Tolls.

C A P. XCII.

An Act to consolidate and amend the Laws relating to Savings Banks. [28th July 1828.]

‘ WHEREAS it is expedient to amend the Laws relative to Savings Banks in *England* and *Ireland*, and to consolidate the same in One Act, and to make other Provisions respecting Savings Banks; 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 an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to encourage the Establishment of Banks for Savings* in *Ireland*; and also an Act passed in the same Year, intituled *An Act to encourage the Establishment of Banks for Savings* in *England*; and also an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act passed in the last Session of Parliament to encourage the Establishment of Banks for Savings* in *England*; and also an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh and Fifty-eighth Years of His late Majesty, for the Encouragement of Banks for Savings* in *England*; and also an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend the several Acts for the Encouragement of Banks for Savings* in *England* and *Ireland*; shall be and the same are hereby, from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, repealed: Provided nevertheless, that nothing herein contained shall invalidate or annul any Payments, Receipts, or Appointments made, or Proceedings had, or Bonds or Securities taken or entered into, or Drafts, Powers of Attorney, Certificates, Orders, or other Instruments whatsoever, executed under the Authority of any of the hereby repealed Acts.

II. ‘ And Whereas certain Banks for Savings have been established in *England* and *Ireland*, for the safe Custody and Increase of small Savings belonging to the industrious Classes of His Majesty’s Subjects, and it is expedient to give Protection to such Institutions and the Funds thereby established, and to afford Encouragement to others to form the like Institutions; Be it enacted, That if any Number of Persons have formed or shall form any Society in any Part of *England* or *Ireland*, for the Purpose of establishing and maintaining any Institution in the Nature of a Bank to receive Deposits of Money for the Benefit of the Persons depositing the same, to accumulate the Produce of so much thereof as shall not be required by the Depositors, their Executors or Administrators, at Compound Interest, and to return the Whole or any Part of such Deposit and the Produce thereof to the Depositors, their Executors or Administrators (deducting out of such Produce so much as shall be required for the necessary Expences attending the Management of such Institution), but deriving no Benefit whatsoever from any such Deposit or the Produce thereof, and shall be desirous of having the Benefit of the Provisions of this Act, such Persons shall cause the Rules and Regulations

Repeal of

57 G. 3. c. 106.

57 G. 3. c. 130.

58 G. 3. c. 48.

1 G. 4. c. 83.

5 G. 4. c. 62.

Not to invalidate Appointments, &c. under preceding Acts.

What Institutions shall be entitled to the Privileges and Benefits of this Act.

Regulations established or to be established for the Management of such Institution to be entered, deposited, and filed in manner hereinafter directed, and thereupon shall be deemed to be entitled to and shall have the Benefit of the Provisions contained in this Act: Provided always, that the Privilege of paying Money into the Banks of *England* or *Ireland*, and of receiving Receipts for the same, shall be and the same is hereby declared to be extended to such Institutions as may have formed or may hereafter form their Rules and Regulations according to the Provisions of this Act; and it shall and may be lawful for the Trustees of such Institutions respectively to invest any Funds already accumulated by such Institutions, and which shall not have been invested at the Time of the passing of this Act, and to receive Receipts for the same in manner authorized by this Act: Provided nevertheless, that no such Institution to be hereafter formed shall have or be entitled to the Benefits of the Provisions in this Act contained, unless the Formation of the same shall have been sanctioned and approved of by the Justices of the County, Riding, Division, or Place where such Institution is intended to be held, at the General Quarter Sessions, and by the Commissioners for the Reduction of the National Debt, or, on their Behalf, by the Comptroller General or Assistant Comptroller acting under the said Commissioners.

Banks not to be formed unless approved by Justices at Sessions and Commissioners of National Debt.

Rules of Institution to be entered in a Book, and be open to the Inspection of Depositors; and a Copy thereof deposited with Clerk of the Peace.

III. And be it further enacted, That no such Institution as aforesaid shall have the Benefit of this Act, unless the Rules and Regulations for the Management thereof 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 the Persons making Deposits in the Funds of such Institution, and unless such Rules and Regulations shall be fairly transcribed on Parchment, and such Transcript deposited with the Clerk of the Peace for the County, Riding, Division, or Place wherein such Institution shall be established; which Transcript shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, and a Certificate of the Inrolment thereof shall be signed by such Clerk of the Peace on a Duplicate Copy, to be provided by and returned to such Institution, on Payment of a Fee of Ten Shillings in respect thereof, provided the same be returned to such Institution as aforesaid within the Space of Ten Days then next following, and not otherwise; but nevertheless, nothing herein contained shall extend to prevent any Alteration in or Amendment of any such Rules or Regulations so entered and deposited and filed as aforesaid, or repealing or annulling the same or any of them, in the Whole or in Part, or making any new Rules or Regulations for the Management of such Institution, in such Manner as by the Rules and Regulations of such Institution shall from time to time be provided; but such new Rules or Regulations, or such Alterations in or Amendments of former Rules or Regulations, or any Order annulling or repealing any former Rule or Regulation, in the Whole or in Part, shall not be in force until the same respectively shall be entered in such Book or Books as aforesaid, and a Transcript or Transcripts thereof deposited with such Clerk

Not to prevent Alterations.

Alterations to be entered and deposited in like Manner.

Clerk of the Peace as aforesaid, who shall file and certify the same as aforesaid, on Payment of a Fee of Five Shillings.

IV. And be it further enacted, That before a Transcript of the Rules and Regulations, or Alterations in or Amendments of former Rules or Regulations, for the Management of any Institution requiring the Benefit of this Act, shall be deposited with the Clerk of the Peace for the County, Riding, Division, or Place wherein such Institution shall be established, pursuant to the Directions of this Act, such Transcript shall be submitted by the Trustees or Managers for the Time being of each respective Institution, and at the Expence of the said Institution, to a Barrister at Law to be appointed by the Commissioners for the Reduction of the National Debt, for the Purpose of ascertaining whether the same are in conformity to Law, and with the Provisions of this Act; and that the said Barrister shall give a Certificate thereof, or point out in what Part or Parts they are repugnant thereto; and the Fee to be paid to such Barrister for perusing the Rules, Regulations, Alterations, or Amendments of each respective Institution, and giving such Certificate as aforesaid, shall not at any one Time exceed the Sum of One Guinea; and such Transcript shall be signed by Two Trustees, and shall, together with the Certificate of such Barrister as hereinbefore mentioned, be laid before the Justices for such County, Riding, Division, or Place, at the General or Quarter Sessions next after the Time when such Transcript shall have been so deposited; and it shall be lawful for such Justices then and there present, after due Examination thereof, to reject and disapprove of any Part or Parts thereof, or to allow and confirm the said Transcript, or such Part or Parts thereof as shall be conformable to the true Intent and Meaning of this Act, without requiring the Certificate or Approval of any other Barrister: Provided always, that the said Justices shall signify such Rejection or Disapproval of any One or more of the Rules, Orders, and Regulations contained in such Transcript, by the Words "Rejected" or "Disapproved" written opposite such Rule or Rules, Order or Orders, Regulation or Regulations, and signed by the Chairman of such Sessions; and such Rule or Rules, Order or Orders, Regulation or Regulations, as shall be so rejected or disapproved, shall not be in force from the Time of such Rejection or Disapproval, any thing in this Act, or in any such Rules, Orders, and Regulations, to the contrary notwithstanding: Provided always, that the said Clerk of the Peace do, within the Space of Ten Days next after such Rejection or Disapproval, give Notice thereof in Writing to the Two Trustees of such Institution, by whom the Transcript of such Rules, Orders, and Regulations shall be signed as aforesaid; and provided always, that nothing herein contained shall be construed to require any Rule making any Alteration in the Hours of Attendance at any such Institution as aforesaid, to be laid before such Barrister as aforesaid, previous to the Inrolment thereof.

V. And be it further enacted, That all Rules and Regulations from time to time made and in force for the Management of such Institution as aforesaid, and duly entered in such Book or Books as aforesaid, and deposited with such Clerk of the Peace as aforesaid, shall be binding on the several Members and Officers

Rules and Regulations, before deposited with Clerk of the Peace, to be submitted to a Barrister.

Justices at Sessions may reject any Rules of Institutions.

Manner of signifying such Rejection.

Clerk of the Peace to give Notice of such Rejection.

Rules, when entered and deposited, to be binding on Members and Depositors.

Copy of
Transcript to
be received as
Evidence.

of such Institution, and the several Depositors therein and their Representatives, all of whom shall be deemed and taken to have full Notice thereof by such Entry and Deposit as aforesaid; and the Entry of such Rules and Regulations in such Book or Books as aforesaid, or the Transcript thereof deposited with such Clerk of the Peace as aforesaid, 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 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.

Treasurer,
Trustee, or
Manager, &c.
not to derive
any Benefit
from the Insti-
tution.

VI. And be it further enacted, That no such Institution as aforesaid shall have the Benefit of this Act, unless it shall be expressly provided by the Rules and Regulations for the Management thereof, that no Person or Persons, being Treasurer, Trustee, or Manager of such Institution, or having any Control in the Management thereof, shall derive any Benefit from any Deposit made in such Institution, save only and except such Salaries and Allowances or other necessary Expences as shall according to such Rules and Regulations be provided for the Charges of managing such Institution, and for Remuneration to Officers employed in the Management thereof, exclusive of the Treasurer or Treasurers, Trustee or Trustees, Manager or Managers, or other Persons having Direction in the Management of such Institution, who shall not directly or indirectly have any Salary, Allowance, Profit, or Benefit whatsoever therefrom, beyond their actual Expences for the Purposes of such Institution.

Treasurer, and
other Officers
intrusted with
Receipt or
Custody of
Money, to give
Security.

VII. And be it further enacted, That every Treasurer, Actuary, or Cashier, who shall be intrusted with the Receipt or Custody of any Sum of Money subscribed or deposited for the Purpose of such Institution, or any Interest or Dividend from time to time accruing therefrom, and every Officer or other Person receiving any Salary or Allowance for their Services from the Funds of any Savings Banks, unless he shall already have given good and sufficient Security, shall give good and sufficient Security, to be approved of by not less than Two Trustees and Three Managers of such Savings Banks, for the just and faithful Execution of such Office or Trust; and such Security shall be given by Bond or Bonds to the Clerk of the Peace for the County, County of a City, or County of a Town, Riding, Division, or Place, or to the Town Clerk of the 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 or Managers for the Time being of such Institution to sue upon such Bond or Bonds in the Name of such Clerk of the Peace or Town Clerk for the Time being, and to carry on such Suit at the Costs and Charges and for the Use of the said Institution, fully indemnifying and saving harmless such Clerk of the Peace or Town Clerk from all Costs and Charges in respect of such Suit; and no Bond to be so given shall be subject to or charged or chargeable with any Stamp Duty whatever.

VIII. And

VIII. And be it further enacted, That all Monies, Goods, Chattels, and Effects whatever, and all Securities for Money or other obligatory Instruments, and Evidences or Muniments, and all other Effects whatever, and all Rights or Claims belonging to or had by such Institution, 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 Depositors therein, their respective Executors or Administrators, according to their respective Claims and Interests, and after the Death 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, her, 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 or belonging to or had by such Institution; and such Person or Persons so appointed shall and may, in all Cases concerning the Property, Right, or Claim aforesaid of such Institution, sue and be sued, plead and be impleaded, in his, her, or their proper Name or Names, as Trustee or Trustees of such Institution, without other Description; and no such 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 the 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.

Effects of Institution vested in Trustees for Time being.

IX. And be it further enacted, That no Trustee or Manager shall be personally liable, except for his own Acts and Deeds, nor for any thing done by him in virtue of his Office in the Execution of this Act, except in Cases where he shall be guilty of wilful Neglect or Default.

Liability of Trustees, &c.

X. And be it further enacted, That all and every Person and Persons who shall have or receive any Part of the Monies, Effects, or Funds of or belonging to such Institution, or shall in any Manner have been or shall be intrusted with the Disposition, Management, or Custody thereof, or of any Securities, Books, or Papers, or Property relating to the same, his, her, or their Executors, Administrators, and Assigns respectively, shall, upon Demand made in pursuance of any Order of not less than Two Trustees and Three Managers of such Institution, or at any General

Treasurer and Trustees, &c. to account and deliver up Effects when required.

neral Meeting of the Trustees or Managers thereof, give in his, her, or their Account or Accounts to the said Trustees or Managers, or to such General Meeting of such Institution, or to such other Person or Persons who shall be nominated to receive the same, to be examined and allowed or disallowed by the said Trustees or Managers respectively, and shall, on the like Demand, pay over all the Monies remaining in his or their Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property, in his or their Hands or Custody, to such Person or Persons as the said Trustees or Managers shall appoint; and in case of any Neglect or Refusal to deliver such Account, or to pay over such Monies, or to assign, transfer, or deliver such Securities, Effects, Funds, Books, Papers, or Property, in manner aforesaid, it shall be lawful to and for the Trustee or Trustees of such Institution for the Time being to exhibit a Petition to the Justices of the Peace, at their General or Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Institution shall be established, who shall and may proceed thereupon in a summary Way, and make such Order therein, upon hearing all Parties concerned, as to such Court in their Discretion shall seem just, which Order shall be final and conclusive; and all Assignments, Sales, and Transfers made in pursuance of such Order shall be good and effectual in Law to all Intents and Purposes whatsoever.

Trustees of Savings Banks shall invest all Money in the Banks of England or Ireland, and not in any other Security.

XI. And be it further enacted, That the several Sums of Money belonging to any Savings Bank, which the Trustees of such Savings Bank respectively are authorized to invest under this Act, or under any Rules or Regulations of any such Savings Banks, shall be paid into and invested in the Bank of *England* or the Bank of *Ireland*, as the Case may require, in the Names of the Commissioners for the Reduction of the National Debt, according to the Provisions of this Act enabling such Trustees to make Investments in the Names of the said Commissioners; and no such Sum or Sums shall be paid or laid out by the Trustees of such Savings Bank in any other Manner or upon any other Security whatever, except such Sums of Money as from time to time shall necessarily remain in the Hands of the Treasurer or Treasurers to answer the Exigencies thereof: Provided always, that nothing herein contained shall restrain or prevent any Depositor, or any Trustee or Trustees acting on behalf of any Depositor or Depositors of any Friendly Society, or any charitable or provident Institution or Society, from withdrawing from any such Savings Bank any Sum or Sums of Money which shall have been deposited by such Depositor, Friendly Society, charitable or provident Institution or Society, and investing the same in any other Securities: Provided always, that the Trustees of any Institution already established, or which shall take the Benefit of this Act in manner hereinbefore provided, shall be and they are hereby empowered to pay into the Banks of *England* or *Ireland*, as the Case may be, any Sum or Sums of Money, not being less than Fifty Pounds, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustees of such Institution, or any Two or more of them, that such Monies belong exclusively to the Institution for which such Payment

Not to prevent Depositors from withdrawing their Money from Savings Banks.

Trustees empowered to pay into the Banks of England or Ireland any Sum not less than 50*l.* to the Account of the Commissioners for the Reduction of the National Debt.

ment is intended to be made, whether such Monies shall have been deposited therein before the passing of this Act, or thereafter shall be deposited therein; and the Cashier or Cashiers of the Banks of *England* and *Ireland* respectively are hereby required to receive all such Monies, and to place the same into the Account raised in the Names of the said Commissioners in the Books of the Banks of *England* and *Ireland* respectively, denominated "The Fund for the Banks for Savings:" Provided always, that previous to any Payment being made into the Banks of *England* or *Ireland* as aforesaid, the Person or Persons applying for that Purpose shall in all Cases produce to the Officer of the said Commissioners, at their Office in *London* or *Dublin*, as the Case may be, an Order under the Hands of Two of the Trustees of such Institution on the Account of which such Payment is to be made.

Previous to Payments, an Order of Two Trustees to be produced.

XII. Provided always, That nothing in this Act contained shall extend to prevent the Trustees of any Savings Bank, already established or to be established, receiving any Sum or Sums of Money from any Depositor for any Purpose except to be paid into the Bank to the Account of the Commissioners for Redemption of the National Debt; and that it shall be lawful for such Trustees to apply any such Sum or Sums of Money in any other Manner for the Benefit of the several Depositors, according to the Rules and Regulations of such Savings Banks respectively; any thing in this Act contained to the contrary notwithstanding.

Not to prevent Trustees from receiving Money to be applied in any other Manner.

XIII. And be it further enacted, That in Cases where any Banks for Savings have been or shall be established in any Town or Place, and other smaller Banks have been or shall be established in the Neighbourhood of such Town or Place as Branch Banks thereof, and such Branch Banks, by their Treasurers, have paid or shall pay any Sums into the Bank in any such Town or Place as a Central Bank, it shall and may be lawful for the said Trustees, or any Two of them, of any such Central Bank, to pay into the Bank of *England* or *Ireland*, in manner prescribed by this Act, along with the Monies belonging to such Central Bank, any Sum or Sums of Money belonging to and on account of any such Branch Bank: Provided always, that the Treasurer of such Branch Banks shall certify to the Treasurer of such Central Bank, that the Amount contributed by any One Subscriber to any such Branch Bank in any One Year does not exceed the Proportions authorized by this Act.

Central Banks may invest the Money of Branch Banks.

XIV. And be it further enacted, That if any Order or Declaration produced to the said Officer for the Purpose of paying Monies into the Banks of *England* or *Ireland*, to the Account of the said Commissioners as aforesaid, shall contain any Matter or Thing which be false or untrue, then and in every such Case the Sum so paid shall be forfeited to the said Commissioners.

Penalties on false Declaration to obtain Receipts.

XV. And be it further enacted, That the said Commissioners shall cause all the Monies paid into the Banks of *England* and *Ireland* respectively, and placed to their Account in pursuance of the Provisions of this Act, to be invested from time to time, under such Regulations as the said Commissioners shall direct, in the Purchase of Bank Annuities or Exchequer Bills, or in either of them, in their Names, and to be carried to the Account herein

Monies paid in one Savings Bank Account to be invested in Bank Annuities or Exchequer Bills.

before

before provided; and the Interest which shall arise from time to time and become due thereon shall in like Manner be invested in the Purchase of Government Annuities or of Exchequer Bills as aforesaid.

On Payment of Money into the Bank to the Account of National Debt Commissioners, their Officer shall give a Receipt for the same, carrying Interest at $2\frac{1}{2}$ d. per Cent. per Diem.

XVI. And be it further enacted, That on the Twentieth Day of *November* One thousand eight hundred and twenty-eight, the Interest payable on the Receipts issued to the Trustees of Savings Banks by the Commissioners for the Reduction of the National Debt shall cease; and that from and after the said Twentieth Day of *November*, all Receipts issued prior to that Day shall carry Interest at the Rate of Two-pence Halfpenny *per Centum per Diem*; and that from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, upon the Payment of any Sum or Sums of Money into the Banks of *England* or *Ireland* to the Account of the said Commissioners by the Trustees of any Savings Bank, it shall be lawful for the Officer or Officers of the said Commissioners in that Behalf, and he and they is and are hereby authorized and empowered, to issue, upon every such Payment being made, a Receipt, signed by One of the Cashiers of the Governor and Company of the Bank of *England* or *Ireland* respectively, for the Amount of such Payment, carrying Interest at the Rate of Two-pence Halfpenny *per Centum per Diem* from the Day of such Payment inclusive, payable, with the Principal, at the Banks of *England* and *Ireland*, whenever the same shall be required or drawn for in manner directed by this Act; and such Receipt shall be dated on the Day on which the Payment of any such Sum or Sums of Money shall be made respectively; and every such Receipt shall be in such Form as shall be from time to time directed by the said Commissioners; and the Principal and Interest of all Sums mentioned in any Receipt shall be charged and chargeable upon, and the same are hereby charged and made payable out of, all or any Monies standing in any Account in the Names of the said Commissioners, or out of any Monies produced by the Sale of any Stock or Annuities, Funds or Exchequer Bills, standing in their Names in the Books of the Bank of *England* and *Ireland* respectively, as the said Commissioners shall from time to time direct.

Interest due on Money mentioned in Receipt to be calculated half-yearly up to 20th Nov. and 20th May, and carried to Account of Savings Bank as additional Principal.

XVII. And be it further enacted, That all Interest which shall become due and payable upon any Sum of Money mentioned in any such Receipt, upon the Twentieth Day of *November* and the Twentieth Day of *May* in every Year next after the Date of any such Receipt, shall be from time to time calculated and computed by the Officer of the said Commissioners, and shall in each and every Year be placed to the Credit of the Savings Bank on whose Account any such Sum of Money was paid, within Six Weeks from such Twentieth Day of *November* and Twentieth Day of *May* respectively, and shall be carried to and written on the Account of such Savings Bank, and shall become Principal, and shall from thenceforth carry Interest as Principal Money paid into the said Banks of *England* or *Ireland* respectively on the Account of such Savings Bank; and a Receipt, according to such Form as the said Commissioners shall approve, shall be signed by the Officer of the said Commissioners, and shall be issuable by the said Officer half-yearly within Six Weeks after such Twentieth Day of *November*

ber and Twentieth Day of *May* respectively (and such Receipts shall bear Date the Twenty-first Day of *November* and Twenty-first Day of *May* respectively), for the Amount of such Interest so credited and made Principal as aforesaid, as if the Amount thereof had been a Payment made by the Trustees of such Savings Bank to the Account of the said Commissioners: Provided always, that no Interest shall be computed or calculated on the fractional Part of a Pound, or any Sum less than a Pound, of the half-yearly Balance standing in the Books of the said Commissioners on account of any Savings Bank on any Twentieth Day of *November* or Twentieth Day of *May* respectively: Provided also, That it shall be lawful for the Managers and Trustees of any such Savings Bank, if they shall so think fit, to direct that all Interest which shall become due and payable to each Depositor on any Sum of Money deposited in such Savings Bank shall yearly, or Twice in each and every Year, be calculated and computed by the Trustees of such Savings Bank, or such Person or Persons as they shall appoint, and shall be carried to the Credit of the Person or Persons depositing the said Sum or Sums of Money, and shall become Principal, and shall from thenceforth carry Interest in all respects as other Principal Money deposited in the said Banks, or as if the said Sum of Interest so calculated had actually been paid to the said Depositors, and by them repaid to the said Trustee or Trustees; any Law, Statute, or Usage to the contrary notwithstanding.

XVIII. And be it further enacted, That before any Trustees of any Savings Bank shall make any Order or Draft for Payment, by the said Commissioners, of any Sum or Sums of Money under this Act, the Trustees of such Savings Bank shall make, give, sign, and execute an Appointment under the Hands and Seals of not less than Two of such Trustees, and the Execution of which shall be attested by Two Managers of the same Savings Bank, empowering and authorizing some Person or Persons named in such Appointment to be Agent or Agents for receiving all and every such Sum and Sums of Money as such Trustees shall from time to time require to be paid by such Commissioners; and every such Appointment shall be produced by or on behalf of the Person or Persons named therein to the Officer of the said Commissioners, Fourteen Days at least before the Payment of any Sum or Sums of Money on account of such Savings Bank, and such Appointment shall remain deposited in the Office of such Officer; and every such Appointment shall be made in such Form, and under such Regulations, as shall from time to time be directed or required or approved of by the said Commissioners or their Officer: Provided always, that it shall and may be lawful for the Trustees of any Savings Bank by whom any such Appointment shall be made, given, signed, and executed, or for the Survivors or Survivor of such Trustees, to revoke such Appointment by any Certificate or other Instrument under the Hands and Seals or Hand and Seal of such Trustees or Trustee, attested by Two Managers of such Savings Bank, and in such Form and under such Regulations as shall be directed or required or approved of by the said Commissioners or their Officer; and in case of the Decease of every such Trustee except One, it shall and may be lawful for the surviving Trustee, together with any other Trustee or Trust-

No Interest on fractional Parts of a Pound.

Interest arising to Depositors may be calculated yearly or Twice a Year, and carried to their Credit as Principal.

Before drawing for Money, Trustees shall sign Appointment of Agent to receive the same, which Appointment shall be deposited with Commissioners.

Appointments may be revoked, and others granted from time to time.

tees, being not less than Two, of the said Savings Bank, and in case of the Decease of all such Trustees, or in case all such Trustees shall decline or refuse to act, it shall and may be lawful for not less than Two other Trustees of the said Savings Bank, from time to time to make, give, and execute an Appointment in manner aforesaid, re-appointing the Person or Persons named in such Appointment, or any other Person or Persons in his or their Room or Stead, to be the Agent or Agents of such Trustees; and every such Certificate or Instrument of Revocation, and every such new Appointment, shall be produced to the Officer of the said Commissioners by the Person or Persons named in such new Appointment, Fourteen Days at least before the Payment of any Sum or Sums of Money to the Person or Persons named in such new Appointment, and shall remain deposited in the Office of such Officer.

Trustees may draw for the Whole or any Part of any Sum placed to their Account, by Drafts on Commissioners, which shall be indorsed by their Officer, with the Interest added thereto, and paid by Cashiers of the Bank.

XIX. And be it further enacted, That it shall and may be lawful for the Trustees of any such Savings Bank from time to time, (by any Draft or Order in Writing under the Hands of any Two Trustees of such Savings Bank, attested by Two other Trustees or Managers, or by any Two credible Witnesses, according to such Form as the said Commissioners for the Reduction of the National Debt shall from time to time direct,) to require that the Whole or any Part of the Principal Sum or Sums of Money standing in the Books of the said Commissioners to the Credit of the Trustees of such Savings Bank respectively shall be paid to such Person or Persons as such Trustees shall from time to time require, being the Agent or Agents named in some Appointment executed under this Act or the said recited Acts, and lodged with the Officers of the said Commissioners, as hereinbefore mentioned, and then remaining in force; and every such Draft or Order shall be addressed to the said Commissioners, and upon the same being produced to the Officer of the said Commissioners, the said Officer shall, within Five Days after the Production thereof, upon the Back of such Draft or Order, indorse and sign an Order, in such Form as shall or may from time to time be directed and required by the said Commissioners, for the Payment of the Sum mentioned in the Draft or Order of such Trustees, together with the Amount of all Interest due on such Sum up to the Day immediately preceding the Day of the Date of the Order of such Officer, and which Order of such Officer, previous to the issuing thereof, shall be entered and countersigned by the Clerk or other proper Officer making such Entry, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England* or *Ireland*, as the Case may be; and such Cashiers, or One of them, shall, upon the Production of such Order, pay the Sum mentioned therein to the Person or Persons mentioned in the Draft or Order of the said Trustees; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners, and to the said Governors and Company respectively; and all Payments made in pursuance of such Drafts or Orders respectively shall be deemed and taken to be Payments made by the said Commissioners to the Trustees of such Savings Banks respectively, according to the numerical Order and Priority of Date in which the original Receipts of Money deposited on account of such Savings

Savings Banks respectively shall have been issued to the Trustees thereof respectively in manner hereinbefore mentioned.

XX. Provided always, and be it further enacted, That whenever the Sum to be drawn for by the Trustees of any Savings Bank shall exceed Five thousand Pounds, the Draft or Order for that Purpose shall be signed by not less than Four such Trustees, and that the Signature of each and every of the said Four Trustees shall be separately attested by at least One Manager of such Savings Bank, or by some One other credible Person, and that any Manager or other Person attesting the Signature of any One of the said Four Trustees shall not be an attesting Witness to the Signature of any other of such Four Trustees: Provided also, that whenever the Sum or Sums drawn for by One or more Drafts by the Trustees of any Savings Bank in *England* and *Ireland* respectively, or by the Trustees of any Friendly Society in *England*, shall exceed the Sum of Ten thousand Pounds, the Amount of such Draft or Drafts (if more than One) shall not be payable or be paid by the Officer of the said Commissioners until the Expiration of Fourteen Days next after the Day when the Draft or Drafts for such Sum or Sums shall be produced to the said Officer.

XXI. Provided always, and be it enacted, That such Officer shall be and he is hereby restrained from issuing any Order or Orders for Payment as aforesaid, bearing the same Date, upon any One Day, on account of the same Savings Banks or Friendly Society, exceeding in Amount the Principal Sum of Ten thousand Pounds; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding: Provided also, that in case any One or more Trustee or Trustees of any Savings Banks who shall have made, given, signed, and executed any such Appointment, shall at any Time appear in Person at the Office of the said Commissioners in *England* or *Ireland* respectively, and require Payment of any Sum or Sums of Money which might be required by the Person or Persons authorized to receive the same by such Appointment, or if any Trustee or Trustees of any Savings Bank shall appear in Person, where no such Appointment shall have been made, and if such Trustee or Trustees so appearing shall produce a Draft or Order, signed by any Two or more Trustees of such Savings Bank, for any Sum under Five thousand Pounds, or by any Four or more Trustees for Sums exceeding Five thousand Pounds, no such Trustee or Trustees being himself or themselves a Party or Parties who signed such Draft or Order, and if the Identity of the Person of the Trustee or Trustees so appearing shall be ascertained to the Satisfaction of the said Commissioners or their Officer, it shall be lawful for the said Officer to direct Payment to be made to such Trustee or Trustees so appearing of any Sum or Sums required to be paid by such Order or Draft, in like Manner as if the Person or Persons authorized by such Appointment to receive the same had required such Payment; any thing hereinbefore contained to the contrary in anywise notwithstanding: Provided nevertheless, that notwithstanding the Payment made to such Trustees or Trustee appearing in Person, on the Appointment of such Person or Persons as aforesaid, the Appointment shall remain in full force and virtue until revoked by the Trustees as hereinbefore mentioned.

Drafts exceeding 5,000*l.* to be signed by 4 Trustees, and attested by separate Witnesses.

Draft for 10,000*l.* not to be paid until after 14 Days.

Officer not to issue in any One Day Orders for more than 10,000*l.* for the same Bank.

Trustees appearing in Person may receive Payments of Drafts instead of their Agents.

Trustees, &c.
to ascertain
Amount of
Surplus Fund,
and distribute
or appropriate
the same.

XXII. And be it further enacted, That within Six Weeks after the Twentieth Day of *November* in the Year of our Lord One thousand eight hundred and twenty-eight, the Trustees and Managers of the different Savings Banks already established in *England* and *Ireland* shall ascertain the Amount of the increased Stocks or Funds of their respective Banks up to the said Twentieth Day of *November* One thousand eight hundred and twenty-eight, and shall, as soon afterwards as conveniently can be, after retaining so much thereof as may be necessary for or towards the future Purposes and Management of the said Savings Banks respectively, appropriate the same in the Manner provided for by their respective Rules and Regulations made before the passing of this Act; or in the Event of no Provision having been made by such Rules and Regulations, then in such Manner as the Trustees or Managers, or the major Part of them, assembled at any General Meeting to be convened according to the respective Rules and Regulations of such Savings Banks, shall think fit and proper; any thing herein contained to the contrary notwithstanding.

From 20th
Nov. 1828,
Surplus to be
paid over to
Commissioners
for Reduction
of National
Debt.

XXIII. And be it further enacted, That in all Cases where the Joint Stock or Property of any Savings Bank, arising from Deposits made under this or any former Act, shall, from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, be increased by the Interest received beyond the Rate of Interest payable to the Depositors by the Rules and Regulations of such Savings Banks, or by any other Means, the said Trustees or Managers, after deducting all such Expences as they may deem proper, shall, within Six Months after the Twentieth Day of *November* in each Year, ascertain, certify, and pay over to the said Commissioners the Amount of such increased Stock and Property, reserving such Portion as may appear necessary to meet current Expences; and the Amount of such Surplus, which shall be ascertained, certified, and paid over (after such Deduction as aforesaid), shall be discharged from the Account of such Savings Bank standing in the Books of the said Commissioners; and the said Commissioners shall keep a separate and distinct Account of such Surplus so discharged from the Account of the said Savings Banks respectively as aforesaid, and apply the same in such Manner, and under such Regulations, from time to time, as any other Monies under the Provisions of this Act: Provided always, that it shall and may be lawful for the Trustees or Managers of the said respective Savings Banks to claim and receive of and from the said Commissioners (who are hereby required to pay the same upon such Certificate as they may appoint), for the Purposes of the Institution, any Sum of Money equal to the Whole or any Part of the Principal Monies which may have been so discharged from the Account of such Savings Banks as aforesaid.

Interest not
to exceed
2½d. per Cent.
per Diem.

XXIV. And be it further enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, the Interest payable to Depositors by the Trustees or Managers of any Savings Bank shall not exceed the Rate of Two-pence Farthing *per Centum per Diem*.

XXV. And

XXV. And be it further enacted, That in case the Trustees or Managers of any such Institution shall receive or shall have received any Deposit of Money from or for the Benefit of any Person under the Age of Twenty-one Years, it shall be lawful for the Trustees or Managers of such Institution to pay such Person his or her Share and Interest in the Funds of such Institution; and the Receipt of such Person shall be a sufficient Discharge, notwithstanding his or her Incapacity or Disability in Law to act for him or herself.

Savings of
Minors may be
invested.

XXVI. ' And Whereas Deposits in Savings Banks may have been made and may be made by Married Women, without Notice that they are Married Women, and Deposits may have been made and may be made by Women who may have afterwards married; Be it further enacted, That it shall be lawful for the Trustees in any Savings Bank to pay any Sum of Money in respect of any such Deposit to any such Woman, unless the Husband of such Woman, or his Representatives, shall give to such Trustees Notice of such Marriage, and shall require Payment to be made to him or them.

Deposits made
by Married
Women.

XXVII. And be it further enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, it shall and may be lawful for the Trustees or Treasurers of any charitable or provident Institution or Society in *England or Ireland*, or charitable Donation or Bequest, for the Maintenance, Education, or Benefit of the Poor, from time to time to subscribe any Part of the Funds of such Institution or Society into the Funds of any Savings Banks, if the Trustees or Managers thereof shall be willing to receive the same, to the Amount of One hundred Pounds *per Annum*, provided the Amount of the Sum to be invested by such Institution or Society shall not at any Time exceed the Sum of Three hundred Pounds in the whole, exclusive of Interest.

Charitable
Societies may
invest Sums not
exceeding 100*l.*
per Annum, or
300*l.* in the
whole.

XXVIII. And be it further enacted, That it shall be lawful, if the Trustees or Managers of any Savings Banks shall think proper, for any Friendly Society established under and by virtue of any Act or Acts relating to Friendly Societies from time to time to subscribe the Whole or any Part of the Funds of such Friendly Society, as they shall from time to time direct, through their Treasurer, Steward, or other Officer or Officers, into the Funds of any Institution which shall take the Benefit of this Act, and which shall be willing to receive the same, under such Terms and Conditions as shall be specially provided for that Purpose by the Rules, Orders, and Regulations of such Institution: Provided always, that it shall not be lawful for the said Trustees to receive any Sum or Sums from any Friendly Society formed and enrolled after the passing of this Act which may exceed the Sum of Three hundred Pounds, Principal and Interest included, nor to pay any Interest on the same whenever such Sum or Sums shall amount to or continue at the said Sum of Three hundred Pounds or upwards.

Friendly So-
cieties may
subscribe any
Portion of their
Funds into
Savings Banks.

Proviso.

XXIX. And be it further enacted, That the Receipt or Discharge of the Treasurer, Trustee, or other Officer of such Friendly Society, charitable or provident Institution or Society, for the Time being, for any Money paid according to the Requisition

Receipt of
Treasurer, &c.
of Friendly
Society or
charitable Insti-

tution deemed sufficient Discharge.

of such Treasurer, Trustee, or other Officer apparently authorized to require such Payment, shall be a sufficient Discharge for the same; and the Institution in which such Deposit shall be made shall not be responsible for any Misapplication of any such Money, Donation, or Bequest, by the Person or Persons to whom the same shall be so paid, or for any Want of Authority of the Person or Persons requiring or receiving such Payment.

Members of Friendly or charitable Societies not liable to Disability in those Societies by subscribing to any Institution under this Act.

XXX. And be it further enacted, That no Person who is or shall be a Member of any Friendly Society established or to be established under and by virtue of any Act or Acts relating to Friendly Societies, or a Member of any of the charitable Institutions hereinbefore mentioned, shall, by reason of such Person being or becoming a Depositor in any Institution taking the Benefit of this Act, be considered as subject or liable to any Penalty, Forfeiture, or Disability declared or expressed, or intended so to be, by or in the Rules, Orders, or Regulations of such Friendly Society; any Rules, Orders, or Regulations of such Friendly Society made, or hereafter to be made, to the contrary notwithstanding: Provided also, that no Depositor shall be subject or liable to any Penalty or Forfeiture on account of his belonging to or being interested in the Funds of any Friendly Society or charitable Society deposited in any other Savings Bank.

Proviso for Depositors belonging to Societies.

XXXI. And be it further enacted, That all Regulations and Provisions in this Act contained, relative to Money paid into the Bank of *England*, and Receipts issued on account thereof, and also to the Application of all such Money by the said Commissioners, shall be applicable to Payments made and Receipts issued under the Authority of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the further Protection and Encouragement of Friendly Societies, and for preventing Frauds and Abuses therein*, except with respect to all such Friendly Societies as may have been formed and enrolled previous to the passing of this Act.

Regulations, &c. of this Act extended to Payments, &c. under 59 G. S. c. 128.

No Sum to be subscribed without the Name and Profession, &c. of the Depositor.

XXXII. And be it further enacted, That no Sum shall be paid or subscribed into any Savings Bank by any Person or Persons, by Ticket or Number or otherwise, without disclosing his or her Name, together with his or her Profession, Business, Occupation, Calling, and Residence, to the Trustees or Managers of such Savings Bank; and the Trustees or Managers of every Savings Bank are hereby required to cause the Name of such Depositor, together with his or her Profession, Business, Occupation, Calling, and Residence, to be entered in the Books of the Institution.

Persons allowed to subscribe as Trustees on behalf of others.

XXXIII. And be it further enacted, That it shall and may be lawful for the Trustees or Managers of any Savings Bank to receive from any Person or Persons acting as Trustee or Trustees on behalf of any Depositor or Depositors, whether such Person or Persons is or are himself or themselves a Depositor or Depositors or not, any Sum or Sums not exceeding the annual Amount herein-after mentioned; provided that such Trustee or Trustees shall make such Declaration on behalf of such Depositor or Depositors, and subject to the like Conditions, as by this Act is required in the Case of any Person or Persons making any Deposit on his or her own Account; and all Deposits made by any such Trustee or Trustees shall be inserted in the Books of such Savings Bank in the

the joint Names of such Trustee or Trustees and of the Person or Persons on whose Account such Sum shall be so deposited; and the Receipt and Receipts of such Trustee or Trustees, or the Survivor of them, or the Executors or Administrators of any sole Trustee or surviving Trustee, with or without the Receipt of the Person or Persons on whose Account such Sum may have been deposited, shall be a good and valid Discharge to the Trustees or Managers of the Institution.

XXXIV. And be it further enacted, That it shall not be lawful for any Person or Persons who shall have made any Deposit in, or any Subscription to, or who shall be entitled to any Benefit from, the Funds of any Savings Bank, to make any Deposit in or to subscribe any Sum into the Funds of any other Savings Bank, or to open any new Account in the said Savings Bank; and that every Person desirous of making any Deposit in or any Subscription to any Savings Bank, shall at the Time of making the First Deposit in any Savings Bank, and at such other Time or Times as such Depositor shall be required so to do by the Trustees or Managers of any such Savings Bank, sign, either by themselves, or, in case of Infants under the Age of Seven Years, by some Person to be approved of by the Trustees or Managers, or by such other Person as they shall appoint, a Declaration in such Form as shall be directed or approved of by the Commissioners or other proper Officer, that the Person or Persons on whose Behalf any such first Deposit or Subscription shall be required to be made is not or are not entitled to any Deposit, or any such subsequent Deposit or Subscription in or any Benefit from the Funds of any Savings Bank, other than that into which such Deposit or Subscription shall be made, or any other Funds in the said Savings Bank; and in case any such Declaration shall not be true, or if any Person shall at any Time have or hold or be possessed of any Deposit or Funds in more than One Savings Bank within the United Kingdom, every such Person shall forfeit and lose all Right and Title to any Deposit in or to any Funds of any and every such Savings Bank; and the Managers and Trustees of such Savings Bank shall and they are hereby required in such Case to close the Account of such Depositor, and to cause the Sum or Sums so forfeited to be forthwith paid into the Bank of *England* or Bank of *Ireland*, as the Case may be, to the Account of the Commissioners standing in the Books of the Governor and Company of the said Banks respectively, under the Title of "The Account of the Commissioners for applying certain Sums of Money annually to the Reduction of the National Debt;" and the Cashier or Cashiers of the said Governor and Company is and are hereby required to receive all such Sums, and to place the same so the said Account, to be applied in like Manner as all other Money placed to the said Account; and every such Declaration so made shall be filed and kept and preserved by the Trustees of every such Savings Bank; and a printed Notice of such Regulation and Prohibition shall be affixed in the Office or Place appointed for the receiving of Deposits to any Savings Bank, in such Form as the said Commissioners or their proper Officer shall from time to time direct, or require or approve.

Subscribers to One Savings Bank shall not subscribe to any other.

Declaration to be made at the Time of Subscription.

Penalty on false Declaration, Forfeiture of Deposit to the Sinking Fund.

Declarations shall be filed.

Trustees not to receive from any one Depositor more than 30*l.* in any One Year, nor more than 150*l.* in the whole.

When Deposit and Interest amount to 200*l.* Interest to cease.

Not to affect Deposits of 200*l.* at the passing of this Act.

Trustees not to receive from Persons whose Deposit amounts to 150*l.*

Depositors may withdraw their Deposits, and again subscribe, provided the same does not in any One Year exceed 30*l.*

Deposits may be withdrawn from one Savings Bank to be placed in another.

XXXV. And be it further enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, it shall not be lawful for the Trustees of any Savings Bank to receive from any One present or future Depositor any Sum or Sums exceeding Thirty Pounds in the whole, exclusive of Compound Interest, in any One Year, ending on the Twentieth Day of *November*, nor to receive from any Depositor any Sum or Sums of Money whatever, which shall make the Sum to which such Depositor shall be entitled exceed the Sum of One hundred and fifty Pounds in the whole: Provided always, that whenever the Sum or Sums standing in the Name of any Depositor shall amount in the whole to Two hundred Pounds, Principal and Interest included, that thenceforth no Interest shall be payable on any such Deposit so long as it shall continue to amount to the said Sum of Two hundred Pounds.

XXXVI. And be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent the Trustees of any Savings Bank from paying Interest to any Depositor whose Deposit shall, on the Day of the passing of this Act, amount to or exceed the Sum of Two hundred Pounds.

XXXVII. Provided always, and be it further enacted, That the said Trustees shall not receive from any such Depositor any fresh or additional Deposit, so long as the Sum or Sums to which such Depositor shall be entitled shall amount to or exceed the Sum of One hundred and fifty Pounds.

XXXVIII. And be it further enacted, That it shall be lawful for any Depositor, after having withdrawn any Sum or Sums of Money from and out of any Savings Banks, to re-deposit in any such Savings Bank, at any Time or Times within any One Year, reckoning from the Twentieth Day of *November*, any Sum or Sums of Money, provided such Sum or Sums of Money re-deposited, and any previous Deposit or Deposits which shall have been made by such Depositor in the Course of the Year, taken together, shall not exceed at any Time in such Year the Sum of Thirty Pounds additional Principal Money bearing Interest; and the Trustees and Managers of Savings Banks are hereby prohibited from receiving from any Depositor any Sum or Sums which shall make the said Depositor entitled at the End of such Year to more than the said additional Sum of Thirty Pounds within Twelve Calendar Months, reckoning from the Twentieth Day of *November* as aforesaid.

XXXIX. Provided always, and be it further enacted, That at any Time after the passing of this Act it shall and may be lawful for any Depositor in any Savings Bank to withdraw from such Savings Bank the Whole of his or her Deposits and Interest thereon at any One Time (but not in Parts or Shares), for the Purpose of investing the same in any other Savings Bank; and in such case it shall be lawful for the Trustees or Managers of any such Savings Bank from which such Deposit shall be intended to be withdrawn, or any One or more of them, and they are hereby required, to grant to any such Depositor a Certificate, under the Hands of such One or more Trustee or Trustees, Manager or Managers respectively, attested by the Secretary or Actuary of such Savings Bank, and such Certificate shall state the whole Amount of the Deposit and Interest due to such Depositor in such Savings Bank, and shall be in such Form

as shall be directed or approved of by the Commissioners for the Reduction of the National Debt, or their Officer; and upon the Production of such Certificate, signed as hereinbefore directed, to the Trustees or Managers of the Savings Bank into which such Deposit and Interest is intended to be removed, the Person applying shall, and he or she is hereby required to indorse his or her Name on the Back of such Certificate, in the Presence of One or more of the Trustees or Managers of such Savings Bank, and such Indorsement shall be attested by One of such Trustees or Managers; and if such Trustee or Trustees, or Manager or Managers, shall be satisfied that such Certificate is authentic, and that no Abuse is intended thereby, it shall and may be lawful for the Trustees or Managers of such Savings Bank to receive the Sum specified in such Certificate, and to place the same to the Account of the Person therein described in the Books of such Savings Bank, any thing in this Act to the contrary thereof notwithstanding: Provided always, that previous to such Investment a like Declaration shall be made by the Person applying to make such Deposit as is required in other Cases of making Deposits in Savings Banks according to the Provisions contained in this Act, and such Person shall be considered in all respects as an original Subscriber to such Savings Bank, and shall be liable to all such Rules, Regulations, and Restrictions as an original Subscriber to such Bank.

XL. And be it further enacted, That in case any Depositor in the Funds of any Institution taking the Benefit of this Act shall die, leaving any Sum or Sums of Money in the said Funds, or any Dividends or Interest due thereon, belonging to him or her at the Time of his or her Death, exceeding in the whole the Sum of Fifty Pounds, the same shall not be paid to any Person or Persons as Representative or Representatives of such Depositor, but upon the Probate of the Will of the deceased Depositor, or Letters of Administration of his or her Estate and Effects: Provided always, that where the whole Estate or Effects of any such deceased Depositor, for or in respect of which any Probate or Letters of Administration respectively shall be granted, shall not exceed the Value of Fifty Pounds, no Stamp Duty shall be chargeable thereon, nor upon any Legacy or Residue or Part thereof bequeathed, nor upon any Share or Part of the Estate or Effects to be paid or distributed by or under such Probate or Letters of Administration: Provided also, that in every such Case the Person or Persons claiming such Probate or Letters of Administration free from Stamp Duty under this Act, shall exhibit to the Court or Person having Authority to grant the Probate or Letters of Administration in such Case a Certificate of the Amount and Value of the Share and Interest which the deceased Depositor had in the Funds of the said Institution, which Certificate shall be granted in such Form and Manner as shall have been settled by the Rules or Regulations of the Institutions respectively, and shall be signed or testified by such Person or Persons as shall be directed therein; and every such Certificate shall be taken and received, by the Court or Person having Authority to grant such Probate or Letters of Administration, as Evidence of the Amount and Value of the Shares and Interests of the deceased Depositor in the Funds of the said Institution.

Depositor dying leaving any Sum exceeding 50*l.* the same not to be paid until after Administration.

No Duty to be paid on Probate where the Estate is under 50*l.*

Certificate of Amount and Value of Depositor's Interest to be produced on claiming Probate, &c.

Administration Bonds, &c. for Effects under 50*l.* exempted from Stamp Duty.

Where the Effects of a Person dying Intestate shall not exceed 50*l.* the same may be divided according to the Rules of the Institution, &c.

Payment to Persons appearing to be next of Kin declared valid.

Remedy for next of Kin.

Payments under Probates of Wills, &c. appearing to be in force shall be valid.

XXI. And be it further enacted, That in all Cases where the whole Estate and Effects of any deceased Depositor, for or in respect of which Letters of Administration shall be granted, shall not exceed the Value of Fifty Pounds Sterling, no Stamp Duty shall be chargeable upon the Bond required to be given by the Administrator for the due Administration of the Effects of such deceased Depositor, nor upon any Affidavit or Document leading to or connected with such Administration, but that every such Bond and Affidavit shall be exempted from Stamp Duty in like Manner and under the like Regulations as are provided in and by this Act with respect to such Letters of Administration: Provided always, that in case any Depositor in the Funds of any such Institution shall die, leaving a Sum of Money in the said Fund, which, with the Interest thereon, shall not exceed in the whole Fifty Pounds, it shall be lawful for the Trustees or Managers of such Institution, and they are hereby authorized and permitted, in case such Trustees or Managers shall be satisfied that no Will was made and left by such deceased Depositor, and that no Letters of Administration will be taken out of the Goods and Chattels of such Depositor, to pay the same at any Time after the Decease of such Depositor, according to the Rules and Regulations of the said Institution; and in the Event of there being no Rules and Regulations made in that Behalf, then the said Trustees or Managers are hereby authorized and permitted to pay and divide the same to and amongst the Person or Persons entitled to the Effects of the deceased Intestate, according to the Statute of Distributions.

XLII. And be it further enacted, That whenever any Trustees or Managers of any Savings Bank, at any Time after the Decease of any Depositor, have paid and divided any Sum of Money not exceeding Fifty Pounds to or amongst any Person or Persons who shall, at the Time of such Payment, appear to such Trustees or Managers to be entitled to the Effects of any deceased intestate Depositor, according to the Statute of Distributions, or according to the Rules and Regulations of any such Savings Bank, the Payment of any such Sum or Sums of Money shall be valid and effectual with respect to any Demand of any other Person or Persons as next of Kin of such deceased intestate Depositor, or as the lawful Representative or Representatives of such Depositor, against the Funds of such Savings Bank, or against the Treasurer or Trustees or Managers thereof; but nevertheless such next of Kin or Representatives shall have Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

XLIII. And be it further enacted, That Payment of any Money by any such Institution as aforesaid, to any Person or Persons having any Letters of Administration or Probate of any such Will or testamentary Disposition granted by any Ecclesiastical Court, and appearing to be in force, shall be valid and effectual with respect to any Demand of any other Person or Persons, as the lawful Representative or Representatives of such Depositor, against the Funds of such Institution, or against the Treasurer, Trustees, or Managers thereof; but nevertheless such lawful Representative or Representatives shall have Remedy for such Money

Money or Securities for Money so paid or transferred as aforesaid, against the Person or Persons who shall have received the same.

XLIV. And be it further enacted, That no Power, Warrant, or Letter of Attorney, granted or to be granted by any Person or Persons, or Trustee or Trustees of any Institution established under this Act, nor any Power, Warrant, or Letter of Attorney given by any Depositor or Depositors in the Funds of such Institution to any other Person or Persons, authorizing him, her, or them to make any Deposit or Deposits of any Sum or Sums of Money in the said Funds on behalf of the said Depositor or Depositors, or to sign any Document or Instrument required by the Rules or Regulations of such Institution to be signed on making such Deposits, or to receive back any Sum or Sums of Money deposited in the said Funds, or the Dividends or Interest arising therefrom, nor any Receipt nor any Entry in any Book of Receipt for Money deposited in the Funds of any such Institution, nor for any Money received by any Depositor, his or her Executors or Administrators, Assigns or Attornies, from the Funds of such Institution, nor any Draft or Order, nor any Appointment of any Agent or Agents, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Instrument or Document whatever required or authorized to be given, issued, signed, made, or produced in pursuance of this Act, shall be subject or liable to or charged with any Stamp Duty or Duties whatsoever.

Powers of Attorney, &c. given by Trustees or Depositors, not liable to Stamp Duty.

XLV. And be it further enacted, That if any Dispute shall arise between any such Institution, or any Person or Persons acting under them, and any individual Depositor therein, or any Executor, Administrator, next of Kin, or Creditor of any deceased Depositor, or any Person claiming to be such Executor, Administrator, next of Kin, or Creditor, then and in every such Case the Matter so in dispute shall be referred to the Arbitration of Two indifferent Persons, one to be chosen and appointed by the Trustees or Managers of such Institution, and the other by the Party with whom the Dispute arose; and in case the Arbitrators so appointed shall not agree, then such Matter in dispute shall be referred in Writing to the Barrister at Law so to be appointed by the said Commissioners as aforesaid, who shall receive a Fee of not more than One Guinea; and whatever Award, Order, or Determination shall be made by the said Arbitrators, or by the said Barrister, shall be binding and conclusive on all Parties, and shall be final to all Intents and Purposes, without any Appeal; and the said Award, Order, or Determination shall declare by whom the said Fee payable to the said Barrister shall be paid; and no Submission to, or Award, Order, or Determination of the said Arbitrators, or of the said Barrister, shall be subject or liable to or charged with any Stamp Duty or Duties whatever.

Where Disputes arise, same to be referred to Arbitrators; and in case of their not agreeing, to be settled by a Barrister.

XLVI. And for the more effectually ascertaining from time to time the actual and progressive State of the several Savings Banks respectively, be it enacted, That the Trustees or Managers of any Savings Bank shall annually cause a General Statement of the Funds of such Savings Bank, invested in the Bank of *England* or the Bank of *Ireland* in the Names of the Commissioners for the Reduction of the National Debt, to be prepared, up to the Twentieth

Trustees of Banks shall make up annually Accounts of their Progress, &c. and

transmit the same to the Commissioners for Reduction of the National Debt.

If Trustees neglect to transmit such Accounts, or to obey any Orders, Commissioners may close their Accounts, &c.

A Duplicate of such Account shall be affixed in the Office of the Savings Bank.

Accounts to be annually laid before Parliament by Commissioners for the Reduction of the National Debt.

tieth Day of *November* in each Year, showing the Balance or Principal Sum due to all the Depositors collectively in such Savings Bank, and a Statement of the Expences incurred, and stating in whose Hands such Balance shall then be remaining; and every such annual Statement shall be attested by Two Managers or Two Trustees, or by One Manager and One Trustee of such Savings Bank; and every such annual Statement shall be countersigned by the Secretary or Actuary of such Savings Bank; and all such annual Statements shall be transmitted to the Office of the said Commissioners for the Reduction of the National Debt in *London* or *Dublin* (as the Case may be), within Six Weeks next after the Twentieth Day of *November* in each Year; and in case the Trustees of any such Savings Bank shall neglect or refuse to make out and transmit such Account as aforesaid, or in case any such Trustees shall at any Time neglect or refuse to obey any Orders or Directions given by the said Commissioners, or through their Officer, pursuant to the Directions of this Act, it shall and may be lawful for the said Commissioners to close the Account of the Trustees of such Savings Bank, and to discontinue the keeping any further Account with the Trustees of such Savings Bank, and to direct that no further Sum shall be received at the Bank of *England* or at the Bank of *Ireland* from the Trustees of such Savings Bank, to the Account of the said Commissioners, until such Time as such Commissioners shall think fit: Provided always, that it may be lawful for the said Commissioners to reopen such Account, and to allow the growing Interest of such Account during the Time of such Discontinuance, and to authorize the Receipt of Money at the Banks of *England* or *Ireland*, whenever such Commissioners shall think fit to do so, upon such Trustees complying with the Directions of such Commissioners or their Officer.

XLVII. And be it further enacted, That the Trustees or Managers of every such Savings Bank shall cause a Duplicate of every such annual Statement, accompanied by a List of the Trustees and Managers of such Institution for the Time being, attested and countersigned as aforesaid, to be publicly affixed and exhibited in some conspicuous Part of the Office or Place where the Deposits of such Savings Bank are usually received, for the Information of all Persons making Deposits therein, and every such Duplicate shall from time to time remain so affixed and exhibited until the ensuing annual Statement shall in like Manner be affixed and exhibited as aforesaid; and every Depositor shall be entitled to receive from the said Institution a printed Copy of such annual Statement on Payment of One Penny.

XLVIII. And be it further enacted, That from and after the passing of this Act the following Accounts shall be prepared by the said Commissioners, and shall be annually laid before both Houses of Parliament on or before the Twenty-fifth Day of *March* in every Year, if Parliament shall be sitting, and if Parliament shall not be sitting, then within Fourteen Days after the Commencement of the then next Session of Parliament; that is to say, Accounts made up to the Twentieth Day of *November* then next preceding, of the Gross Amount of all Sums received and credited, including Interest, and of all Sums paid, including Interest, from

from the Sixth Day of *August* in the Year of our Lord One thousand eight hundred and seventeen up to such Twentieth Day of *November*, by the said Commissioners, on account of the Trustees of the several Savings Banks in *England* and *Ireland*, and also on account of any Friendly Societies in *England* respectively, and of the Gross Amount of all Sums, Stock, Funds, Annuities, and Exchequer Bills standing in the Names of such Commissioners on the Twentieth Day of *November* on account of any such Savings Banks or Friendly Societies respectively, and the Sums paid for the Purchase of such Stocks, Funds, or Exchequer Bills, and the Gross Amount of the Interest or Dividends received thereon by the said Commissioners, and the Gross Amount of the Interest paid by such Commissioners up to such Twentieth Day of *November* on all Receipts issued to the Trustees of any such Savings Bank or Friendly Societies in *England* and *Ireland* respectively; and also an Account of all Expences incurred by the said Commissioners for Salaries of Clerks, or other incidental Charges, during the preceding Year.

XLIX. And for the Purpose of rendering the Accounts of the several Savings Banks in *England* and *Ireland* uniform and correspondent with the Accounts of the Commissioners for the Reduction of the National Debt, be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, the Interest or Dividends due to each Depositor in each Savings Bank in *England* shall be computed half-yearly to the Twentieth Day of *May* and the Twentieth Day of *November*, or yearly to the Twentieth Day of *November* in each Year, or up to such Period nearest to such Twentieth Day of *May* or Twentieth Day of *November* as such Interest shall be payable, according to the Rules or Regulations of such Savings Banks respectively, and to no other Periods.

L. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to lay out, from time to time, (if they shall deem it expedient, and under such Regulations as the said Commissioners shall direct,) the Whole or any Part of the Monies which shall be standing in their Names in the Books of the Banks of *England* and *Ireland* respectively, in pursuance of this Act, in the Purchase of Exchequer Bills held by the said Banks respectively or by the Public, as the Case may be; and the said Commissioners shall be entitled to receive, for the Sum or Sums laid out by them in Exchequer Bills, such an Amount of Three Pounds *per Centum* Consolidated or Reduced Annuities, transferable at the Bank of *England*, as the said Sum or Sums of Money would have bought if the same had been applied to the Purchase of Three Pounds *per Centum* Annuities, estimating the Amount of such Annuities at the quarterly Average Price of Three Pounds *per Centum* Annuities which shall have been purchased with the Monies commonly called the Sinking Fund in the same Quarter of the Year in which such Exchequer Bills shall have been purchased; and the said Three Pounds *per Centum* Annuities, and the Dividends arising thereon from time to time, shall constitute and form Part of the Funds belonging to the said Commissioners on account of the said Savings Banks, and shall be subject to the same

Provisions

Savings Banks shall compute Interest to 20th May and 20th Nov. half-yearly or yearly.

Commissioners may purchase Exchequer Bills.

Provisions and to the same and the like Purposes as all other Capital Stocks and Dividends standing in their Names on the said Account shall and may be subject and liable to; and the Accountant General of the said Governor and Company shall, within Five Days after such Entry shall have been made as aforesaid, certify to the said Commissioners the Amount of the Three Pounds *per Centum* Annuities so placed upon their said Account under the Provisions of this Act.

The Comptroller General to certify to the Treasury, quarterly, the Amount of Principal and Interest paid for Exchequer Bills.

LI. And be it further enacted, That the Comptroller General or Assistant Comptroller acting under the said Commissioners shall, at the End of every Quarter of the Year in which such Exchequer Bills shall have been purchased by or on account of the said Commissioners as aforesaid, certify to the Lords Commissioners of His Majesty's Treasury the Amount of the Principal and Interest paid for the same (and also the Amount and Description of Three Pounds *per Centum* Annuities which might have been purchased with such Principal and Interest, estimated at the quarterly Average Price of Three Pounds *per Centum* Annuities as aforesaid); and thereupon it shall and may be lawful for the said Lords Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby authorized and required, by Warrant under their Hands, from time to time to order and direct the said Governor and Company of the Bank of *England* to direct their Accountant General to enter and place to the Credit of the said Commissioners, upon the Account standing in their Names in the Books of the said Bank, under the Title of "The Fund for the Banks for Savings," the Amount of the Three Pounds *per Centum* Consolidated or Reduced Annuities (as the Case may be) contained from time to time in every such Certificate; the first half-yearly Payment of the Dividends whereof shall commence from the Day on which the last half-yearly Dividends were due and payable on the said Three Pounds *per Centum* Consolidated or Reduced Annuities, as the Case may be.

Sl. *per Centum* Annuities created by Purchase of Exchequer Bills to be chargeable upon the Consolidated Fund.

LII. And be it further enacted, That the Three Pounds *per Centum* Annuities which shall be created from time to time by the Purchase of Exchequer Bills under and by virtue of this Act, shall be deemed and taken to be, and shall from time to time be added to, and shall form Part of the Capital of the Three Pounds *per Centum* Consolidated or Reduced Annuities (as the Case may be) transferable at the Bank of *England*; and the Dividends arising thereon shall, as the same shall become due, be charged upon and be payable out of, and the same are hereby made chargeable upon, the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Exchequer Bills to be delivered to the Paymaster of Exchequer Bills, to be cancelled, &c.

LIII. And be it enacted, That it shall and may be lawful for the said Commissioners to cause all or any Part of the Exchequer Bills purchased by them, or on their Account, under the Provisions of this Act, to be delivered to the Paymasters of Exchequer Bills, to be cancelled, within Five Days after the Expiration of the Quarter of the Year in which such Bills shall have been so purchased; and the said Paymasters are in such Case hereby required, upon the Delivery thereof, to cancel the same accordingly; and it shall and may be lawful to the said Commissioners to exchange from time to time any Part of such Exchequer

Bills,

Bills, not so delivered to be cancelled, for new Bills of the like Amount (if they shall deem it expedient to do so), according to the usual Course of the Exchequer; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

LIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to sell from time to time, if they shall deem it expedient, any Part of the said Bank Annuities which shall be standing in their Names in the Books of the Bank of *England* and *Ireland* respectively, in pursuance of the said recited Acts or this Act, and to apply the Whole or any Part of the Monies produced by such Sale or Sales in the Purchase of Exchequer Bills, in the same Manner and under the same Regulations and Provisions as any other Monies are authorized by this Act to be so invested by the said Commissioners.

Commissioners may sell any Part of the Bank Annuities.

LV. And be it further enacted, That it shall and may be lawful for the said Commissioners, or for the proper Officer or Officers of the said Commissioners, from time to time, to make Application to the Lord High Treasurer or to the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, stating and certifying what Sum of Money may be required for satisfying any Demands which shall from time to time be made upon the said Commissioners for the Reduction of the National Debt by the Trustees of any Savings Bank or Friendly Society in *England* or *Ireland*, and thereupon it shall and may be lawful for the Lord High Treasurer or Commissioners of the said Treasury, or any Three of them, in case they shall think fit and proper so to do, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer in *Great Britain*, for such Sum or Sums of Money as shall be from time to time stated and certified in any such Application of the said Commissioners, or their Officer or Officers under the Direction of the said Commissioners, or for any Part of any such Sum or Sums; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed and directed in and by an Act made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying of Exchequer Bills*.

Treasury may issue Exchequer Bills on Application of Commissioners for the Reduction of the National Debt, for Payments to Savings Banks.

48 G. 3. c. 1.

LVI. And be it further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* and Bank of *Ireland* respectively from time to time to advance to the said Commissioners for the Reduction of the National Debt such Sum or Sums of Money, on the Credit of such Exchequer Bill or Bills issued to or purchased by the Commissioners under the Provisions of this Act as aforesaid, at such Time or Times, and under such Regulations, for the Purposes of this Act, as shall be agreed upon by the said Commissioners and the said Governor and Company of the Banks of *England* and *Ireland* respectively, and at such Times as the said Commissioners shall from time to time require; any Law or Statute to the contrary thereof in anywise notwithstanding.

Banks of *England* or *Ireland* may make Advances to Commissioners upon such Exchequer Bills.

LVII. And

How such
Exchequer
Bills shall be
paid off by
Commissioners
for Reduction
of the National
Debt.

LVII. And be it further enacted, That the Principal Sum of every such Exchequer Bill which shall have been issued to the said Commissioners upon their Application, for the Purposes hereinbefore directed, and upon which any Sum of Money shall have been so advanced by the Governor and Company of the Banks of *England* or of *Ireland* respectively, under the Provisions of this Act, shall, together with all Interest due thereon, be discharged from time to time by the said Commissioners for the Reduction of the National Debt, in such Portions as the said Commissioners shall deem fit and expedient, with and out of any Monies invested from time to time by the Trustees of any Savings Banks or Friendly Societies in *England* or *Ireland* respectively, and carried to the Credit of the said Commissioners on account of any such Savings Banks or Friendly Societies, or by the Sale of any Bank Annuities, or with and out of the Monies or Funds commonly called the Sinking Fund, standing in the Names of the said Commissioners in the Books of the Governor and Company of the Banks of *England* or *Ireland* respectively, or by all or either of such Means of Repayment as the said Commissioners shall deem most proper and convenient; and that immediately upon any such Payment being made by the said Commissioners for the Reduction of the National Debt, Exchequer Bills to the Amount of the Principal Sum so paid off and discharged shall be delivered up to the said Commissioners by the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively; and the said Commissioners shall forthwith cause the said Exchequer Bills to be delivered to the Paymasters of Exchequer Bills, to be cancelled: Provided always, that whenever the Principal Sum of any such Exchequer Bill or Bills shall have been discharged and paid off by any Sum or Sums of Money advanced from the Sinking Fund, and under the Provisions of this Act, the said Commissioners shall cause their Agent or proper Officer to transfer from any Account standing in the Names of the said Commissioners in the Books of the Governor and Company of the Bank of *England*, or from any Accounts standing in their Names in the Books of the Bank of *Ireland*, under or by virtue of this Act, or of any Act or Acts relating to Savings Banks or Friendly Societies, as the Case may be, into the Account standing in the Names of the said Commissioners in the Books of the Bank of *England* or Bank of *Ireland* respectively, under the Title of "The Account of the Commissioners appointed by Act of Parliament for applying certain Sums of Money annually to the Reduction of the National Debt," such an Amount of Stock as shall produce, by Computation, the Principal Sum and Interest of all such Exchequer Bills so paid off and discharged; and the said Computations shall be made by the proper Officer or Officers of the said Commissioners, according to the Price at which such Stock shall have been purchased by the said Commissioners on the Day of transferring the said Amount of Stock as aforesaid; and upon every such Transfer of Stock being made as hereinbefore directed, the Accountant General of the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively shall thereupon transmit to the Office of the said Commissioners for the Reduction of the National Debt a

Regulations to
be observed
when such Bills
are paid off by
Advances from
the Sinking
Fund.

Certificate

Certificate of every such Transfer, containing the Amount and Description of Stock so transferred.

LVIII. ' And Whereas it is expedient to provide more effectually in certain Cases for the Payment of any Draft or Drafts which may be drawn upon the said Commissioners by the Trustees of any Savings Bank in *Ireland* in pursuance of this Act ;'

Be it enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, and they are hereby authorized and empowered, to pay into the Bank of *England*, from time to time, any Sum or Sums of Money to be placed to their Credit in Account with the Governor and Company of the Bank of *Ireland*, on account of the Fund for the Banks for Savings, under such Regulations as shall or may be agreed upon from time to time between the said Commissioners and the said Governor and Company of the Bank of *Ireland* ; and all Sums of Money so placed to the said Commissioners' Credit as aforesaid shall be carried to the Account of the said Commissioners, by the Cashiers of the said Governor and Company of the Bank of *Ireland*, standing in the Books of the said Bank under the Title of " The Fund for the Banks for Savings," and shall be subject and shall be applied to the several Purposes hereinbefore mentioned, as if every such Sum and Sums of Money had been originally paid into the Bank of *Ireland* to the said Account under the Provisions of this Act.

LIX. And be it further enacted, That all Receipts, Orders, Certificates, Indorsements, Accounts, Returns, or Instruments, or other Matters or Things whatsoever, which shall be required for carrying into execution this Act, shall be made in such Form and Manner, and containing such Particulars, and under such Regulations, as shall from time to time be directed or required or approved of by the said Commissioners, or their Officer or Officers.

LX. And be it further enacted, That this Act shall be and the same is declared to be a full and sufficient Indemnity and Discharge to the Commissioners for the Reduction of the National Debt, and to the Governor and Company of the Bank of *England* and Bank of *Ireland* respectively, and their Officers, for all Things to be done or required, or permitted to be done, pursuant to this Act.

LXI. And be it further enacted, That it shall and may be lawful for the said Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, to appoint a Barrister at Law, and employ such and so many of the Clerks and other Officers as shall be necessary for carrying into Execution the Purposes of this Act ; and that it shall and may be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and they are hereby authorized and empowered, to settle and appoint such Allowances as shall be proper for the Services, Pains, and Labour of such Clerks, or other Persons to be appointed and employed by the said Commissioners, in manner and for the Purposes aforesaid ; and out of the Fund upon which the Establishment of the said Commissioners is chargeable by any Act now in force, to pay and discharge all

Commissioners for Reduction of the National Debt may keep a Balance in the Bank of *England* for Drafts which may be drawn.

Receipts, &c. shall be in the Form approved by Commissioners.

Indemnity to Commissioners, and Banks of *England* and *Ireland*.

Commissioners may employ Clerks, &c.

Treasury may pay them, and discharge incidental Expences.

such Allowances and all other incidental Charges which shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

Act to extend to all Savings Banks in England and Ireland.

LXII. And be it further enacted, That this Act shall extend to all Savings Banks established, or hereafter to be established in *England and Ireland*, and not elsewhere; and be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being specially shown or pleaded.

C A P. XCIII.

An Act to allow Sugar to be delivered out of Warehouse to be refined. [28th July 1828.]

WHEREAS it is expedient to permit, for a Time to be limited, and in limited Quantities, Foreign Sugar to be used in Refineries employed in refining Sugar for Exportation: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Application of any Person actually carrying on the Business of a Sugar Refiner in the Ports of *London, Liverpool, Bristol, or Glasgow*, and having Two Pans at least at work upon the same Premises, it shall be lawful for the Officers of the Customs at those Ports respectively, at any Time before the Fifth Day of *July* One thousand eight hundred and twenty-nine, to deliver to such Person any Quantity of Foreign Sugar, or of Sugar the Produce of the *East Indies*, not exceeding the Quantity hereinafter expressed, to be by him refined under the Regulations and upon the Conditions hereinafter mentioned, and upon Payment of the following Duties; (that is to say,)

Foreign Sugar may be delivered to be refined until July 1829, on Payment of the Duties herein mentioned.

DUTIES on SUGAR delivered to be refined under the Provisions of this Act.

Brown or Muscovado or Clayed Sugar, not being of greater Value than the Average Price of Sugar of the <i>British Plantations in America</i> , - - the Cwt.	£ s. d.
- - - - and further, in respect of every Shilling by which such Sugar shall be of greater Value than such Average Price, - - the Cwt.	1 7 0
	0 0 9

Mode of ascertaining Average Price of Sugar.

II. And in order that the proper Duties imposed by this Act may be ascertained, be it further enacted, That the Prices of Brown or Muscovado Sugar, the Produce of the *British Possessions in America*, shall from time to time be ascertained and taken in manner hereinafter mentioned; (that is to say,) every Importer or Importers of such Sugar within the City of *London* or the Bills of Mortality, who shall, after the Fifth Day of *August* One thousand eight hundred and twenty-eight, by himself or themselves, his or their Sworn Broker or any other Agent acting in his or their Behalf, buy or sell any such Brown or Muscovado Sugar, shall and is hereby required, by himself or themselves, his or their Sworn Broker or any other Agent acting in his or their Behalf, to deliver in, upon Oath before the Lord Mayor or any of the

the Aldermen of the said City of *London* (which Oath the said Lord Mayor or Aldermen are hereby respectively authorized to administer), to the Clerk of the Grocers Company now and for the Time being, on or before *Tuesday* in every Week, a true Account of the Quantities of such Brown or Muscovado Sugar bought or sold by him or them, his, her, or their Sworn Broker or any other Agent acting in his or their Behalf, in the preceding Week, specifying the Name of the Ship in which such Sugar was imported, and the Name of the Master of such Ship, and also the Marks and Packages, and the Sum Total of the net Landing Weights of such Sugar, as far as the same can be made out, and the Price paid for each Quantity respectively, exclusive of the Duty of Customs; and the said Clerk of the Grocers Company shall and he is hereby required to compute and make up in every Week, from the Accounts so delivered to him of the said Quantities and Prices of such Sugar bought or sold by the said Importer or Importers, his or their Sworn Broker or any other Agent acting in his or their Behalf, in the Week immediately preceding, the Average Price of such Sugar, and shall cause such Average Price to be published every *Friday* in the *London Gazette*; and such Average Price shall be deemed and taken to be the Price of Brown or Muscovado Sugar for the Purposes of this Act.

III. And be it further enacted, That a Register or Book shall be kept by the said Clerk of the Grocers Company, containing all the Accounts so received by him from time to time from the Importer or Importers, his or their Sworn Broker or any other Agent acting in his or their Behalf, and of the Average Prices by him computed and made up from the same; which Register or Book shall and may at convenient Times be inspected by any Person or Persons whatever, upon paying the Fee of One Shilling and no more for the same.

A Register or Book of the Average Price to be kept by the Clerk of the Grocers Company.

IV. And be it further enacted, That if the said Clerk of the Grocers Company shall neglect to do and perform what he is required by this Act to do and perform, he shall forfeit and pay for every such Neglect the Sum of Fifty Pounds, 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, Wager of Law, or any more than One Impar lance, shall be granted or allowed.

Penalty on Clerk neglecting to do what is herein required.

V. And be it further enacted, That if any Importer or Importers, or any Sworn Broker or other Agent acting in his or their Behalf, shall refuse or neglect to deliver in upon Oath a true Account of the Quantities of Brown and Muscovado Sugar by him bought or sold, specifying the Name of the Ship in which such Sugar was imported, and the Name of the Master of such Ship, and also the Marks and Packages, and the Sum Total of the net Landing Weights of such Sugar, as far as the same can be made out, and the Price paid for each Quantity respectively, as hereinbefore required, he, they, or any of them, being the actual Buyer or Seller of such Sugar, shall forfeit and pay for every Cask of Sugar for which he or they shall so refuse or neglect to deliver in an Account, the Sum of Five Pounds to any one who will prosecute and sue for the same, to be recovered before the Lord

Penalty on Importers or Brokers failing to make true Returns.

Mayor or any Aldermen of the said City, on the Oath of any One or more credible Witness.

Sugar entered for the Payment of Duty may be seized, making Satisfaction to the Proprietor.

VI. And be it further enacted, That it shall be lawful for the Officers of the Customs to detain any Sugar entered for the Payment of such Duties, and within Five Days from the Time of such Detention to take the same for the Use of the Crown; and for every Hundred Weight of Sugar which shall be so taken there shall be paid to the Proprietor thereof, in full Satisfaction for the same, a Sum of Money to be computed in manner following; (that is to say,) if such Sugar shall have been entered as not being of greater Value than the Average Price of *British* Plantation Sugar, then the Sum to be paid shall be Two Shillings the Hundred Weight less than such Average Price; and if such Sugar shall have been entered as being of greater Value than such Average Price, then there shall be added to such Sum the Number of Shillings by which such Sugar shall have been entered as being of greater Value than such Average Price; and there shall also be returned to such Proprietor the Duty which had been paid upon the Entry of such Sugar.

Bond to be entered into for duty exporting such Sugar when refined.

VII. And be it further enacted, That upon the Entry of any Sugar for Duty, under the Authority of this Act, the Person entering the same shall give Bond to the Satisfaction of the Officers of the Customs, in the Penalty of Twenty Shillings for every One Hundred Weight of such Sugar, that the whole of such Sugar shall be actually subjected to the Process of Refinement, and that within Four Months from the Date of such Bond, for every Hundred Weight of Sugar so entered and taken to be refined, there shall be by him exported, or delivered into Warehouse to be exported, One hundred and seven Pounds of Refined Sugar and Treacle in the following relative Proportions; (that is to say,) if such Sugar shall be entered as not being of greater Value than the Average Price of Sugar as aforesaid, then there shall be so exported or delivered Sixty-one Pounds of Refined Sugar in Loaves or Lumps, Eighteen Pounds of Bastard Sugar, and Twenty-eight Pounds of Treacle; and for every Shilling by which such Sugar shall be entered as being of greater Value than such Average Price there shall be so exported or delivered Three Pounds the more of Refined Sugar in Loaves or Lumps, and One Pound the less of Bastard Sugar, and Two Pounds the less of Treacle: Provided always, that no Entry for any such Sugar shall be made except in the Name of the Refiner on whose Premises the same is to be refined, nor unless the Situation of such Premises be stated in such Entry.

Packages of Sugar to be marked before Delivery.

VIII. And be it further enacted, That before any Package of Sugar be delivered for the Purposes of this Act, the Officers of the Customs shall mark the same in some conspicuous Manner, and shall also upon Request deliver to the Carrier of the same a Cartage Note, setting forth the Particulars of every Package so delivered, the Time of Delivery, and the Description or Situation of the Premises to which the same is to be conveyed; and if any Sugar delivered for the Purposes of this Act be found without such Mark on the Package, or removing without a proper Cartage Note for the same, or unloading at any Place other than the Place to which it ought to have been taken, or out of the Line of Road leading

leading to such Place, such Sugar shall be forfeited, and the Person to whom such Sugar was delivered to be refined shall also forfeit the Sum of One hundred Pounds in respect of every Package of Sugar so forfeited or liable to Forfeiture as aforesaid.

IX. And be it further enacted, That no greater Quantity of Sugar shall be delivered, under the Authority of this Act, to any Person, so as to be at any One Time in his Possession, than One thousand Hundred Weight for every Pan actually at work upon his Premises: Provided always, that every Quantity of Refined Sugar by him exported, or warehoused to be exported, shall be deemed to be Sugar no longer in his Possession, and shall be deducted from the Quantities which had been delivered to him as aforesaid.

Limiting the Quantity of Sugar to be delivered to One Person.

C A P. XCIV.

An Act for rendering valid Bonds, Covenants, and other Assurances for the Resignation of Ecclesiastical Preferences, in certain specified Cases. [28th July 1828.]

‘ WHEREAS it is expedient that certain Bonds, Covenants, and other Assurances for the Resignation of Ecclesiastical Preferences, should be rendered valid in the Cases and subject to the Limitations hereinafter specified;’ 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 every Engagement by Promise, Grant, Agreement, or Covenant, which shall be really and *bonâ fide* made, given, or entered into at any Time after the passing of this Act, for the Resignation of any Spiritual Office, being a Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, to the Intent or Purpose, to be manifested by the Terms of such Engagement, that any One Person whatsoever, to be specially named and described therein, or One or Two Persons to be specially named and described therein, being such Persons as are hereinafter mentioned, shall be presented, collated, nominated, or appointed to such Spiritual Office, or that the same shall be given or bestowed to or upon him, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and the Performance of the same may also be enforced in Equity: Provided always, that such Engagement shall be so entered into before the Presentation, Nomination, Collation, or Appointment of the Party so entering into the same as aforesaid.

Engagements entered into for the Resignation of any Benefice upon Notice or Request to be valid.

Proviso.

II. Provided always, and be it further enacted, That where Two Persons shall be so specially named and described in such Engagement, each of them shall be, either by Blood or Marriage, an Uncle, Son, Grandson, Brother, Nephew, or Grand Nephew of the Patron or of One of the Patrons of such Spiritual Office, not being merely a Trustee or Trustees of the Patronage of the same, or of the Person or One of the Persons for whom the Patron or Patrons shall be a Trustee or Trustees, or of the Person or One of the Persons by whose Direction such Presentation, Collation, Gift, or Bestowing shall be intended to be made, or of any Married Woman whose Husband in her Right shall be the Patron or One of the

Relationship of such Persons.

Patrons of such Spiritual Office, or of any other Person in whose Right such Presentation, Collation, Gift, or Bestowing shall be intended to be made.

No Presentation to any Spiritual Office shall be void by reason of such Agreement to resign.

III. And be it further enacted, That no Presentation, Collation, Gift, or Bestowing to or of any such Spiritual Office of or upon any Spiritual Person, to be made after the passing of this Act, nor any Admission, Institution, Investiture, or Induction thereupon, shall be void, frustrate, or of no Effect in Law for or by reason of any such Engagement so to be made, given, or entered into by such Spiritual Person, or any other Person or Persons, to or with the Patron or Patrons of such Spiritual Office, or to or with any other Person or Persons, for the Resignation of the same as aforesaid; and that it shall not be lawful for the King's most Excellent Majesty, His Heir or Successors, for or by reason of any such Engagements as aforesaid, to present or collate unto, or give or bestow such Spiritual Office; and that such Spiritual Person, and Patron or Patrons, or other Person or Persons respectively, shall not be liable to any Pains, Penalty, Forfeitures, Loss, or Disability, nor to any Prosecution or other Proceeding, Civil, Criminal, or Penal, in any Court, Ecclesiastical or Temporal, for or by reason of his, her, or their having made, given, or entered into, or accepted or taken such Engagement as aforesaid; and that every such Presentation or Collation, or Gift or Bestowing, to be made after the passing of this Act, and every Admission, Institution, Investiture, and Induction thereupon, shall be as valid and effectual in the Law to all Intents and Purposes whatsoever as if such Engagement had not been made, given, or entered into, or accepted or taken; any thing in an Act passed in the Thirty-first Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act against Abuses in Elections of Scholars and Presentations to Benefices*, or in any other Act, Statute, or Canon, or any Law, to the contrary in anywise notwithstanding.

Persons making such Agreement not to be liable to Penalty.

Such Presentations to be valid.

31 Eliz. c. 6.

Not to extend to any Engagements, unless the Deed be deposited within Two Months with the Registrar of the Diocese or peculiar Jurisdiction wherein the Benefice is situated.

IV. Provided always, and be it further enacted, That nothing in this Act shall extend to the Case of any such Engagement as aforesaid, unless one Part of the Deed, Instrument, or Writing by which such Engagement shall be made, given, or entered into, shall, within the Space of Two Calendar Months next after the Date thereof, be deposited in the Office of the Registrar of the Diocese wherein the Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, for the Resignation whereof such Engagement shall be made, given, or entered into as aforesaid, shall be locally situate, except as to such Benefices with Cure of Souls, Dignities, Prebends, or Livings Ecclesiastical, as are under the peculiar Jurisdiction of any Archbishop or Bishop, in which Case such Document as aforesaid shall be deposited in the Office of the Registrar of that peculiar Jurisdiction to which any such Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, shall be subject; and such Registrars shall respectively deposit and preserve the same, and shall give and sign a Certificate of such Deposit thereof; and every such Deed, Instrument, or Writing shall be produced at all proper and usual Hours at such Registry to every Person applying to inspect the same; and an Office Copy of each such Deed, Instrument, or Writing, certified under the Hand of the Registrar (and which Office Copy so certified the

Deed to be open to Inspection; and a certified Copy to be admitted as Evidence.

Registrar

Registrar shall in all Cases grant to every Person who shall apply for the same), shall in all Cases be admitted and allowed as legal Evidence thereof in all Courts whatsoever; and every such Registrar shall be entitled to the Sum of Two Shillings, and no more, for so depositing as aforesaid such Deed, Instrument, or Writing, and so as aforesaid certifying such Deposit thereof; and the Sum of One Shilling, and no more, for each Search to be made for the same; and the Sum of Sixpence, and no more, over and besides the Stamp Duty, if any, for each Folio of Seventy-two Words of each such Office Copy so certified as aforesaid.

Fees to Registrar.

V. And be it further enacted, That every Resignation to be made in pursuance of any such Engagement as aforesaid shall refer to the Engagement in pursuance of which it is made, and state the Name of the Person for whose Benefit it is made; and that it shall not be lawful for the Ordinary to refuse such Resignation, unless upon good and sufficient Cause to be shown for that Purpose; and that such Resignation shall not be valid or effectual, except for the Purpose of allowing the Person for whose Benefit it shall be so made to be presented, collated, nominated, or appointed to the Spiritual Office thereby resigned, and shall be absolutely null and void unless such Person shall be presented, collated, nominated, or appointed as aforesaid within Six Calendar Months next after Notice of such Resignation shall have been given to the Patron or Patrons of such Spiritual Office.

Resignation to state the Engagement, and Name of Person for whom made.

Resignation to be void unless the Person be presented within Six Months.

VI. Provided also, and be it further enacted, That nothing in this Act shall extend to any Case where the Presentation, Collation, Gift, or Bestowing to or of any such Spiritual Office as aforesaid shall be made by the King's most Excellent Majesty, His Heirs or Successors, in right of His Crown or of His Duchy of Lancaster; or by any Archbishop, Bishop, or other Ecclesiastical Person, in right of his Archbishoprick, Bishoprick, or other Ecclesiastical Living, Office, or Dignity; or by any other Body Politic or Corporate, whether Aggregate or Sole, or by any other Person or Persons, in right of any Office or Dignity; or by any Company, or any Feoffees or Trustees for charitable or other public Purposes; or by any other Person or Persons not entitled to the Patronage of such Spiritual Office as private Property.

Nothing herein to extend to Presentations made by the King, &c.

C A P. XCV.

An Act to apply the Sums of Money therein mentioned for the Service of the Year One thousand eight hundred and twenty-eight, and to appropriate the Supplies granted in this Session of Parliament. [28th July 1828.]

- § I. There shall be issued towards the Supply for 1828, £ 3,012,650 out of the Ways and Means in the Exchequer, or to be raised, on the 5th Day of January 1828, for the Service of the Year 1827, and also £ 6,190,000 out of the Consolidated Fund.
- § II. Monies coming into the Exchequer by c. 1. *ante*, — £ 12,000,000 by Exchequer Bills under c. 2. *ante*, — Monies coming into the Exchequer by c. 5. 10. 19. 30. & 36. *ante*, — £ 16,046,800 raised under c. 89. *ante*, — and also £ 3,012,650 and £ 6,190,000 by this Act granted, — shall be applied as hereafter expressed.

§ III.		There shall be issued and applied,		
£	5,995,965	7	7	For Naval Services for 1828, viz.
	441,000	0	0	For Wages of 30,000 Men for Six Lunar Months, at 2 <i>l.</i> 9 <i>s.</i> per Man per Month.
	288,000	0	0	For their Victuals, at 1 <i>l.</i> 12 <i>s.</i> per Man per Month.
	2,208,232	13	9½	For certain Naval Services for 1828.
	514,300	0	0	For Wages of 30,000 Men for Seven Lunar Months, at same Rate as above.
	336,000	0	0	For their Victuals, at same Rate as above.
	89,823	15	9½	To complete the Sum necessary to defray the Salaries, &c. of Officers, and contingent Expences of the Admiralty, Navy Pay, Navy, and Victualling Offices.
	75,341	5	1½	For Salaries, &c. of His Majesty's Yards at Home.
	245,000	0	0	For Wages to Artificers in ditto.
	425,783	0	0	For Timber and other Materials.
	25,000	0	0	For Pilotage and other Contingencies.
	25,808	11	7½	For Salaries of Officers, and contingent Expences of Foreign Yards.
	31,929	10	0	For ditto, &c. of Victualling Yards.
	30,087	18	2½	For ditto of Naval Medical Establishments.
	3,213	0	8½	For ditto of Royal Naval College and School for Naval Architecture.
	52,907	12	2	For Wages to Officers, Shipkeepers, and Men of Vessels in Ordinary.
	25,719	4	0	For Victuals for ditto, and also to Officers and Men on board the Hulks and small Vessels.
	17,225	0	0	For Hire of Packets.
	18,267	0	0	For building Ships at <i>Bombay</i> and <i>Bermuda</i> .
	438,250	0	0	For Half Pay to Naval Officers.
	65,107	11	2	For Superannuations, Pensions, and Allowances to Naval Officers, their Widows, and Relatives.
	750	0	0	For Bounty to Chaplains.
	5,000	0	0	For Widows and Orphans on Compassionate List.
	52,500	0	0	For Relief of Widows of Commissioned and Warrant Officers of Navy.
	5,000	0	0	For Widows of Marine Officers.
	130,000	0	0	For Out-Pensioners of <i>Greenwich</i> Hospital.
	81,958	15	0	For Superannuations to Commissioners, &c. and Allowances in lieu of Half Pay to Naval Officers formerly employed in Naval Departments.
	94,660	10	0	For Repairs and Improvements in the Dock Yards.
	129,500	0	0	For Provisions for Troops on Foreign Stations, and for the Convict Service, and Rations for Troops to be embarked in Ships of War and Transports.
	139,400	0	0	For Transport Service.
IV.	8,009,314	9	0½	For Land Forces for 1828, and other Services hereafter more particularly mentioned, viz.
	2,000,000	0	0	For the Forces in <i>Great Britain</i> and Stations abroad, except <i>India</i> .
	1,000,000	0	0	For Out-Pensioners of <i>Chelsea</i> Hospital.
	372,499	2	1½	For the Commissariat Department.

	£ 810,000	0	0	For extraordinary Expences of the Army.
	1,210,694	16	5	To complete the Charge for the Forces in the United Kingdom and Stations abroad, except <i>India</i> .
	136,900	13	8	For General and Staff Officers of Hospitals in the United Kingdom and on Foreign Stations, except <i>India</i> .
	109,988	9	0	For Allowances to the principal Officers of Public Departments in the United Kingdom, their Deputies and Clerks, and contingent Expences.
	17,760	14	6	For Medicines and surgical Materials for the Forces and Hospital Contingencies.
	66,212	8	0	For Volunteer Corps in the United Kingdom.
	32,471	9	7	For recruiting the Corps serving in <i>India</i> .
	146,500	0	0	For Pay of General Officers, not being Colonels of Regiments.
	36,898	10	6	For Garrisons at home and abroad.
	112,500	0	0	For Full Pay for reduced, retired, and unattached Officers.
	720,250	0	0	For Half Pay to reduced and retired Officers.
	101,470	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.
	43,113	11	3	For Allowances to reduced and retired Officers.
	46,115	2	11	For In-Pensioners of <i>Chelsea</i> and <i>Kilmainham</i> Hospitals.
	335,976	3	1	For Out-Pensioners of <i>Chelsea</i> Hospital.
	143,083	0	0	For Pensions to Widows of Officers.
	195,500	0	0	For Compassionate List Allowances of His Majesty's Bounty, and Pensions to wounded Officers.
	55,180	19	11	For Superannuations to Persons formerly belonging to Public Departments in the United Kingdom.
	33,000	0	0	For Exchequer Fees for Issues on Army Services.
	283,199	8	1	For Disembodied Militia.
§ V.	783,598	0	0	For the Ordnance Department.
	24,935	0	0	For the principal Officers and Clerks of the Office of Ordnance at the Tower and Pall Mall to End of the Year, £ 25,981 having been already granted.
	4,720	0	0	For Salaries to the Departments of the Office of Ordnance at Woolwich, being the remaining Half, to End of the Year.
	18,900	0	0	For Salaries to Civil Establishments of the Ordnance Office at the Home and Foreign Stations, being the remaining Half.
	1,846	0	0	For Master Gunners in <i>Great Britain</i> , <i>Guernsey</i> , and <i>Jersey</i> , being the remaining Half.
	37,409	0	0	For the Corps of Royal Engineers, Sappers, and Miners, and of the Establishment for their Instruction, being the remaining Half.

	£130,920	0	0	For the Royal Régiment of Artillery, being the remaining Half.
	14,793	0	0	For Brigade of Royal Horse Artillery, and Rocket and Riding Troop, being the remaining Half.
	614	0	0	For Director of Field Train and Field Train Department, being the remaining Half.
	4,559	0	0	For the Medical Establishment of the Military Department of Ordnance, being the remaining Half.
	2,023	0	0	For Civil Officers, Professors, and Masters of Military Academy at Woolwich, being the remaining Half.
	78,849	0	0	For the Extraordinaries of the Ordnance, being the remaining Half, after deducting £ 82,500 for Old Stores, &c.
	4,359	0	0	For Office of Ordnance, for Services not provided for in 1827.
	58,554	0	0	For Ordnance Office in <i>Ireland</i> , being the remaining Half, after deducting £ 3,500, for Sums unexpended on former Grants, &c.
	150,241	0	0	For Ordnance Office in the United Kingdom, on Account of Allowances to superannuated, retired, and Half-pay Officers, to superannuated and disabled Men and Pensioners, and Pensions to Widows and Children of Officers late of the Ordnance Military Corps, being the remaining Half.
	22,683	0	0	For Allowances, &c. to retired Civil Officers of Ordnance Office, and Widows' Pensions, being the remaining Half.
	50,237	0	0	For the Barrack Department in <i>Great Britain</i> , being the remaining Half, after deducting £ 9,900 for condemned Stores, Rents of Canteens, &c.
	42,640	0	0	For Ditto in <i>Ireland</i> , being the remaining Half, after deducting £ 11,100 for Savings of former Grants, &c.
	52,658	0	0	For the Military Store Branch for the United Kingdom and Colonies, being the remaining Half.
	80,612	0	0	For Military Works and Buildings in the Colonies, being the remaining Half, after deducting £ 3,000 for Rents of Canteens, &c.
	1,000	0	0	For Fees on Ordnance Estimates, being the remaining Half.
	30,000	0	0	For Military Works in <i>Upper Canada</i> and <i>Nova Scotia</i> for 1828, upon an Estimate not exceeding for both these projected Works the Sum of £ 330,644.
§ VI.	23,800,000	0	0	To pay off Exchequer Bills charged on the Aids of 1827 and 1828.
VII.	500,000	0	0	To pay off Exchequer Bills charged on the Aids of 1828.
VIII.	734,200	0	0	To pay off Exchequer Bills issued for carrying on Public Works and Fisheries, and for building Churches.

§ IX.	£3,040	0	0	For the Civil Establishment of the <i>Bahama Islands</i> .
	10,445	0	0	For Ditto of <i>Nova Scotia</i> .
	3,600	0	0	For Ditto of <i>New Brunswick</i> .
	4,000	0	0	For Ditto of <i>Bermuda</i> .
	2,820	0	0	For Ditto of <i>Prince Edward Island</i> .
	23,818	7	5	For Ditto of <i>Newfoundland</i> and Governor's House.
	11,624	1	8	For Ditto of <i>Sierra Leone</i> .
	4,000	0	0	For Establishments on the <i>Gold Coast</i> .
X.	5,000,000	0	0	For discharging the like Amount of Supplies granted for 1823, 1824, 1825, 1826, and 1827.
	16,649	0	0	For the <i>British Museum</i> .
	240,000	0	0	For Civil Contingencies.
	29,000	0	0	For the Officers of the Houses of Parliament.
	16,000	0	0	For the Expences of the Houses of Parliament.
	98,413	0	0	For Deficiency of Fee Fund in Departments of the Treasury, Secretaries of State, Privy Council, and Committee of Privy Council for Trade.
	77,228	6	0	For Contingent Expences in those Departments and Offices.
	6,500	0	0	To Commissioners of Revenue Enquiry.
	7,000	0	0	For Officers and Expences of the Exchequer.
	958	5	0	For certain Professors in Oxford and Cambridge.
	13,669	0	0	For Salaries and Expences of Commissioners and Clerks of Insolvent Debtor's Court.
	4,700	0	0	For Superintendence of Aliens, and Superannuations to Officers retired from that Service.
	15,497	13	8	For retired Allowances to Persons formerly employed in Public Offices or Departments, or in the Public Service.
	14,340	0	0	For Relief to <i>Toulonese</i> and <i>Corsican</i> Emigrants, <i>Dutch</i> Naval Officers, <i>St. Domingo</i> Sufferers, &c.
	2,500	0	0	For the National Vaccine Establishment.
	3,000	0	0	For the Institution called the Refuge for the Destitute.
	4,500	0	0	For the Relief of <i>American</i> Loyalists.
	3,606	10	0	For confining and maintaining Criminal Lunatics.
	5,912	7	10	For Dissenting Ministers, Poor <i>French</i> Protestant Refugee Clergy and Laity, &c.
	49,000	0	0	For Foreign and other Secret Services.
	80,000	0	0	For Printing Acts, Bills, Reports, and other Papers for the Two Houses of Parliament.
	5,750	0	0	For Printing Public Records.
	95,650	0	0	For Stationery, Printing, and Binding for Public Departments, including the Expence of the Stationery Office.
	6,000	0	0	For Prosecutions relating to the Coin.
	6,300	0	0	For Fittings and Furniture for the Two Houses of Parliament.
	15,000	0	0	For Law Charges.
	106,958	0	0	For confining and maintaining Convicts at Home and at <i>Bermuda</i> .

£ 30,000	0	0	For Expences incurred under the Act for Abolition of the Slave Trade, for Support of captured Negroes, free <i>American</i> Settlers, &c.	
18,000	0	0	For Commissioners under the Treaties with <i>Spain</i> , &c. for preventing Traffic in Slaves.	
40,000	0	0	For Expences of Missions to the New States of <i>America</i> .	
97,870	0	0	For Salaries and Expences of Consuls.	
120,000	0	0	To defray Bills drawn from <i>New South Wales</i> .	
2,442	10	0	For certain Colonial Services.	
47,500	0	0	For Engineers' Stores for <i>New South Wales</i> and <i>Van Dieman's Land</i> , Bedding and Clothing for Convicts, Clothing and Tools for liberated <i>Africans</i> at <i>Sierra Leone</i> , and <i>Indian Presents</i> for <i>Canada</i> .	
7,000	0	0	For a Pier at <i>Hobbs Point</i> , for the Accommodation of Packets between <i>Milford Haven</i> and <i>Waterford</i> .	
20,000	0	0	For Public Buildings.	
7,000	0	0	For Works at <i>Port Patrick</i> Harbour.	
8,000	0	0	For Works at <i>Donaghadee</i> Harbour.	
20,000	0	0	For the Harbour at <i>Kingstown</i> , formerly <i>Dunleary</i> .	
43,600	0	0	For Buildings at the <i>British Museum</i> .	
4,000	0	0	For Buildings at the Offices of the Privy Council and of the Committee of Privy Council for Trade.	
180,000	0	0	For Works at <i>Windsor Castle</i> .	
7,000	0	0	For Works at the Houses of Parliament.	
2,500	0	0	For erecting Churches in the <i>West Indies</i> .	
19,413	10	0	For the Roads and Harbours of <i>Howth</i> and <i>Holyhead</i> .	
4,752	0	0	For Works at <i>Dunmore</i> Harbour.	
15,000	0	0	For Penitentiary House at <i>Milbank</i> .	
16,182	0	0	To the Society for Propagating the Gospel in the Colonies.	
12,995	15	8	For Royal Military College.	
27,629	3	7	For Royal Military Asylum.	
185,000	0	0	For Improving the Water Communication between <i>Montreal</i> and <i>Kingston</i> .	
§ XI.	21,391	0	0	For the House of Industry in <i>Ireland</i> .
	6,658	0	0	For the <i>Richmond</i> Lunatic Asylum.
	1,676	0	0	For the Female Orphan House.
	3,490	0	0	For the <i>Westmorland</i> Lock Hospital.
	2,770	0	0	For the Lying-in Hospital.
	1,700	0	0	For Dr. <i>Steven's</i> Hospital.
	3,860	0	0	For the Fever Hospital in <i>Cork Street, Dublin</i> .
	465	0	0	For the Hospital for Incurables.
	7,000	0	0	For the Royal <i>Dublin</i> Society.
	300	0	0	For the Royal <i>Irish</i> Academy.
	7,500	0	0	For the <i>Hibernian</i> Society for Soldiers' Children.
	1,800	0	0	For the <i>Hibernian</i> Marine Society.
	1,500	0	0	For the Royal <i>Cork</i> Institution.
	14,384	0	0	For the Protestant Charter Schools in <i>Ireland</i> .

	£ 9,000	0	0	For the Society for discountenancing Vice.
	8,928	0	0	For the Roman Catholic Seminary at <i>Maynooth</i> .
	25,000	0	0	For the Society for Education of the Poor.
	32,506	0	0	For the Foundling Hospital.
	1,500	0	0	For the <i>Belfast</i> Academical Institution.
§ XII.	700	0	0	For the Board of Charitable Bequests.
	16,000	0	0	For the Board of Works.
	15,000	0	0	For Printing, Stationery, and other Disbursements of Public Offices in <i>Dublin</i> Castle.
	5,800	0	0	For publishing Proclamations and other Matters of a Public Nature.
	3,500	0	0	For Printing Statutes in <i>Ireland</i> .
	37,000	0	0	For Criminal Prosecutions.
	14,360	6	0	For Nonconforming, Seceding, and Protestant Dissenting Ministers in <i>Ireland</i> .
	740	6	2	For the Salaries to Lottery Officers in <i>Ireland</i> .
	5,852	0	0	For Inland Navigations.
	24,300	0	0	For the Police and Watch Establishments of <i>Dublin</i> .
	7,324	0	0	For the Expence of the Commissioners of Judicial Inquiry.
	3,200	0	0	For the Record Commission in <i>Ireland</i> .
	14,000	0	0	For Public Works in <i>Ireland</i> .
	3,000	0	0	For Townland Survey of <i>Ireland</i> .
XIII.	The Lord Lieutenant may withhold, or issue in aid of such other Establishments for general Education, and under such Conditions as he shall think fit, the Sums for the Protestant Charter Schools of <i>Ireland</i> , for the Association for discountenancing Vice, for the Education of the Poor, and for the <i>Belfast</i> Academical Institution.			
XIV.	Supplies to be applied only for the Purposes aforesaid.			
XV.	Rules to be observed in the Application of the Sum appropriated to Half-pay. Not to prevent the receiving of Half-pay under any Act relating to the General or Local Militia, &c.			
XVI.	Persons concerned in issuing, paying, and receiving Money for the Payment of Half-pay, without the Oaths having been taken as required by 7 & 8 G.4. c.70. indemnified.			
XVII.	Half-pay allowed to the Officers of the <i>Manx</i> Fencibles.			
XVIII.	Half-pay allowed to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.			
XIX.	Surplus of Seven hundred twenty-five thousand and two hundred Pounds appropriated by 7 & 8 G.4. c.70. for Half-pay, may be disposed of to such Officers as His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers.			
XX.	Widows of Officers of the Land Forces, and Persons claiming Allowances on the Compassionate List, or as of His Majesty's Royal Bounty, shall take an Oath to such Purport as shall be required by the Warrant directing the Issue of such Pensions and Allowances before a Person authorized to administer an Oath, or before the Cashier of Widows' Pensions, or the First Assistant Examiner of the same, in the Office of the Paymaster General of the Land Forces.			

LOCAL AND PERSONAL ACTS,

DECLARED PUBLICK,

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 21 Years, &c. [i. e. to the End of the next Session] from a Day named in the Act.*
- (b) *For 21 Years, &c. from the passing of the Act.*
- (c) *For 21 Years, &c. after the End of the Term under former Acts.*

The following are all PUBLIC ACTS; to each of which is annexed a Clause in the Form following:

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

Cap. i.

An Act for better assessing and collecting the Poor and other Rates in the Parish of *Saint Mary Martin* otherwise *Merton*, in the County of *Surrey*. [21st March 1828.]

Cap. ii.

An Act for better assessing and collecting the Poor and other Rates in the Parish of *Saint Mary Wimbledon* in the County of *Surrey*. [21st March 1828.]

Cap. iii.

An Act for making, repairing, and improving certain Roads leading to and from *Truro* in the County of *Cornwall*. (a)
[21st March 1828.]

[13 G. 3. c. 112. 22 G. 3. c. 89. 42 G. 3. c. iv. and 57 G. 3. c. xliv. repealed, § 1. One full Toll only to be taken on the same Day, except at a Gate Ten Miles distant from that at which the Toll was paid, and then Two full Tolls only, § 14. Payment of Toll upon

upon the Roads from the Foot of Truck Hill, to Penhale, and from Killajanoon to Perron Wharf, not to exempt on the other Roads, and vice versâ, § 15. Tickets not to free unless the Property in the Horse, Carriage, &c. is unchanged or no new Hiring has taken place, or unless used for conveying Goods not exceeding One hundred Pounds Weight without Hire or Reward, or Goods not wholly the Property of the Proprietor or Hirer, § 17. Manure, Implements of Husbandry, and Agricultural Produce not to be exempt unless in Carriages with Six-Inch Wheels, § 18. Horses not going or returning more than Two Miles for Pasture, Watering, Shoeing, or Farrying, exempt from Tolls, § 19.]

Cap. iv.

An Act for repairing and improving the Road from Newcastle-under-Lyme to Leek, and several Branch Roads, all in the County of Stafford. (b) [21st March 1828.]

[So much of 5 G. 3. c. 84. 13 G. 3. c. 100. and 33 G. 3. c. 141. as relates to first District of Road repealed, § 1. Toll to be paid but once each Day on passing through the same and the next Gate, § 13. and Twice only on the whole Line of Road, § 14.]

Cap. v.

An Act for repairing the Road from Hinckley to Melbourne Common, and other Roads communicating therewith, in the Counties of Leicester and Derby. (a) [21st March 1828.]

[33 G. 2. c. 46. 14 G. 3. c. 110. and 48 G. 3. c. x. repealed. Tolls to be paid but once a Day at the Gates named in the Ticket, § 16. Five full Tolls only to be taken on the Roads between Hinckley and Woeful Bridge, and between Hinckley and Melbourne Common, nor more than Four on the Roads between Hinckley and Measham, § 17.]

Cap. vi.

An Act for repairing the Road from the West End of the Town of Beaconsfield in the County of Buckingham, to within Half a Mile of the River Colne, near Uzbridge in the County of Middlesex. (a) [21st March 1828.]

[46 G. 3. c. cii. repealed, § 1. Tolls to be paid but once a Day, § 14.]

Cap. vii.

An Act to enable the Company of Proprietors of the Liverpool and Manchester Railway to alter the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating thereto. [26th March 1828.] 7 G. 4. c. xlix. 7 & 8 G. 4. c. xxi.

Cap. viii.

An Act for amending and enlarging the Powers and Provisions of an Act relating to the Bolton and Leigh Railway. [26th March 1828.] 6 G. 4. c. xviii.

Cap. ix.

An Act to enable the Trustees of the Road leading from the Town of *Cheltenham* in the County of *Gloucester* towards the City of *Gloucester*, to form a new Branch to communicate with the said Road in the Parish of *Cheltenham*. (b) [26th March 1828.]
 [Powers of 6 G. 4. c. clxvii. and 7 & 8 G. 4. c. 24. extended to this Act.]

Cap. x.

An Act for more effectually repairing and improving the Roads leading to and from the Port, Harbour, and Town of *Whitehaven* in the County of *Cumberland*. (b) [26th March 1828.]
 [46 G. 3. c. cxxvii. repealed. Lime for Manure exempted from Toll, § 14. Tolls to be paid but once for passing and repassing the same Day, § 15.]

Cap. xi.

An Act for more effectually repairing the Road from *Bury* to *Little Bolton* in the County Palatine of *Lancaster*. (a) [26th March 1828.]
 [2 G. 4. c. xc. repealed. Tolls not to be paid for returning on same Day, § 18; and Two full Tolls only to be taken on whole Line on same Day, § 19.]

Cap. xii.

An Act for more effectually making, repairing, and maintaining certain Roads from *Kingsbridge* to *Dartmouth*, *Modbury*, *Salcombe*, and other Places in the South Part of the County of *Devon*. (b) [26th March 1828.]
 [5 G. 4. c. xxxi. repealed. Power to take Toll from Foot Passengers upon the new Embankment at *Bowcombe*, § 15. Four full Tolls only to be taken on the whole Line of Road; and One full Toll only from *Kingsbridge* to *Modbury*; and from *Kingsbridge* to *Salcombe*; and One full Toll only from *Kingsbridge* to *Ven Cross*; and *Kingsbridge* to *Frogmore* or *Ranscombe Bridge*; and Two full Tolls only from *Kingsbridge* to *Dartmouth*; and from *Dartmouth*, by way of *Topsam Bridge* or *Gara Bridge*, to *Modbury*, § 16. Tolls to be paid but once a Day, § 17. Lime and Sea Sand for Manure exempt from Toll if in Carriages the Wheels of which are of certain Breadths, § 19.]

Cap. xiii.

An Act to continue several Acts for granting a Duty of Two Pennies Scots upon Ale and Beer brewed in the Town of *Aberbrothock* in the County of *Forfar*. [3d April 1828.]
 [Duties granted by 11 G. 2. c. 4. 3 G. 3. c. 28. 27 G. 3. c. 46. and 48 G. 3. c. xiv. continued for 21 Years, § 1. Drawback allowed on Beer sold out of the Town and Liberties, § 3.]

Cap. xiv.

An Act to amend an Act of the Fifty-first Year of His late Majesty, for erecting a new Market Place in the Town or Borough and Manor of *Gosport* in the County of *Southampton*. 51 G. 3. c. clxxii.

[3d April 1828.]

Cap. xv.

An Act to establish a Chapel of Ease in the Parish of *Hove* in the County of *Sussex*. [3d April 1828.]

[Saving the Rights of the Vicar of *Hove*, § 20. and of the Bishop of *Chichester*, § 21.]

Cap. xvi.

An Act for more effectually repairing and improving the Roads from *Kipping's Cross* to *Wilsley Green*, and from a Place near *Gaudhurst Gore* to *Stilebridge*, and from *Underden Green* to *Wanshutts Green*, all in the County of *Kent*. (b) [3d April 1828.]

[5 G. 3. c. 63. 26 G. 3. c. 134. 47 G. 3. c. xviii. repealed. Tolls to be taken for Trucks drawn by Dogs, § 14. Four full Tolls only to be taken in the same Day for passing through all the Gates on each District, § 15. Tolls to be paid Once a Day for Horses, and every Third Time for Carriages, § 16. Between the Tenth of October and the First of April Double Tolls to be paid at each Gate for Horses drawing Timber, Wood, Hop Poles, or Iron, § 18. and between the same Days Tolls shall be paid for Horses drawing Materials for any Turnpike Roads or Public Highways or Bridges not being situate in any of the Parishes in which the District of Road on which the Toll shall be demanded, or any Part thereof, lies, and at all Times for Manure not made on any Lands situate in any of the Parishes in which the District of Road on which the Toll shall be demanded lies, § 19.]

Cap. xvii.

An Act for more effectually repairing and improving the Road from *Wadhurst* to the Turnpike Road at *Lamberhurst Down*, both in the County of *Sussex*; and from the Turnpike Road at *Pullen's Hill* to *West Farleigh Street*, both in the County of *Kent*. (b) [3d April 1828.]

[5 G. 3. c. 52. 26 G. 3. c. 157. and 47 G. 3. Sess. 2. c. xxii. repealed, § 1. Tolls to be taken for Trucks drawn by Dogs, § 14. Four full Tolls only to be taken between *Pullen's Hill* and *West Farleigh Street*, and One full Toll only on the Part of the Road in *Wadhurst* and *Lamberhurst*, § 15. Tolls to be paid but Once a Day for Horses, and every Third Time for Carriages, § 16. Double Tolls, § 17. and Limitation of Exemptions, § 18. as in last Act.]

Cap. xviii.

An Act for more effectually repairing the Road from *Footscray*, by *Wrotham Heath*, to *Maidstone*, and from the said Road into the Road from *Mereworth* to *Hadlow*; and for making and maintaining a Road from the said Road at *Wrotham Heath* to *Teston*.

Teston, and from the said Road from *Mereworth* to *Hadlow* to *Saint Leonard's Street* in the Parish of *West Malling*; all in the County of *Kent*. (a) [3d April 1828.]

[13 G. 3. c. 98. 35 G. 3. c. 165. and 57 G. 3. c. lv. repealed. Materials used for Roads in any other Parish not to be exempt from Toll unless removed between 1st April and 1st November, or in hard Frost, § 19. Five full Tolls only to be taken on the same Day between *Footscray* and *Maidstone*; and Two full Tolls only between *Wrotham* and *Maidstone* into the Turnpike Road leading from *Mereworth* to *Hadlow*, or between *Wrotham Heath* and *Teston*, and One full Toll only between *Mereworth* and *Hadlow* to *Saint Leonard's Street*, § 20. Tolls to be paid only Once a Day, § 21.]

Cap. xix.

An Act for making and maintaining a Turnpike Road from the *Bridport* Turnpike Road at *Allington*, through *Broadwindsor* and *Drimpton* in the County of *Dorset*, to the *Crewkerne* Turnpike Road, at or near *Clapton Bridge*, and also from *Hewish* Toll Gate to the *Crewkerne* Turnpike Road at or near *Roundham Corner* in the Parish of *Crewkerne* in the County of *Somerset*. (b) [3d April 1828.]

[No more than One full Toll to be taken in One Day, § 19.]

Cap. xx.

An Act for making and maintaining a Turnpike Road from the City of *Carlisle* in the County of *Cumberland*, by way of *Warwick Bridge*, to the Market Town of *Brampton* in the said County. (b) [3d April 1828.]

[Tolls to be paid but Once a Day, § 7. Manure (except Lime), Gravel, Stones, Materials for building or repairing any present or future Toll House or Toll Gate on the said Road; or any Grain, Flour, or Meal going to be ground, or returning therefrom, for the private Consumption of the Owner thereof, exempt from Toll, § 10.]

Cap. xxi.

An Act for more effectually repairing the Roads from the Top of *Harnham Hill* near *New Sarum* through *Blandford* and *Dorchester*, to *Askerwell Hill*, and from *Harnham Hill* aforesaid to a House, called *Master Baker's Farm House*, in the Counties of *Wilts* and *Dorset*. (a) [3d April 1828.]

[29 G. 2. c. 54. 2 G. 3. c. 66. 17 G. 3. c. 83. 38 G. 3. c. xxvii. and 59 G. 3. c. xlviii. repealed. Tolls to be paid only Once a Day, except in certain Cases, § 16. Horses drawing different Carriages to pay each Time of passing, § 17. Six full Tolls only to be taken in One Day, § 20.]

Cap. xxii.

An Act for lighting with Gas the Town of *Bury*, and the Neighbourhood thereof, in the Parish of *Bury*, in the County Palatine of *Lancaster*. [18th April 1828.]

Cap. xxiii.

An Act for more effectually repairing, widening, and otherwise improving the Road from the South End of *Milton Street* in the Town of *Nottingham* to the West End of *Blind Lane* in the Town of *Mansfield* in the County of *Nottingham*. (a) [18th April 1828.]

[27 G. 3. c. 76. and 48 G. 3. c. lix. repealed. Tolls to be taken but Once on the same Day, § 15. No more than Two full Tolls to be paid for the same Horses, &c. passing through all the Gates, § 16. Wheels deviating from a flat Surface to pay an additional Toll, § 18. Penalty for hanging out Clothes, &c. on Fences adjoining the Road, § 27.]

Cap. xxiv.

An Act for lighting with Gas the City of *Lincoln*, and the Bail and Close of *Lincoln*, in the County of *Lincoln*. [9th May 1828.]

Cap. xxv.

An Act for paving, lighting, watching, cleansing, regulating, and improving the Vill and Parish of the *Cliffe*, near *Leves*, in the County of *Sussex*. [9th May 1828.]

Cap. xxvi.

An Act for lighting, watching, and otherwise improving the Town of *Stalybridge* in the Counties Palatine of *Lancaster* and *Chester*, and for regulating the Police thereof; and for establishing and regulating a Market, and erecting a Market Place, within the said Town. [9th May 1828.]

Cap. xxvii.

An Act for paving, lighting, watching, and improving the City of *Lincoln*, and the Bail and Close of *Lincoln*, in the County of *Lincoln*, and for regulating the Police therein. [9th May 1828.]
[31 G. 3. c. 80. repealed.]

Cap. xxviii.

An Act for explaining and amending an Act passed in the Sixth Year of His present Majesty's Reign, for watching and lighting the Townships or Villages of *Hanley* and *Shelton*, in the Parish of *Stoke-upon-Trent* in the County of *Stafford*. [9th May 1828.] 6 G. 4. c. lxxiii.

Cap. xxix.

An Act to authorize the Company of Proprietors of the *Canterbury* and *Whitstable* Railway to raise a further Sum of Money for completing the Undertaking; and for enlarging and amending the Powers of the Acts passed for making and maintaining the said Railway and Works connected therewith. [9th May 1828.] 6 G. 4. c. cxx. 7 & 8 G. 4. c. xi.

Cap. xxx.

An Act for improving and maintaining the Navigation from the River *Humber* to *Alvingham* in the County of *Lincoln*, and from thence to *Louth* in the same County. [9th May 1828.]

[3 G. 3. c. 39. repealed.]

Cap. xxxi.

An Act for more effectually maintaining and improving the Harbour of *Dovor* in the County of *Kent*. [9th May 1828.]

[11 & 12 W.3. c.5. 2 & 3 Anne, c.7. 4 G.1. c.13. 9 G.1. c.30. 11 G.2. c.7. 31 G.2. c.8. 26 G.3. c.11. 34 G.3. c.112. 47 G.3. Sess.2. c.lxix. repealed. *Vessels belonging to Persons residing at Great Yarmouth, Ramsgate, Sandwich, Weymouth, and Melcomb Regis, Lyme Regis, and Arundel, exempted from the Duties imposed by this Act, § 75. Saving the Rights of the Trinity House, § 77.*]

Cap. xxxii.

An Act for more effectually amending, widening, and keeping in repair Two several Districts of Road leading from *High Bridges* to *Uttoxeter*, and from the *Newcastle Road* at *Spath*, near *Uttoxeter*, to the *Leek Road* at or near *Hanging Bridge* in the County of *Stafford*. (a) [9th May 1828.]

[*So much of 6 G.3. c.88. 27 G.3. c.88. 48 G.3. c.xxxiv. 3 G.4. c.126. 4 G.4. c.95. 5 G.4. c.69. 7 & 8 G.4. c.24. as relates to the First and Second Districts of the Roads repealed, § 1. Toll to be paid but at One Gate in each District on the same Day, § 15. Lime for Land to pay Half Toll, § 16.*]

Cap. xxxiii.

An Act for making and maintaining a Road from the Town of *Beaumaris* to join the *London and Holyhead Post Road* at or near to the *Menai Bridge*, all in the County of *Anglesey*. (b) [9th May 1828.]

[*Tolls to be paid but Once a Day, § 7.*]

Cap. xxxiv.

An Act for repairing the Road from *Spernal Ash* in the County of *Warwick*, through *Studley* to *Birmingham*. (a) [9th May 1828.]

[7 G.3. c.77. 11 G.3. c.61. and 48 G.3. c.xxx. repealed, § 1. *Tolls to be paid but Once a Day at Gates freed by Ticket, § 15. No more than Two full Tolls to be paid on the whole Line of Road on the same Day, § 16.*]

Cap. xxxv.

An Act for more effectually improving and keeping in repair the Roads leading to and from the Town of *Great Torrington* in the County of *Devon*, and for making certain new Lines of Road to communicate with the same. (b) [9th May 1828.]

[5 G.4. c.lxxx. repealed, § 1. *When the Trustees of the Road from The Bartridges to Hatherleigh, through Alverdiscott, Hunshaw, and Great Torrington, New Street, Potacre Street, Pigmarket Street, Castle Street, South Street, and Mill Street in Great Torrington, and through Little Torrington, Peter's Marland, Petrockstow, Meeth, and Hatherleigh, shall abandon it, the same shall be repaired, &c. by the Trustees of this Act, § 3. Tolls to be taken but Once a Day at any One Gate, § 15. Only Four Tolls to be taken*

taken on the whole Line in One Day, § 16. Toll to be paid for every Load of Timber, § 19. Empty Timber Carriages to pay only same Toll as other Carriages, § 20. Only One Half Toll to be paid for Lime, Sand, or Salt, for Manure, § 21. Corn ground at Torrington Mills not being for Sale exempt from Toll, § 22.]

Cap. xxxvi.

An Act for more effectually repairing the Roads from the Town of Cambridge to the *Wadesmill* Turnpike Road, in the Parishes of *Great Chishill* and *Little Chishill*, in the County of *Essex*, and from the said Town of *Cambridge* to *Royston* in the County of *Cambridge*. (a) [9th May 1828.]

[33 G. 3. c. 130. and 47 G. 3. c. liv. repealed, § 1. Tolls to be paid only Once a Day, § 17. One full Toll only to be paid for all the Gates on the same Day, § 18.]

Cap. xxxvii.

An Act for paving, lighting, watching, cleansing, regulating, and improving the Town of *North Shields*, in the County of *Northumberland*. [13th May 1828.]

Cap. xxxviii.

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*. 28 G. 3. c. 75. [13th May 1828.]

[*Reserving Rights of Corporation of Hertford, and of Lords of Manors and Franchises within that Borough, § 17.*]

Cap. xxxix.

An Act for regulating and fixing the Rates to be paid for Goods imported at and exported from the Quay of *Bideford* in the County of *Devon*, and for Keyage and Keelage of Ships and Vessels in the Harbour of *Bideford*, and for more easily levying and collecting the same; and also for regulating Ships and Vessels in the said Harbour. [13th May 1828.]

[*Ships in His Majesty's Service to be exempt from Duties, § 10. General Saving of Rights, § 34. Act not to affect the Rights of the Corporation of Barnstaple, § 35.*]

Cap. xl.

An Act for amending Three Acts of the Thirtieth Year of King *George* the Second, and the Thirty-second and Thirty-fifth Years of His late Majesty King *George* the Third, so far as relates to the draining and preserving certain Fen Lands and Low Grounds within the Township or Hamlet of *March* in the *Isle of Ely* and County of *Cambridge*, called the Fourth District. 30 G. 2. c. 36. 32 G. 3. c. 108. 35 G. 3. c. 48. [13th May 1828.]

Cap. xli.

An Act for removing the present Cattle Market now held in *Saint Thomas Street* in the City of *Bristol*, for providing a better and more convenient Market instead thereof, and for rebuilding and enlarging the Wool Hall in *Saint Thomas Street*.

[13th May 1828.]

Cap. xlii.

7 & 8 G. 4.
c. lxxvii.

An Act for altering and amending an Act passed in the last Session of Parliament, intituled *An Act for lighting, cleansing, watching, and otherwise improving the Town of Ashton-under-Lyne in the County Palatine of Lancaster, and for regulating the Police thereof*, and also for regulating the Market and erecting a Market Place within and for the said Town.

[13th May 1828.]

Cap. xliii.

An Act for repealing an Act of the Twenty-sixth Year of the Reign of King *George the Second*, for the better Relief and Employment of the Poor in the Parish of *East Greenwich* in the County of *Kent*, and for repairing the Highways and cleansing the Streets thereof; and for making more effectual Provisions in lieu of the said Act.

[13th May 1828.]

[26 G. 2. c. 100. repealed, § 1.]

Cap. xliv.

An Act for making and maintaining a Road from *Beck Fen Lane*, in the Parish of *Mildenhall* in the County of *Suffolk*, to the South-east End of the Bridge over the River *Ouze*, in the Parish of *Littleport* in the *Isle of Ely* and County of *Cambridge*, and other Roads therein mentioned, in the Counties of *Norfolk* and *Suffolk*. (b)

[13th May 1828.]

[Persons having paid the Tolls to return Toll-free on same Day, § 17. Two full Tolls only to be taken on the same Day, § 18. Persons having paid One full Toll upon either District, to pass free on same Day through any Gate in that District, within Six Miles of the Gate where the Toll was paid, § 19. Tolls granted by this Act to be over and above the Tolls for narrow Wheels, § 20. Power to take Toll of One Penny of Foot Passengers passing over the Bridge to be erected across the Little Ouze River, § 26. Bridges to be repaired at the Expence of the Trustees and the Persons who were liable to repair them, in such Proportions as shall be agreed upon between them, § 30. Persons heretofore liable to the Repair of Bridges to remain so after the Expiration of this Act, § 31. Corporation of Bedford Level not liable to repair Bridges to be hereafter built, § 33. Inhabitants of Mildenhall, Ely Trinity, Ely Saint Mary, Littleport, Eriswell, Lakenheath, Hockwold-cum-Wilton, Feltwell, and Methwold, not to be liable to repair Roads until completed, § 33. Saving of Rights of Corporation of Bedford Level and Commissioners of Burnt Fen First District, § 35.]

Cap. xlv.

An Act for repairing the Road leading from *Ipswich* to *South Town*, and from the said Road, at or near *Beech Lane* in the Parish of *Darsham*, to *Bungay* in the County of *Suffolk*. (a)
[13th May 1828.]

[25 G. 3. c. 116. and 47 G. 3. c. xlix. repealed, § 1. Tolls to be paid only Once a Day at the same Gate or those freed by Ticket, § 15. Six full Tolls only to be paid on same Day on Whole Line of Road, § 16.]

Cap. xlvii.

An Act for amending and maintaining the Turnpike Road from the Northern End of the Village of *Balby* in the County of *York*, to *Worksop* in the County of *Nottingham*. (b) [13th May 1828.]

[5 G. 3. c. 67. 27 G. 3. c. 84. and 49 G. 3. c. lxxxvi. repealed, § 1. Tolls to be paid but Once a Day at same Gate and those freed by Ticket, § 15. No more than Three full Tolls to be paid on the whole Line of Road, § 16.]

Cap. xlviii.

An Act for repairing the Road from the present Turnpike Road in the Parish of *Hursley* in the County of *Southampton* to *Andover*, and from thence to *Newbury*, and from *Newbury* to *Chilton Pond* in the County of *Berks*. (a) [13th May 1828.]

[6 G. 3. c. 86. 27 G. 3. c. 94. and 47 G. 3. c. lv. repealed. Tolls to be paid but Once a Day, § 16. No more than Three full Tolls to be paid on the whole Line of Road on the same Day, § 17.]

Cap. xlviii.

An Act for more effectually repairing the Road from the *Honiton* Turnpike Road near *Yard Farm* in the Parish of *Upottery* in the County of *Devon*, towards *Ilminster*, to the Eastern Boundary of the Parish of *Buckland Saint Mary* in the County of *Somerset*, and other Roads communicating therewith. (a)
[13th May 1828.]

[47 G. 3. Sess. 1. c. vi. repealed, § 1. Two full Tolls only to be taken on the same Day on the whole Line of Road, § 16.]

Cap. xlix.

An Act for more effectually repairing, widening, and improving the Roads from *Gosport*, through *Fareham* and *Wickham*, to *Bishop's Waltham*, and from *Wickham* aforesaid to *Chawton Pond* in the Parish of *Chawton*, all in the County of *Southampton*. (b) [13th May 1828.]

[20 G. 3. c. 77. 39 G. 3. c. xvii. 1 G. 4. c. xxxi. repealed, § 1. Tolls to be paid only Once a Day at same Gate, § 15. Two Tolls only to be taken on the same Day between *Gosport* and *Bishop's Waltham*, and no more than Four Tolls between *Gosport* and *Chawton Pond*, § 16. When new Line is completed, Road from *Sherril Heath* to *Droxford* to cease to be Turnpike, § 26.]

Cap. l.

An Act for making, amending, widening, and keeping in repair certain Roads passing through or near the Town of *Ilminster* in the County of *Somerset*. (a) [13th May 1828.]

[4 G. 4. c. liii. repealed, § 1. Toll to be paid but Once for passing and repassing on same Day, § 18. No more than One full Toll to be taken for passing along the whole of either of the Districts of Road on the same Day, and Payment of a full Toll on Two of the Districts, to free on the same Day through all the Gates on the Roads, § 19.]

Cap. li.

An Act for more effectually repairing the Road from *Christopher's Bridge* in the Borough of *Thetford* in the County of *Suffolk*, to the North-east End of the Town of *Newmarket* in the County of *Cambridge*. (a) [13th May 1828.]

[8 G. 3. c. 55. 10 G. 3. c. 60. and 47 G. 3. Sess. 1. c. v. repealed, § 1. Tolls to be paid but Once a Day at same Gate, § 13. No more than Two full Tolls to be taken in One Day on the whole Line, § 14.]

Cap. lii.

5 G. 4. c. cxii. An Act for altering and amending an Act passed in the Fifth Year of His present Majesty, for building a Bridge over the River *Thames* at *Hammersmith*, and for making convenient Roads to communicate therewith. [23d May 1828.]

Cap. liii.

An Act for the Erection of a Bridge across the River *Blackwater*, at or near *Foxhole* and the Town of *Youghal* in the County of *Cork*, to the opposite Side in the County of *Waterford*, and for making the necessary Approaches thereto. [23d May 1828.]

Cap. liv.

An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of *Birmingham* in the County of *Warwick*, and for regulating the Police and Markets of the said Town. [23d May 1828.]

[52 G. 3. c. cxiii. repealed.]

Cap. lv.

An Act to enable the Trustees of the *Liverpool* Docks to raise a further Sum of Money. [23d May 1828.]

[£ 200,000.]

Cap. lvi.

An Act for rebuilding, or for improving, regulating, and maintaining, the Town Quay of *Gravesend* in the County of *Kent*, and the Landing Place belonging thereto. [23d May 1828.]

[Toll not exceeding One Penny for each Passenger in Vessels carrying Passengers for Hire, § 3. Act not to deprive the Corporation

ation of their Right to Tolls at the Old Quay until the New One is completed, § 4. Soldiers and Sailors on Duty and King's Stores exempt from Toll, § 5. Tolls to be collected by Masters of Vessels, and paid by them to the Corporation, § 6. Toll to be paid by Persons using Part of the Quay as a Promenade during May and Five following Months, § 14. The Earl of Darnley and his Heirs, and certain of his Tenants, exempted from the Duties hereby imposed, § 38. Saving the Rights of the City of London, § 39. Act not to affect the Powers of the Commissioners for paving, &c. the Parishes of Gravesend and Milton, § 40.]

Cap. lvii.

An Act for granting further Powers to the Company of Proprietors of the Portsmouth and Arundel Navigation.

[23d May 1828.]

[See 57 G. 3. c. lxiii. 59 G. 3. c. civ. and 1 & 2 G. 4. c. lxii. So much of 57 G. 3. c. lxiii. as empowers the Company to supply the Canal with Water, repealed, § 2.]

Cap. lviii.

An Act for maintaining, enlarging, improving, and regulating the Harbour of the Burgh of Kirkwall in Orkney.

[23d May 1828.]

[Vessels in His Majesty's Service, &c. exempted from Rates, § 11. Tonnage Duty to be paid but Once during the Voyage, § 16.]

Cap. lix.

An Act to repair and maintain the Harbour of Helmsdale, and Works connected therewith, in the Parish of Loth and County of Sutherland.

[23d May 1828.]

[Ships in His Majesty's Service exempt from Duties, § 23.]

Cap. lx.

An Act to enable the Company of Proprietors of the Stockton and Darlington Railway to make a Branch therefrom in the Counties of Durham and York, and to amend and enlarge the Powers and Provisions of the several Acts relating thereto.

1 & 2 G. 4.
c. xliv.

4 G. 4. c. xxxiii.
5 G. 4. c. xlvi.

[23d May 1828.]

Cap. lxi.

An Act for making and maintaining a Railway from the River Tees, near Haverton Hill in the Parish of Billingham, to a Place called Sim Pasture Farm in the Parish of Heighington, all in the County of Durham, with certain Branches therefrom.

[23d May 1828.]

Cap. lxii.

An Act for extending the Time for completing the Nantlle Railway, and other Works connected therewith, in the County of Carnarvon.

[23d May 1828.]

[See 6 G. 4. c. lxiii. and 7 & 8 G. 4. c. iii. Term extended for Five Years from passing of this Act, § 2.]

Cap. lxi.

An Act for enabling the *Thames Tunnel Company* to raise a further Sum of Money, and for amending the Act relating to the said Tunnel. [23d May 1828.]

[£200,000.]

Cap. lxiv.

An Act for establishing Markets at *Swansea*, in the County of *Glamorgan*. [23d May 1828.]

[*Royalties and Rights of the Duke of Beaufort and the Corporation of Swansea saved, § 57.*]

Cap. lxv.

An Act to enable His Majesty's Justices of the Peace for the County of *Surrey* to nominate and appoint Two or more Persons to act as Principal Land Coal Meters within and for the several Parishes and Places therein mentioned in the said County.

[23d May 1828.]

[47 G.3. Sess.2. c.lxviii. repealed in part.]

Cap. lxvi.

An Act for regulating and enabling the City of *Dublin Steam Packet Company* to sue and be sued, and thereby to encourage the Use of Vessels propelled by Steam in the Trade of *Ireland*.

[23d May 1828.]

[Act to continue in force for 99 Years from the passing, § 52.]

Cap. lxvii.

An Act for making a Turnpike Road from the Township of *Hunslet*, across the River *Aire*, to the Township of *Leeds*, together with a Branch therefrom, all in the West Riding of the County of *York*. (b)

[23d May 1828.]

[Tolls on Horses, &c. to be paid only Once a Day. Foot Passengers to pay every Time of passing the Bridge over the River *Aire*, § 15. One full Toll only to be paid for Horses, &c. passing and re-passing Once through all the Toll Gates in any One Day, § 16.]

Cap. lxviii.

An Act for more effectually repairing the Road from *Great Grimsby Haven* to *Wold Newton Church*, and from *Nuns Farm* to the *Mill Field*, in the Parish *Irby*, in the County of *Lincoln*. (b)

[23d May 1828.]

[5 G.3. c.78. 26 G.3. c.137. 47 G.3. Sess.2. c.lxviii. repealed, § 1. Tolls to be paid but Once a Day at same Gate, § 15. No more than One full Toll to be paid on the Road, § 16. Manure to pay Toll for Overweight, § 18.]

Cap. lxxix.

An Act for repairing and improving the Road from *Wakefield* to *Halifax*, with certain Branches therefrom, all in the West Riding of the County of *York*. (b) [23d May 1828.]

[14 G. 2. c. 19. 30 G. 2. c. 54. 33 G. 3. c. 129. and 49 G. 3. c. xix. repealed, § 1. Tolls to be paid only Once a Day at same Gate, § 16. Three full Tolls only to be taken in One Day for passing and repassing through all the Toll Gates, § 17.]

Cap. lxx.

An Act for repairing the Roads from *Horsham* to *Steyning*, and from thence to the Top of *Steyning Hill*, in the County of *Sussex*, and from the Bottom of *Steyning Hill* to *Slaughter's Corner*, in the Parish of *Beeding*, and from thence to *Shoreham Bridge*, in the Parish of *Old Shoreham*, in the said County. (b)

[23d May 1828.]

[25 G. 3. c. 109. 47 G. 3. Sess. 2. c. cxvi. repealed, § 1. The Roads to be kept divided into Two Districts, § 9. Double Tolls shall be taken for Timber, Plank, Wood, Bricks, Tiles, Stone, Marle, Chalk, Coals, Culm, Lime, or Sand, of the Weight of Half a Ton or upwards, between the First of November and the First of April, § 15. Only One Half of the Tolls to be taken for Lime intended for Manure, § 17. Chalk, Marle, or Lime for Manure not exempt from Toll, except as aforesaid, § 18. Only Half Tolls to be paid for Asses, § 19. Tolls to be payable but Once a Day for passing and returning Once between *Horsham* and *Bines Green*, *Steyning* and the North Side of *Jolesfield Common*, *Steyning* and *Slaughter's Corner*, and *Slaughter's Corner* and *Shoreham Bridge*, § 20. No more than Three full Tolls shall be taken on the same Day on the Roads in the First District, nor more than One full Toll on the Roads in the Second District, § 21.]

Cap. lxxi.

An Act for more effectually repairing and maintaining the Road from the City of *Chester* to the Town of *Frodsham*, in the County of *Chester*, and from the said Town of *Frodsham* to *Ashton Lane End*, in the same County. (a) [23d May 1828.]

[26 G. 3. c. 139. and 47 G. 3. Sess. 2. c. xvi. repealed, § 1. Exemptions not allowed to Carriages having the Nails of the Tires projecting more than One Quarter of an Inch, § 13. Toll only Once payable at any Gate on the same Day, except for Horses drawing different Waggon, or a new Load of 240 Pounds Weight for Hire, and going Three Miles on the Road, § 14. No more than Two full Tolls, except as before provided, to be taken on the same Day between *Flookersbrook Bridge* and *Frodsham*, nor more than the Amount of One full Toll between *Frodsham* and *Ashton Lane End*, § 17.]

Cap. lxxii.

An Act for more effectually repairing so much of the Road from the Town of *Newcastle-upon-Tyne* to the City of *Carlisle* as is within the County of *Northumberland*. (a) [23d May 1828.]

[26 G. 3. c. 160. and 47 G. 3. Sess. 2. c. xcvi. repealed, § 1. Tolls to

to be paid but Once for passing and repassing on the same Day, § 14. Only Four full Tolls to be taken on the whole Line, § 15.]

Cap. lxxiii.

An Act for repairing the Road leading from *Chatteris Ferry*, through *Chatteris* and *March*, to *Wisbeach Saint Peter's*, and from thence to *Tid Gote*, in the *Isle of Ely*, and from *Wisbech* aforesaid, through *Outwell*, to *Downham Bridge*, in the County of *Norfolk*. (a) [23d May 1828.]

[5 G. 3. c. 83, 7 G. 3. c. 100. 26 G. 3. c. 133. and 47 G. 3. Sess. 2. c. lii. repealed, § 1. Tolls to be paid but Once a Day for the same Gate, § 15. No more than Three full Tolls to be taken on the same Day, on the whole Line of the Roads between *Chatteris Ferry* and *Wisbech St. Peter's*, nor more than Two full Tolls between *Wisbech Saint Peter's* and *Tid Gote*, nor more than Three full Tolls between *Wisbech Saint Peter's* and *Downham Bridge*, § 16. No Toll shall be demanded for any Hemp or Flax intended to be stacked or laid up in any of the Places through which the Roads pass, from the Lands on which it grew to the Place where the same shall be wretted, watered, or spread, and from thence to the Place where it is intended to be stacked; or for any sucking Foal, Mulc, or Ass under the Age of Six Months, attending its Dam; or for any Horse or other Beast haling or drawing any Vessel, or any Carriage employed in carrying or having been employed only in carrying on the same Day any Timber, Wood, Iron, Stone, Earth, Bricks, Silth, or other Materials, or any Implements for making or repairing any Bank or Work of Drainage at the Expence of the Company of Conservators of *Bedford Level*; or for any Horse or other Beast employed in haling or drawing any Machine for deepening, roding, or cleansing any River or Drain near to any of the Roads; or for any Horse, Mule, or Ass ridden by any Officer or Servant of the *Bedford Level* employed in the Business of the Corporation; or for any Horse, Cattle, Beast, or Carriage employed by the Commissioners of Sewers for the Hundred of *Wisbech*, or any of their Officers or Agents, § 20. The Commissioners of Sewers for the Hundred of *Wisbech* to pass Toll-free between *Wisbech Saint Peter's* and *Leverington*, for themselves, their Agents, Officers, Servants, and Workmen, Horses, Carts, and Carriages, for doing any Work in and about the River and Banks; as also all Persons employed in haling Vessels in the River between *Wisbech Town* and *Sutton Washway*; and all Persons going to and from *Corn Mills*, upon the Bank of the River, between *Wisbech Saint Peter's* and the *Horse Shoe*, § 21. Reservation of the Rights of the Lord of the Manor of *Chatteris Ramsey*, § 29. Reservation of Rights of the Corporation of *Bedford Level*, § 50. Of the Commissioners of the River *Nene*, § 51. Of Commissioners of Sewers, § 52.; and of the Burgesses of *Wisbech*, § 53.]

Cap. lxxiv.

An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from *Chester* to *Northop* in the County of *Flint*. (a) [23d May 1828.]

[25 G. 2. c. 22. and 29 G. 2. c. 93. repealed as to the *Chester* and *Northop*

Northop District, § 1. Carriages carrying or going empty to fetch, or returning empty from carrying, having been employed only in carrying, on the same Day, any Lime or Limestone for improving Lands; Horses or other Beasts going to or returning from Plough, Harrow, Pasture, or Watering Place, or going to or returning not more than Three Miles on the Road from being shod or farried; and Carriages going empty to be repaired, or returning empty from having been repaired, exempted from Tolls, § 24. No Exemptions allowed to Carriages having the Nails of the Tires projecting more than a Quarter of an Inch, § 25. No Toll to be paid for repassing, § 26. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates between Chester and Northop, § 29.]

Cap. lxxv.

An Act for repairing the Road from *Scole Bridge to Bury Saint Edmunds* in the County of *Suffolk*. (a) [23d May 1828.]

[9 G. 3. c. 67. 28 G. 3. c. 97. and 48 G. 3. c. v. repealed, § 1. Tolls to be paid but Once a Day at same Gate, § 13. No more than Two full Tolls to be paid on Road on the same Day, § 14.]

Cap. lxxvi.

An Act for more effectually repairing and otherwise improving several Roads called *The Main Trust Roads*, all in the County of *Carmarthen*. (b) [23d May 1828.]

[3 G. 3. c. 34. 24 G. 3. c. 93. 43 G. 3. c. xxx. and 52 G. 3. c. cli. repealed, § 1. Tolls to be paid but Once a Day at any Gate, § 19. Five full Tolls only to be taken on the whole Line in one Day, § 20.]

Cap. lxxvii.

An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from *Chester to Wrexham*, in the City and County of *Chester* and the Counties of *Flint* and *Denbigh*. (a) [23d May 1828.]

[25 G. 2. c. 22. 29 G. 2. c. 93. 28 G. 3. c. 112. and 48 G. 3. c. lxxvii. repealed so far as they relate to the *Chester and Wrexham District*, § 1. Horses or other Beasts going to or returning from Plough or Harrow, or Pasture or Watering Place, or going to be or returning from being shod or farried, not more than Three Miles on the Road; Horses or Beasts drawing Carriages going empty to be or returning empty from having been repaired, exempted from Tolls, § 22. No Exemptions allowed to Carriages having the Nails of the Tires projecting more than One Quarter of an Inch, § 23. No Toll to be paid on repassing, § 24. No more than Two full Tolls to be taken in any One Day for passing and repassing through all the Gates between *Chester and Wrexham*, or more than Two full Tolls between the *Rosset Bridge* and the *Miners Arms*, or more than One full Toll between the *Field* in the Township of *Brymbo* in the Occupation of *Samuel Davies and Ffrith Bridge*, § 27.]

Cap. lxxviii.

An Act for more effectually repairing and otherwise improving the Road from *Beverley* to *Kexby Bridge* in the County of *York*. (a) [23d May 1828.]

[4 G.3. c.76. 25 G.3. c.110. and 47 G.3. Sess.2. c.xiv. repealed, § 1. *A fresh Toll to be paid every Third Time of passing, § 13. Horses, &c. drawing different Waggon, &c. the same Day, liable to Toll each Time they pass, § 15.*]

Cap. lxxix.

An Act for diverting, widening, repairing, and improving the Road from the Town of *Derby* to the South End of *Compton Street* next *Ashborne*, and from *Ashborne* to *Hurdloe House*, in the County of *Derby*, and that Part of the said Road called *The Old Road* leading from *Hardy's Hill* Toll Gate unto *Compton*. (a) [23d May 1828.]

[17 G.3. c.92. and 45 G.3. c.i. repealed, § 1. *Tolls to be taken but Once a Day for passing and repassing through the same Gate, § 13. No Horse, &c. drawing a different Carriage to pass Toll-free, § 14. One Horse Cart to be weighed, § 17. Not more than Two Tolls to be taken on same Day between Derby and Ashborne, nor more than Two Tolls between Ashborne and Hurdloe House, § 19. Manure or Materials for building or repairing any Bridge, Toll Gate, or Toll House upon the said Road, to be exempt from Toll, § 20.*]

Cap. lxxx.

An Act for more effectually repairing and improving the Road leading from *Lisburn* in the County of *Antrim* to the Town of *Monaghan*. (b) [23d May 1828.]

[*One full Toll to be taken on Lisburn District; One for Ten Miles on the Monaghan District; and Three for the whole District, § 28. The Royal Family; Materials for making or repairing the Road, or making or repairing any Bridge thereon, or any of the Highways in the Parishes through which the Road shall pass, or the Produce of Lands within those Parishes; Corn going to be ground in any of the Manor Mills within each of said Districts for Home Consumption; Manure, Implements of Husbandry, Horses, &c. going to or returning from being shoed or farried, or to or from Work in the same Parishes or Districts, or going to or returning from Pasture or Watering Places, provided they do not pass upon the same Road more than Two Miles; Horses, &c. which shall not pass above One hundred Yards on the Road; or Horses, &c. carrying any Clergyman or other Person residing in the same Parishes, &c. going to Places of Divine Worship, resorted to by such Person, or to or from the Funeral of any Person who shall die and be buried in any of the same Parishes or Districts; nor Horses belonging to Officers or Soldiers upon Duty, or Carriages carrying their Arms or Baggage, or Public Stores, or returning empty; Horses belonging to any Corps of Yeomanry or Volunteer Cavalry, or conveying Volunteer Infantry in going to or returning from Exercise; or conveying any Constable or Policeman, or any Magistrate*]

Magistrate on Duty, or any Vagrant or Prisoner sent by legal Warrants; or any Person going to or returning from voting at any Election for a Knight for the Counties of Antrim, Armagh, Down, or Monaghan, on the Days of Election, or on the Day before, or Day after, exempted from Toll, § 39.]

Cap. lxxxii.

An Act for making, repairing, and keeping in repair several Turnpike Roads in the Parishes of *Llandilofawr, Llandefeyson, Llandybie, Bettws, and Llanody*, and several other Roads in the County of *Carmarthen*. (b) [23d May 1828.]

[5 G. 3. c. 76. 23 G. 3. c. 150. and 47 G. 3. Sess. 2. c. lxxxix. repealed, § 1. No more than Four full Tolls to be taken on the whole Line of Road, § 18. Tolls to be paid but Once a Day at same Gate, § 19.]

Cap. lxxxiii.

An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads and Bridges in the County of *Dumbarton*. (b) [23d May 1828.]

[47 G. 3. Sess. 2. c. xi. repealed, § 1. Tolls to be paid only Once a Day if the Lading be the same, § 22.]

Cap. lxxxiiii.

An Act for amending, diverting, and improving the present Roads, and making and maintaining certain new Roads, between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*. (b) [23d May 1828.]

[5 G. 3. c. 72. 26 G. 3. c. 140. 47 G. 3. Sess. 2. c. xciii. repealed, § 1. No Tolls to be paid for repassing, § 13. Tolls to be payable only Three Times a Day at One Gate, § 14. Dung, Soil, Compost, or Manure, (except Lime) for improving Lands, Gravel, Stones, Timber, Sand, or other Materials for Toll Houses or Toll Gates on the Road, exempted from Tolls, § 18. Exemptions not to be allowed except Wheels are of a certain Breadth, § 19.]

Cap. lxxxv.

An Act for more effectually repairing the *Dunster, Stowey, Watchet*, and *Crowcombe* Districts of the *Minehead* Roads, in the Counties of *Somerset* and *Devon*; and for making and repairing several other Roads communicating with the same Districts of Road, or some of them. (b) [23d May 1828.]

[5 G. 3. c. 93. 26 G. 3. c. 136. and 47 G. 3. Sess. 1. c. xxvii. repealed so far as they relate to the *Dunster, Stowey, Watchet*, and *Crowcombe* Districts, § 1. Tolls to be paid but Once a Day at same Gate, § 15. Two full Tolls only to be taken in the same Day, on the *Stowey, Watchet*, and *Crowcombe* Districts, and only One on the *Dunster* District, § 16. See post, c. cxxii.]

Cap. lxxxv.

An Act for more effectually repairing the Road from the Town and Port of *Sandwich* in the County of *Kent*, to the Towns of *Margate* and *Ramsgate* in the *Isle of Thanet* in the said County; and for reducing for a limited Time the Tolls and Duties payable at *Sandwich Bridge*. (a) [23d May 1828.]

[47 G. 3. Sess. 1. c. xxii. repealed, § 1. Tolls to be paid but Once a Day for passing and re-passing through same Gate, § 16. No more than Two full Tolls to be taken in One Day on the whole Line, § 17. So much of 28 G. 2. c. 55. as imposes certain Tolls on *Sandwich Bridge*, repealed, § 22. New Tolls granted, § 23. Such Tolls to be collected but Once a Day, § 24. The Royal Family, Vagrants sent by Passes, Prisoners, Mails, Officers and Soldiers on March or Duty, their Arms or Baggage, wounded or disabled Officers or Soldiers, Public Stores, Volunteers on Duty, exempted from last-mentioned Tolls, § 25. The former Bridge Tolls to be taken after the Expiration of this Act, § 27.]

Cap. lxxxvi.

An Act for more effectually repairing and maintaining the Road from *Banbury* in the County of *Oxford*, through *Daventry* and *Cottesbach*, to *Lutterworth* in the County of *Leicester*. (a) [23d May 1828.]

[5 G. 3. c. 105. 25 G. 3. c. 128. and 47 G. 3. Sess. 2. c. xci. repealed, § 1. Tolls to be paid but Once a Day at same Gate, § 14. Five full Tolls only to be taken on same Day on the whole Line of Road, § 15. Lime not to be exempt from Toll, § 18. Half Toll to be paid for Manure in the Winter, except in hard Frost. But the Inhabitants of *Banbury*, and Occupiers of Lands in *Walkworth* and *Grimsbury*, shall be exempt from Toll on Manure to be consumed on their Lands in *Walkworth* and *Grimsbury*, § 19.]

Cap. lxxxvii.

An Act for making and maintaining a Road from *Wilsontown* Iron Works to the Road leading from *Edinburgh* to *Ayr* by *West Calder* and *Allanton*, in the County of *Lanark*. (b) [23d May 1828.]

[Tolls to be paid only Once in Five Miles on same Day, § 14.]

Cap. lxxxviii.

An Act for more effectually repairing and maintaining the Roads from *Lutterworth Hand*, on the *Watling-Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County. (a) [23d May 1828.]

[25 G. 3. c. 115. and 46 G. 3. c. xxviii. repealed, § 1. Tolls to be paid only Once a Day at same Gate, § 13. Horses drawing different Carriages to pay each Time of passing, § 14.]

Cap. lxxxix.

An Act for more effectually draining and improving the Lands and Grounds lying in *Great and Little Waldersey* in the Parishes of *Wisbech Saint Peter's* and *Elm* in the *Isle of Ely*.

[23d May 1828.]

[4 Jac. 1. c. 13. repealed, § 1. *Rights of the Corporation of Bedford Level reserved*, § 78. *Rights of Commissioners of Nene Outfall Act reserved*, § 79. *Rights of the Lords of Manors reserved*, § 80.]

Cap. xc.

An Act for lighting, watching, cleansing, paving, and otherwise improving the Town of *Wantage* in the County of *Berks*.

[19th June 1828.]

Cap. xci.

An Act for making and maintaining a Railway or Tram Road from *Gelly Gille Farm*, in the Parish of *Llanelly* in the County of *Carmarthen*, to *Machynis Pool* in the same Parish and County; and for making and maintaining a Wet Dock at the Termination of the said Railway or Tram Road at *Machynis Pool* aforesaid.

[19th June 1828.]

Cap. xcii.

An Act for making and maintaining a Railway or Tram Road from the *Duffryn Llynvi* and *Pwll Cawl* otherwise *Porth Cawl* Railway, to commence at a certain Point therein in the Parish of *Laleston* in the County of *Glamorgan*, and to terminate near to the Town of *Bridgend* in the same County.

[19th June 1828.]

Cap. xciii.

An Act for making and maintaining a Railway or Tram Road from or near the City of *Bristol* to *Coalpit Heath* in the Parish of *Westerleigh* in the County of *Gloucester*.

[19th June 1828.]

Cap. xciv.

An Act for making and maintaining a Railway or Tram Road from *Rodway Hill*, in the Parish of *Mangotsfield* in the County of *Gloucester*, to the River *Avon* in the Parish of *Bitton* in the same County.

[19th June 1828.]

Cap. xcv.

An Act 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.

[19th June 1828.]

[43 G. 3. c. cxxvi. 46 G. 3. c. cxiii. and 54 G. 3. c. ccxxviii. repealed, § 1. *Company incorporated by the Name of the East India Dock Company*, § 2. *Shares to be Personal Estate*, § 4. *Craft entering the Docks, &c. to discharge or receive Ballast or Goods to or from any Vessel, exempted from Rates*, § 125. *Docks, &c. to be Part of the Port of London, and Vessels, &c. resorting*
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thereto to be subject to the *Port Regulations and Duties*, § 127. *Rights of His Majesty, the Corporation of London, the Trustees of the River Lee, and the Commissioners of Sewers; not to be prejudiced*, § 203. *Saving the Rights of the Trinity House*, § 204.; and of the *Lord of the Manors of Bromley, Poplar, and West Ham*, § 205.; and of the *Trustees and Vestrymen of the Parish of Poplar*, § 206. *Compensation to be made to Brazen Nose College, Oxford, for Tithes in St. Dunstan, Stepney*, § 207. *Compensation to be made for Tithes in Bromley Saint Leonard*, § 209.]

Cap. xcvi.

An Act to amend an Act for making and maintaining a navigable Canal from *Lough Erne*, in the County of *Fermanagh*, to the River *Blackwater* near the Village of *Charlemont* in the County of *Armagh*. [19th June 1828.]

Cap. xcvi.

An Act to enable the *Tees Navigation Company* to make a navigable Cut from the East Side of the River *Tees*, near *Portrack* in the County of *Durham*, into the said River near *Newport* in the Township and Parish of *Acklam*, in the North Riding of the County of *York*. [19th June 1828.]

Cap. xcvi.

An Act to enable the Undertakers of the Navigation of the Rivers *Aire and Calder*, in the West Riding of the County of *York*, to make certain Cuts and Canals, and to improve the said Navigation. [19th June 1828.]

[10 & 11 W. 3. c. 19. 14 G. 3. c. 96. 1 G. 4. c. xxxix. recited; and Powers of 1 G. 4. c. xxxix. (except as altered) extended to this Act, § 1. *Reserving Rights of Corporation of Hull*, § 125.; and of the *Trinity House of Hull*, § 126. *Nothing herein to give greater Effect to the Commission appointing Goole to be a Port, or to affect the Rights, &c. of the Hull Dock Company*, § 127. *General Saving of Rights*, § 128.]

Cap. xcix.

5 G. 4. c. lxiv. An Act for amending an Act for rebuilding the Church of *Oldham* in the County Palatine of *Lancaster*, and for taking down and rebuilding the Chancel and Private Chapels attached to the same. [19th June 1828.]

Cap. c.

An Act for building a Bridge over the River *Thames* at *Staines* in the County of *Middlesex*, and for making proper Approaches thereto. [19th June 1828.]

[31 G. 3. c. 84. and 44 G. 3. c. lxxviii. repealed, § 1. *No more than One full Toll to be taken on the same Day*, § 88. *Horses having passed through a Gate, and returning drawing a Carriage, the Toll paid on the Horses to be deducted*, § 91. *Empty Carriages affixed to others to pay same Toll as if drawn by Two Horses*, § 92. *The Royal*

Royal Family, Mails, Expresses, Soldiers, their Arms and Baggage, Public Stores, Volunteers on March or Duty, or going to or returning from Exercise, Voters for Middlesex or Surrey, Vagrants sent by Passes, Prisoners, Horses towing Barges or Lighters on the Thames, exempted from Duty, § 93. Saving the Rights of the Corporation of London, § 145.]

Cap. ci.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from *Wells next the Sea to Fakenham* in the County of *Norfolk*, and other Roads connected therewith. (a) [19th June 1828.]

[7 G. 4. c. cxxxvi. repealed, § 1. *Horses or other Beasts drawing any Waggon, Wain, Cart, or other Carriage employed only in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, Manure, Implements of Husbandry, Hay, Straw, Fodder for Cattle, and Corn in the Straw, grown on Land in the Occupation of the Owner of such Hay, &c. Potatoes or other Agricultural Produce which has not been bought, sold, or disposed of, nor is going so to be; Horses or other Beasts employed in Husbandry, in going to or returning from Plough or Harrow, or to or from Pasture or Watering Place not more than Two Miles on the Roads, exempt from Tolls, § 19. Tolls to be paid only Once a Day at same Gate, § 20. Two full Tolls only to be taken on same Day, § 21.]*

Cap. cii.

An Act to amend certain Acts for making and maintaining Roads and converting the Statute Labour in the Counties of *Ross and Cromarty*, and Part of *Nairn* locally situated in the County of *Ross*. [19th June 1828.]

[6 G. 4. c. cx. continued, § 1. *This Act to commence from the passing, and subsist for Eighteen Years, and to the End of the then next Session, § 26.]*

Cap. ciii.

An Act for making and maintaining a Turnpike Road from *North End to Hammersmith Bridge*, both in the County of *Middlesex*. (b) [19th June 1828.]

[*Tolls to be paid but Once a Day at the same Gate, § 14. One full Toll only to be taken on the same Day, § 15.]*

Cap. civ.

An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads in the Counties of *Roxburgh and Berwick*. (b) [19th June 1828.]

[46 G. 3. c. xlviii., so far as it relates to these Roads, repealed, § 1. *This Act not to repeal Powers of 46 G. 3. c. xlviii. as to Drygrange Bridge and the Statute Labour of the County of Roxburgh, § 2. Powers of 4 G. 4. c. 49. applied to this Act, § 4. Tolls to be taken only Once a Day within the Distance of Six Miles, § 27.*

No Toll shall be taken for Corn going to Mills and Kilns for the Purpose of being manufactured, or returning therefrom, for the Use of Farmers residing within One Mile of any Toll Bar which may be passed through, § 30.]

Cap. cv.

An Act for more effectually amending and improving the Road from *Northwich* to the Guide Post heretofore upon *Delamere Forest* (now the Parish of *Delamere*), near *Kelsall Hill*, in the County Palatine of *Chester*. (a) [19th June 1828.]

[9 G. 3. c. 94. 28 G. 3. c. 111. and 49 G. 3. c. lii., so far as they relate to the Second District, repealed, § 1. Tolls to be paid but Once for passing and repassing the same Gate on same Day, § 16. No more than Two full Tolls to be taken upon the whole Line of Road on same Day, § 17. Manure and Milk to be exempt from Toll, § 20.]

Cap. cvi.

An Act for repairing the Roads from *Tavernspite* to the Towns of *Pembroke* and *Tenby* and to *Hubberston Hakin*, and from *Loveston Mountain* to *Canaston Bridge*, and from the End of *Toch Lane*, on the said Road from *Tavernspite* to *Hubberston Hakin*, to the Road from *Loveston Mountain* to *Canaston Bridge*, and from the Parish of *Crunwear* to *Pembroke Dock* and *Hobbs Point*, all in the County of *Pembroke*. (b) [19th June 1828.]

[48 G. 3. c. cxxxix. repealed, § 1. Tolls to be paid but Once for passing and repassing on the same Day through same Gate, § 14. Tolls to be paid at One Gate only on the Road between *Hubberston* and the Termination of the Road at or near the South Side of *Merlin's* otherwise *Maudlin's Bridge*, and at Three Gates only on the Road between the East Side of *Cartlett Bridge* and *Tavernspite*, and at Two Gates only between *Pembroke* and *Tavernspite*, and at One Gate only between *Templeton* and *Tenby*, and between *Loveston Mountain* and *Canaston Bridge*, and between *Loveston Mountain* and the End of *Toch Lane*, and at Three Gates only between the Rivulet in the Parish of *Crunwear* and *Pembroke Dock* and *Hobbs Point*, § 15. No Person to be exempted from Toll at any Gate between *Templeton* and *Tenby*, or between *Loveston Mountain* and *Canaston Bridge* through *Canaston Wood*, or between *Loveston Mountain* and the End of *Toch Lane*, by having paid Toll at any other Gate, § 16.]

Cap. cvii.

An Act for more effectually repairing and maintaining several Roads leading from *Lymington* in the County of *Southampton*, and the Road to *Wilverley Post* in the *New Forest*. (a)

[19th June 1828.]

[5 G. 3. c. 59. 26 G. 3. c. 156. and 46 G. 3. c. xiv. repealed, § 1. Tolls to be paid but Once a Day at same Gate, § 15. No more than Two full Tolls to be paid on the same Day on whole Line, § 16. Horses drawing different Carriages to pay each Time of passing, § 18.]

Cap. cviii.

An Act for repairing, improving, and maintaining in repair the Turnpike Roads from *Wat's Cross* to *Cowden*, and from *Sevenoaks Common* to *Crockhurst Hatch Corner*, and from *Penshurst Town* to *Southborough* in the County of *Kent*. (b)

[19th June 1828.]

[5 G. 3. c. 71. 9 G. 3. c. 92. 26 G. 3. c. 132. and 47 G. 3. Sess. 2. c. xc. repealed, § 1. *Persons having paid Toll, may return Toll-free Once in the same Day, § 13. No more than Four full Tolls to be taken on the whole Line of Roads, § 14. Toll at Main Gates to clear the Side Gates, and vice versâ, § 15.*]

Cap. cix.

An Act for more effectually repairing several Roads leading through the County of *Selkirk*, and for better making and repairing the said Roads, and other Roads in the said County, and in the Vicinity thereof. (b)

[19th June 1828.]

[47 G. 3. Sess. 1. c. xxiii. repealed, § 1. *Broadwheel Carriages to pay Half Tolls only, § 13. One Toll only to be paid at the same Gate on the same Day, § 15.*]

Cap. cx.

An Act for more effectually repairing the Road from *Godstone* in the County of *Surrey* to *Highgate* in the Parish of *East Grinstead* in the County of *Sussex*. (a)

[19th June 1828.]

[4 G. 2. c. 8. 6 G. 3. c. 58. 26 G. 3. c. 147. 49 G. 3. c. xxxiii. repealed, § 1. *Toll to be paid but Once a Day, § 12. Carriages laden with Bricks, Tiles, Clay, Sand, Stones, Brick Earth, Rubbish, Soil, Chalk, or Ashes, not to pass laden more than Twice in One Day, without paying a fresh Toll, unless carrying Materials for the Road; but Carriages having Once passed laden and returning on the same Day with empty Casks, &c. used in the Conveyance of the Loading, not to be considered to be laden, § 15.*]

Cap. cxi.

An Act to authorize the Relinquishment of the Care and Management of a Road set out by the *Southwark Bridge Company* to the Trustees of the *Surrey and Sussex Roads*.

[19th June 1828.]

[See 42 G. 3. c. lxxvi. 58 G. 3. c. lxxvi. and c. cxx. post. *So much of the Road from Union Street Southwark to Newington Causeway, as extends from the South Extremity of the Clink to Newington Causeway, when completed, shall be placed under the Care of the Trustees of the Surrey and Sussex Roads, § 1. So much of 51 G. 3. c. clxvi. 53 G. 3. c. lxxxvii. 56 G. 3. c. xi. and 58 G. 3. c. lxxviii. as relates to the Repair of the said Road shall then be repealed, § 3. Tolls paid at Gates on said Road to clear Gates of Surrey and Sussex Roads, § 6. Tolls paid at Gates on Surrey and Sussex Roads to clear Tolls on Road to be relinquished, § 7. Saving the Rights of Commissioners of Sewers for Surrey, § 10. Act to take Effect from the passing, and to continue for the Re-*

mainder of the Term granted by 42 G. 3. c. lxxvi. and 58 G. 3. c. lxxvii. § 12.]

Cap. cxii.

An Act for more effectually repairing and improving the several Roads called the Cannon Street Roads, the Commercial Road, the Horseferry Branch of Road, the East India Dock Road, the Barking Road, and the Shadwell and Mile End Branch of Road, in the Counties of Middlesex and Essex; and for laying down a Stoneway on the said Commercial, East India Dock, and Barking Roads. (b) [19th June 1828.]

[27 G. 2. c. 40. 5 G. 3. c. 103. 39 & 40 G. 3. c. cx. 42 G. 3. c. ci. 44 G. 3. c. xxxvii. 46 G. 3. c. cxxv. 49 G. 3. c. clxxii. 51 G. 3. c. xlii. 55 G. 3. c. lxxxix. and 5 G. 4. c. cxliv. repealed, § 1. Compensation to be made to the Rector of Whitechapel for Deficiency of annual Stipends, Dues, &c. caused by Removal of Inhabitants in consequence of pulling down Dwelling Houses, § 61. Compensation to be made for the Tithes of Lands and Premises taken, § 62. Compensation to be paid by the Trustees to the Parishes of All Saints Poplar, Stepney, St. Anne Limehouse, St. George, and Whitechapel, and Ratcliffe Hamlet, for Deficiencies in Land Tax and Poor's Rates, § 65. To the Parish of Whitechapel for Deficiency in the Rates for paving, cleansing, watching, and lighting, § 67. To the Commissioners for paving the Streets in the Parish of St. Anne, § 68. To Commissioners of Sewers for Deficiencies of Sewers Rate, § 69. To the Commissioners of White Horse Street Pavement, § 70. After the Rates and Assessments on the Premises, for which such Compensations shall be payable, shall have produced a Sum equal to or larger than that which was produced by the Rates and Assessments from Lady Day One thousand eight hundred and one to Lady Day One thousand eight hundred and two, the Compensation to cease, § 71. Toll paid in respect of an empty Waggon passing on the Stoneway to exempt it on its Return, § 82. Waggons and Carts exceeding the Weights allowed to the Number of Horses drawing the same, liable to Toll of Sixpence per Cwt. for Overweight, in addition to the other Tolls, § 86. One Penny to be paid by every Foot Passenger over the Iron Bridge over the Lea in the Line of the Barking Road, § 93. Horses, &c. which pass the same Day through any Side Bar, and through the next Turnpike Gate or Bar on the same Roads and Branches of Road, shall, on producing a Ticket, be exempt at the other of the same last-mentioned Gates or Bars from Toll, and no Toll shall be taken for any Horse, &c. which shall only cross the Roads or Stoneways, § 108. Materials for Roads or Highways in any Place through which any Part of the Roads lead, Manure, Hay, Hay Grass, Sainfoin, Fodder, Straw, or Corn in the Straw, (except Hay or Straw for Sale); Implements of Husbandry belonging to Inhabitants in any of the Parishes or Places passing in order to the using or repairing of the same; Cattle belonging to any of the Inhabitants going or returning from Pasture, Water, or drawing any Plough or Harrow, or passing to be shod or farried, Horses or Carriages under the Authority of the Postmaster General, Horses of Soldiers upon their March or upon Duty, or Cattle or Carriages laden with their Arms

or *Baggage*, or returning after having been so employed, or travelling with *Paupers* or *Vagrants* sent by *Passes*, or going to or returning from any *Election* for *Middlesex* or *Essex*, or employed in watering the *Streets* or *Roads* of the said *Parishes*, or in collecting the *Soil* within the said *Parishes* and *Hamlets*, shall be exempt from *Toll*, § 109. The *Owners* and *Tenants* of certain *Premises* near *Salmon's Lane* in the *Parish* of *St. Anne*, *Middlesex*, to be exempt from *Tolls* in certain *Cases*, § 110. *Empty Waggons* having paid *Toll* to return without further *Payment*, § 111. The *Exemption* in respect of *Manure* to extend only to such *Carriages* carrying *Manure* as may within *eighteen Hours* next before the *Claim* of *Exemption* have paid *Toll* on the said *Roads*, § 112. *Horses*, &c. of the *Royal Family*, § 113.; and *Carriages* laden with *publick Stores*, &c., exempted from *Tolls*, § 114. *Owners* or *Drivers* of *Waggons* employed in the *Service* of *His Majesty's Forces* not to be subject to *Penalties* for *Overweight*, &c. § 115. *Payment* of *Tolls* on one *Road* to be maintained by this *Act* not to be an *Exemption* from *Payment* of *Toll* on the other *Roads*, § 116. *Persons* having paid *Toll* at one *Gate* exempted from any further *Payment* of *Toll* at any other *Gate* on the same *Line* of *Road*, § 117. *Trustees* to repair the *Bridge* over the new *Cut* of the *River Lea*, § 131. *Saving* the *Rights* of the *East London Waterworks Company*, § 168. *Provisions* of 46 G. 3. c. lxxvii. 50 G. 3. c. cxxxi. 53 G. 3. c. lxxxiv. 54 G. 3. c. cxciv. and 50 G. 3. c. lxxxiii. not to extend to any of the *Limits* prescribed by this *Act* except the *East India Dock Road* and *Robinhood Lane*, § 192. *Powers* of *Acts* 17 G. 3. c. 22. and 22 G. 3. c. 86. relative to *St. George's Pavement*, not to be affected, § 194. *Saving* the *Rights* of the *Commissioners* of *Sewers* of the *Tower Hamlets*, § 213. *Saving* the *Rights* of the *Commissioners* of *Sewers* for the *Limits* of *Poplar* and *Blackwall*, § 214. *Saving* the *Rights* of the *City* of *London*, § 215. *Saving* the *Rights* of the *Lords* of the *Manors* of *East Ham Hall*, *Bromley*, *West Ham*, &c. § 216. *Saving* the *Rights* of all *Bodies Politic*, *Commissioners*, *Trustees*, &c. § 217.]

Cap. cxiii.

An Act for the Improvement and Regulation of *Covent Garden Market*. [27th June 1828.]

[53 G. 3. c. lxxi. repealed.]

Cap. cxiv.

An Act to explain and amend Two Acts of the Fifty-first Year of His late Majesty and the Sixth Year of His present Majesty, for the Improvement of the Port, Harbour, and Town of *Liverpool*; and to authorize the Trustees of the *Liverpool Docks* to pay for certain *Lands* and *Hereditaments* purchased under the said Acts. [27th June 1828.]

51 G. 3. c. cxliii.
and 6 G. 4.
c. clxxxvii.

Cap. cxv.

An Act for more effectually improving and keeping in repair the several *Roads* leading to and from the Town of *Bideford* in the

the County of Devon, and for making certain new Lines of Road to communicate with the same. (b) [27th June 1828.]

- [5 G. 4. c. cxv. repealed, § 1. Toll for Lime, Salt, or Sea Sand, for Manure, not to exceed Three Pence each Horse, and no Toll to be taken for Carriages going empty to fetch or returning empty from carrying those Articles, whether on same Day or not, § 14. Tolls to be taken but Once a Day at any Gate, § 15. Toll to be paid for every Load of Timber, § 18. On the Road from Bideford to Hartland, not more than Two full Tolls: On the Road from Bideford towards Kilkhampton, not more than Two full Tolls; and on the Road from Bideford to Woodford Bridge, by Frithelstock Stone, not more than Two full Tolls to be taken on same Day, § 19. No Second Toll to be collected within Four Miles, except in certain Places, § 20.]

Cap. cxvi.

An Act to consolidate and amend the several Acts for making the London Docks. [15th July 1828.]

- [39 & 40 G. 3. c. xlvii. 44 G. 3. c. ii. 44 G. 3. c. 100. 45 G. 3. c. lviii. 46 G. 3. c. lix. 47 G. 3. Sess. 2. c. v. 49 G. 3. c. clvi. 50 G. 3. c. cli. 51 G. 3. c. xlix. 52 G. 3. c. cxiv. 54 G. 3. c. xl. 55 G. 3. c. iii. 58 G. 3. c. lxii. and 4 G. 4. c. cxxiv. repealed, § 1. The Company incorporated by the Name of the London Dock Company, § 2. Joint Stock vested in the Company for the Use of the Members thereof, and shall be deemed to be Personal Estate, § 10. Stock not to be liable to Foreign Attachment, § 11. Regulations of 14 G. 3. c. 78. not to extend to Buildings under this Act, § 99. Craft entering the Docks, &c. to discharge or receive Ballast or Goods to or from any Vessel therein, exempt from Rates, § 108. Docks, &c. to be deemed Part of the Port of London, § 113. Saving the Rights of the East London Waterworks Company, § 166. Annual Payment of Twenty Pounds to be made to Rector of Saint Paul Shadwell, § 171. Saving the Rights of Trustees, &c. of St. Paul Shadwell, § 176. Of Commissioners of Saint George's Pavement, § 177. Of the Commissioners of the Ratcliffe Pavement, § 178.; and of Commissioners of Pavements for Wapping, § 179. Rights of His Majesty and the Corporation of London not to be prejudiced, § 180. Saving the Rights of the Trinity House, § 182. The Rights and Privileges of the Lord of the Manor of Stepney not to be prejudiced, § 183.]

Cap. cxvii.

32 G. 3. c. 69.
53 G. 3. c. 72.
5 G. 4. c. cxxiii.

An Act to amend several Acts for cleansing, lighting, watching, improving, and regulating the Towns of Manchester and Salford, in the County Palatine of Lancaster. [15th July 1828.]

Cap. cxviii.

An Act for making and maintaining a navigable Cut or Canal from a Point at or near the Blackrock, in the Harbour of Tralee, in the County of Kerry, to Croompanrickard, near the Town of Tralee, in the said County; and for otherwise improving the said Harbour of Tralee. [15th July 1828.]
[Vessels in His Majesty's Service exempted from Dues, § 40.]

Cap. cxix.

An Act for supplying with Water the Town of *Pembroke*, and the Neighbourhood thereof, within the County of *Pembroke*.

[15th July 1828.]

Cap. cxx.

An Act for more effectually amending the Road leading from the *Stones End*, in *Blackman Street*, in the Borough of *Southwark*, in the County of *Surrey*, to *Highgate*, in the County of *Sussex*, and several other Roads therein mentioned; and for other Purposes relating thereto. (a)

[15th July 1828.]

[See c. cxii. ante. 42 G. 3. c. lxxvi. and 58 G. 3. c. lxxvi. repealed, § 1. The Road from the South Extremity of the Clink to Newington Causeway, when completed, and Notice thereof given to the Clerk to the Trustees under this Act, shall be under the Management of those Trustees, § 12.; and then so much of 51 G. 3. c. clxvi. 53 G. 3. c. lxxxvii. 56 G. 3. c. xi. 58 G. 3. c. lxxviii. 1 G. 4. c. xlix. 4 G. 4. c. cxvi. and 5 G. 4. c. clv. as relates to the Management of that Road is to be repealed, § 14. Carriages laden with Bricks, Tiles, Clay, Sand, Chalk, Stones, Brick, Earth, Rubbish, Soil, Sand, or Ashes, not to pass through any of the Toll Gates more than Four Times in One Day Toll-free, § 22. Chalk to be burnt into Lime not to be exempted from Toll, § 23. After passing Sixteen Miles on the Roads, a fresh Toll to be payable, § 24. Tolls to be paid but Once a Day, except as otherwise directed by this Act, § 26. Signs and other Projections to be removed by the Trustees at the Expence of the Owners if they refuse, § 39. Obstructions may be removed by the Trustees at the Expence of the Owners, § 42. Loaded Carriages not to exceed Fourteen Feet from the Ground. Penalty on Owner 5*l.*, and on Driver 40*s.*—§ 58.]

Cap. cxxi.

An Act for repairing and maintaining a Turnpike Road from *Belfast* to *Antrim*, and from *Belfast* to the *Copeland Water*. (b)

[15th July 1828.]

[No more than One Toll to be demanded in One Day at the same Gate, § 32. Not more than Two full Tolls to be taken in any One Day between *Belfast* and *Antrim*; nor more than One full Toll between *Belfast* and the *Copeland Water*; or more than Two full Tolls between *Copeland Water* and *Antrim*, § 33. No Tolls shall be taken for any Horses or Carriages attending the Royal Family; or for Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for repairing the Roads, or any Bridge thereon, or any of the Highways in the several Parishes, &c. through which the Roads pass; or Hay or Corn in the Straw; or Potatoes, the Produce of Lands lying within those Parishes, &c. not for Sale; nor for Implements of Husbandry; nor for any Horses, &c. when going to or returning from being shod or farried, or to or from cultivating the Lands or Grounds within the same Parishes, &c.; or going to or returning from Pasture or Watering Places, provided they do not pass more than One Mile in going or returning; nor for any Horse, &c. which shall only cross such Road, and shall

not

not pass above One Hundred Yards thereon ; or for any Clergymen going to or returning from the Performances of the Duties of his Function on Sundays, or on any other Day on which Divine Service is ordered to be celebrated ; nor for any Persons residing in the same Parishes, &c. who shall pass on such Days to or from their usual Place of Religious Worship ; nor for Officers or Soldiers on March or Duty ; nor for their Arms or Baggage ; nor for wounded, sick, or disabled Officers or Soldiers ; nor for Public Stores ; nor for Volunteer Cavalry or Infantry in going to or returning from Exercise ; nor for Mails and Expresses under the Postmasters General ; nor for any Constable or Policeman, or any Magistrate commanding and accompanying them ; nor for any Vagrant or Prisoner sent by legal Warrants ; nor for Voters for Antrim or Carrickfergus, § 39.]

Cap. cxhii.

Ante, c. lxxiv. *An Act to rectify a Mistake in an Act of this Session of Parliament, intituled An Act for more effectually repairing the Dunster, Stowey, Watchet, and Crowcombe, Districts of the Minehead Roads, in the Counties of Somerset and Devon, and for making and repairing several other Roads communicating with the same Districts of Road, or some of them.* [25th July 1828.]

PRIVATE ACTS,

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

N.B. To each of these Acts is annexed a Clause in the Form following :

“ And be it further enacted, That this Act shall be printed by the several Printers to the 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.”

Cap. 1.

An Act for enabling *Francis John Browne* of *Frampton* in the County of *Dorset*, Esquire, to grant and convey a certain Capital Messuage or Mansion House, Lands, and Hereditaments, situate at *Forston* in the Parish of *Charminster* in the County of *Dorset*, for the Purposes of a Lunatic Asylum for the County of *Dorset*.
[21st March 1828.]

Cap. 2.

An Act for inclosing Lands in the Townships of *Tittensor* and *Darlaston*, in the Parish of *Stone*, in the County of *Stafford*.
[21st March 1828.]

Cap. 3.

An Act for inclosing, dividing, and allotting, and for exonerating from Tithes, Lands within the Township or Territories of *Hes-say*, in the Parish of *Moor Monkton* in the County of the City of *York*.
[26th March 1828.]

[Allotment to the Rector of *Moor Monkton* in lieu of Tithes, § 22. Power to Rector to lease his Allotment for Twenty-one Years with Consent of Patron and Ordinary, § 25. Rector, with Consent of Ordinary, may erect Buildings on his Allotment, and charge it to the Amount of Two Years net Income, to defray the Expence, § 26. Rector's Allotment to be fenced at Expence of the other Proprietors, § 27. Allotment may be made to Lord of Manor of *Poppleton*
in

in lieu of Chief and other Rents, § 29. Saving Rights of the Lords of the Manors of Hessay and Poppleton, § 59. General Saving, § 60.]

Cap. 4.

An Act for inclosing Lands in the Parish of *Litlington* in the County of *Cambridge*. [3d April 1828.]

[*Allotment to the Vicar in lieu of Glebe, § 32. Power to Vicar to lease his Allotment for Twenty-one Years with Consent of Patron and Ordinary, § 33. Allotments for Glebe of Vicarage to be fenced at general Expence, § 41. Saving Rights of the Lords of the Manors of Ovedales and Huntingfield Lulington, § 71. General Saving, § 72.]*

Cap. 5.

An Act for inclosing Lands within the Manor and Township of *Broughton*, in the Parish of *Kirkby Ireleth* in the County Palatine of *Lancaster*. [18th April 1828.]

[*Allotment to be made to the Impropiator or Impropiators of Kirkby Ireleth, in lieu of all Tithes, § 29. and to be ring-fenced at general Expence, § 31. Power for the Lessees of the Impropiators to lease their respective Allotments for Twenty-one Years with Consent of Impropiators, § 37. Act not to prejudice the Rights of the Lord of the Manor of Broughton, § 61. General Saving, § 63.]*

Cap. 6.

An Act for inclosing Lands in the Manor and Parish of *Keymer* in the County of *Sussex*. [18th April 1828.]

[*Timber on Allotments may be allotted as belonging to the Land on which it grows, and Timber on Copyholds may be enfranchised, § 49.]*

Cap. 7.

An Act for exchanging the entailed Lands and Estate of *Kirkton* and *Whitelaw*, belonging to *Archibald John* Earl of *Rosebery*, situated in the County of *Linlithgow*, for the entailed Lands and Estate of *Newhalls*, belonging to *William Scott Moncrief* Esquire, situated in the same County; and for investing the surplus Price of *Newhalls* in the Purchase of other Lands to be entailed. [9th May 1828.]

Cap. 8.

An Act for inclosing Lands in the Parishes of *Belaugh*, *Scottow*, *Little Hautbois*, and *Hoveton Saint Peter*, in the County of *Norfolk*. [9th May 1828.]

[*Rectors of Belaugh and Little Hautbois and Vicar of Hoveton Saint Peter empowered to lease their Allotments with Consent of Bishop and Patrons, § 47.]*

Cap. 9.

An Act for dividing and allotting Lands in the Manor of *Corton* within the Parish of *Boyton* in the County of *Wilts*.

[9th May 1828.]

[*Saving of Rights of the Lord of the Manor of Corton, § 47. General Saving, § 48.*]

Cap. 10.

An Act for inclosing Lands within the Graveship of *Holme*, in the several Parishes of *Kirkburton* and *Almondbury* in the West Riding of the County of *York*.

[9th May 1828.]

[*Allotment to Vicar of Kirkburton to be fenced at general Expence, § 40. Vicar may lease his Allotment with Consent of Patron and Diocesan, § 44. Curates of Horbury, Holmfirth, and Bolsterstone, and Vicar of Mirfield, may lease their Allotments with like Consent, § 55. Vicar of Kirkburton may erect Buildings on his Allotment and make Subdivision Fences with like Consent, and raise the necessary Sums, not exceeding Two Years clear Income, by Mortgage of his Allotment, § 56.*]

Cap. 11.

An Act for dividing, allotting, and inclosing the Commons or Waste Lands in the Hamlets of *Ollerset* and *Phoside* in the Parish of *Glossop* in the County of *Derby*.

[9th May 1828.]

[*His Majesty's Right to Mines saved, § 41. General Saving, § 42.*]

Cap. 12.

An Act for dividing, allotting, and inclosing the several Moors or Commons called *Scriven Moor* and *Scotton Moor*, in the Townships of *Scriven with Tentergate* and *Scotton*, and for exonerating from Tithes the Lands and Grounds in the said Township of *Scotton*, within the Honor of *Knaresborough*, and in the several Parishes of *Knaresborough* and *Farnham* in the County of *York*.

[9th May 1828.]

[*Allotment to be made in lieu of Tithes in Scotton and Farnham, § 35. Proprietors not having sufficient Property in the Moors, &c. to discharge their Tithes, to pay an annual Rent to the Impropriator, § 36. Tihe Allotment to be fenced at Expence of the other Proprietors in Scotton, § 42. Allotment to the Poor of Scriven and Scotton to be fenced in like Manner, § 43. Saving of Rights of Lords of Manors of Scriven and Scotton, § 72. General Saving of Rights, § 73.*]

Cap. 13.

An Act for inclosing Lands in the Parish of *Wiveliscombe* in the County of *Somerset*.

[13th May 1828.]

[*The Encroachments made by the Lord of the Manor of Wiveliscombe or any other Persons upon Maundown, Langley Marsh, and Langley Moor, and on which Leases have been granted by the*

the Lord, shall be allotted to him, for his Right of Soil thereon, and in lieu of any Allotments to which he would otherwise be entitled as a Proprietor of Lands which are now in the Occupation of Tenants at Rack Rent, having Right of Common on Maundown, and Langley Marsh, and Langley Moor, and also in lieu of his Rights of Soil on Slape Moor, § 17.]

Cap. 14.

An Act for disfranchising *Cranbourne Chase* in the Counties of *Dorset* and *Wilts.* [23d May 1828.]

Cap. 15.

An Act for inclosing Lands in the Township of *Ousefleet* in the Parish of *Whitgift* in the County of *York.* [23d May 1828.]

[*Allotments and Money Payments to be made to Impropiators in lieu of Tithes, § 28. Tithes Allotments to be fenced at general Expence, § 30.*]

Cap. 16.

An Act for inclosing Lands in the Parish of *Azmouth* in the County of *Devon.* [23d May 1828.]

Cap. 17.

An Act for dividing, allotting, and laying in severalty Lands in the Parish of *Appleton* in the County of *Berks.* [23d May 1828.]

[*Allotment to be made to Lord of the Manor of Appleton for Right of Soil; § 24.; and to Rector for Glebe, § 25. Allotment to the Rector to be fenced at the Expence of the other Proprietors, § 34. Rector may lease his Allotment with the usual Restrictions, § 35. Saving Rights of Lords of Manors, § 58. General Saving, § 59.*]

Cap. 18.

An Act for inclosing *Morwell Down* in the Parish of *Tavistock* in the County of *Devon.* [19th June 1828.]

[*Rights of Lords of Manors of Morwell and Hurdwick to Mines, &c. saved, § 45. Powers of Trustees under 6 G. 4. c. 91. saved, § 47. General Saving, § 48.*]

Cap. 19.

An Act for effecting an Exchange between the Master or Keeper and Fellows of *Gonville and Caius College* in the University of *Cambridge* and *John Dickinson Esquire.* [19th June 1828.]

Cap. 20.

An Act for enabling the Committee or Committees of the Estate of *Elizabeth Russ*, a Lunatic, to sell Estates in the Parish of *Clifton* in the County of *Gloucester*, and in the Parish of *Saint Philip and Jacob* in the City of *Bristol.* [19th June 1828.]

Cap. 21.

An Act to enable the Trustees of the Settlement of the late *Joseph Ashton Richards* and *Eliza* his Wife, both deceased, to concur in granting Leases of Coal and other Mines under Lands in the Parish of *Oldswinford* in the County of *Worcester*, in respect of One undivided Eighth Part of such Mines. [19th June 1828.]

Cap. 22.

An Act to enable the Lord Bishop of *Winchester* to fell Timber on the Estates of the See; and for applying the Money to arise from the Sale thereof to the Purposes of an Act of the First and Second Years of His present Majesty, for providing a Residence for the Bishops of *Winchester*. [19th June 1828.]

[See 1 & 2 G. 4. c. 5. Pr.]

Cap. 23.

An Act for rendering valid the Award of the Commissioner, and other Proceedings, under an Act of the Forty-ninth Year of King *George* the Third, intituled *An Act for inclosing Lands in the Parish of Great Washbourne in the County of Gloucester*, as to certain Lands allotted under the same to the late *Henry Fowke* Esquire. [19th June 1828.]

Cap. 24.

An Act to amend an Act of the Thirty-second Year of the Reign of His late Majesty, for vesting those Parts of the Lands and Estate of *Blythswood* and others which lie in the County of *Lanark*, in Trustees, for the Purpose of selling or feuing the same, and for other Purposes therein mentioned. [19th June 1828.]

Cap. 25.

An Act for vesting an undivided Moiety of certain Estates and Hereditaments in the Counties of *Lincoln* and *Hereford*, devised by the Will of *Sarah Rowe* to separate Uses in strict Settlement, and also the Entirety of the Advowson of *Munsley* in the County of *Hereford*, devised as to one Moiety by the said Will of the said *Sarah Rowe*, and as to the other Moiety by the Will of *Elizabeth Rowe* deceased, to the same Uses as the said undivided Moiety of the said *Herefordshire* Estates, in Trustees for the Purpose of selling the same, and investing the Monies arising from such Sale in the Purchase of other Estates, with Powers to pay off Incumbrances. [19th June 1828.]

Cap. 26.

An Act for vesting Part of the Settled Estates late of *Frederick Breton* Esquire, deceased, situate in the County of *Southampton*, in Trustees, to be sold, and for applying the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses. [19th June 1828.]

Cap. 27.

An Act to enable the Trustees of the Will of *Joseph Butterworth* Esquire, deceased, to effect a Sale to Messieurs *Hoare* of Two Houses in *Mitre Court, Fleet Street*, in the City of *London*.

[19th June 1828.]

Cap. 28.

An Act to amend an Act of the First Year of His present Majesty, for enabling the Trustees of certain Charity Estates, situate at *Richmond* in the County of *Surrey*, to grant building, repairing, and other Leases thereof; and to repeal certain Parts of such Act; and to direct the Application of the Income of the said Charity Estates.

[19th June 1828.]

Cap. 29.

An Act for vesting in Trustees the Lands of *Auldraigoch* and others in the County of *Ayr*, contained in a Deed of Entail made by Sir *Adam Fergusson* of *Kilkerran* Baronet, deceased, to sell the same, and apply the Price in Payment of the Debts affecting the Lands and Estate of *Drummellan*, lying in the same County; and for effectually entailing the said Lands and Estate of *Drummellan*.

[19th June 1828.]

Cap. 30.

An Act for vesting in *Catherine Farquarson*, of *Invercauld*, or the Heir of Entail in Possession of that Estate, certain detached Parts thereof in Fee Simple, upon entailing certain other Lands equivalent in Value thereto.

[27th June 1828.]

Cap. 31.

An Act for vesting the Estates comprised in the Will of the late *William Bridger Goodrich* Esquire, in Trustees, to be sold, and for applying the Monies arising thereby in discharging the Incumbrances by Mortgage and Bond thereon, and laying out the Residue under the Direction of the High Court of Chancery, in the Purchase of other Estates to be settled to the Uses of the said Will.

[27th June 1828.]

Cap. 32.

An Act for vesting the Freehold and Leasehold Estates late belonging to *James Roche*, of the City of *Bristol* Esquire, deceased, in Trustees, to be sold for Payment of his Debts, and applying the Surplus for the Benefit of the Devises and Legatees in the Will of the said Deceased named, and of his infant Heir at Law.

[27th June 1828.]

Cap. 33.

An Act for enabling the Trustees under the Will of *William Randall* Esquire, deceased, to grant Building Leases of Part of the Freehold, Copyhold, and Leasehold Estates thereby devised, and Leases of certain Houses situate in the Parishes of *Lambeth, Battersea, Christchurch, and St. George the Martyr*,

in

in the County of *Surrey*, of *Woolwich*, in the County of *Kent*, and of *Clewer*, in the County of *Berks*, or elsewhere, in *England*.
[27th June 1828.]

Cap. 34.

An Act to give Powers of Sale over Part of the Estates settled on the Marriage of *Robert Marsham* of *Stratton*, otherwise *Stratton Strawless*, in the County of *Norfolk*, Esquire, with *Frances Anne* his Wife; and also over Part of the Estates devised by the Will of *Robert Marsham*, late of *Stratton*, otherwise *Stratton Strawless* aforesaid, Esquire, deceased; for the Purpose of obtaining a more connected and convenient Estate, to be settled to the existing Uses of the said Settlement and Will respectively.
[15th July 1828.]

Cap. 35.

An Act for effecting the Sale of certain Estates in the County of *Surrey*, devised by the Will of the Reverend *Henry Hardinge* deceased; and certain Estates in the County of *Fermanagh* in *Ireland*, devised by the Will of Sir *Richard Hardinge* Baronet, deceased; and certain Estates in the County of *Surrey*, comprised in the Settlement made on the Marriage of the Reverend Sir *Charles Hardinge* Baronet; and for laying out the Money arising from such Sales respectively, under the Direction of the High Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.
[15th July 1828.]

Cap. 36.

An Act for enabling Trustees to effect a Sale to *Jonathan Brundrett* of the *Inner Temple*, *London*, Gentleman, of a House in *Bell Yard* within the Liberty of the Rolls, devised by the Will of *Joseph Fisher* Gentleman, deceased.
[15th July 1828.]

Cap. 37.

An Act for enabling Trustees to sell, under the Authority of the High Court of Chancery, the Real Estates devised by the Will of *Robert Watkin Wynne* Esquire, deceased, or a sufficient Part thereof for the Purpose of raising Monies to discharge the several Principal Sums and Interest remaining due on the Mortgages, Debts, and Legacies affecting the same Estates.
[15th July 1828.]

Cap. 38.

An Act for effectuating a Partition directed by the Court of Chancery of certain Estates situate in the Parishes of *Wybunbury* and *Barthomley* in the County of *Chester*, devised by the Will of *Peter Bayley* deceased.
[15th July 1828.]

Cap. 39.

An Act for enabling the Trustees of Mrs. *Ann Molyneux's* Charities, in *Liverpool*, to grant building and repairing Leases, and for better vesting the Estates in them; for confirming Exchanges, and other Purposes for the Benefit of the Charities.
[15th July 1828.]

Cap. 40.

An Act to effect an Exchange of Lands and Tithes situate and arising in the County of *Buckingham*, belonging to *Richard Lansdale* Yeoman, for other Lands in the same County, of which the Mayor, Bailiffs, and Burgesses of the Borough of *Chepping Wycombe* are seised for charitable Purposes.

[15th July 1828.]

Cap. 41.

An Act for vesting the Estates of *John Campbell*, late of *Otter* in the County of *Argyle*, in Trustees, to sell the same, or such Parts thereof as may be deemed expedient and necessary, and apply the Purchase Money arising by such Sale in Payment of the Debts and Provisions affecting the same; and for granting Power to feu certain Parts of said Entailed Estates.

[15th July 1828.]

Cap. 42.

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[25th July 1828.]

Cap. 44.

An Act to enable *George Duke of Gordon*, or the Heir of Entail in Possession, to sell the entailed Estate of *Durris*, and purchase other Lands in lieu thereof.

[25th July 1828.]

Cap. 45.

An Act for confirming a Partition of the *Walcott* Charity Estates, situate in the Parish of *Lambeth* in *Surrey*, by vesting the same in Trustees for the several Parishes of *Lambeth* aforesaid and *Saint Olave Southwark* and *Saint John Horslydown*, in *Surrey*, and for regulating the said Charities; and for empowering the Trustees of the said Charities, and also the Trustees of a certain other Charity called *Hayle's Charity* in *Lambeth*, to grant Building and Repairing Leases.

[28th July 1828.]

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* Signifies that the Act relates exclusively to Ireland.

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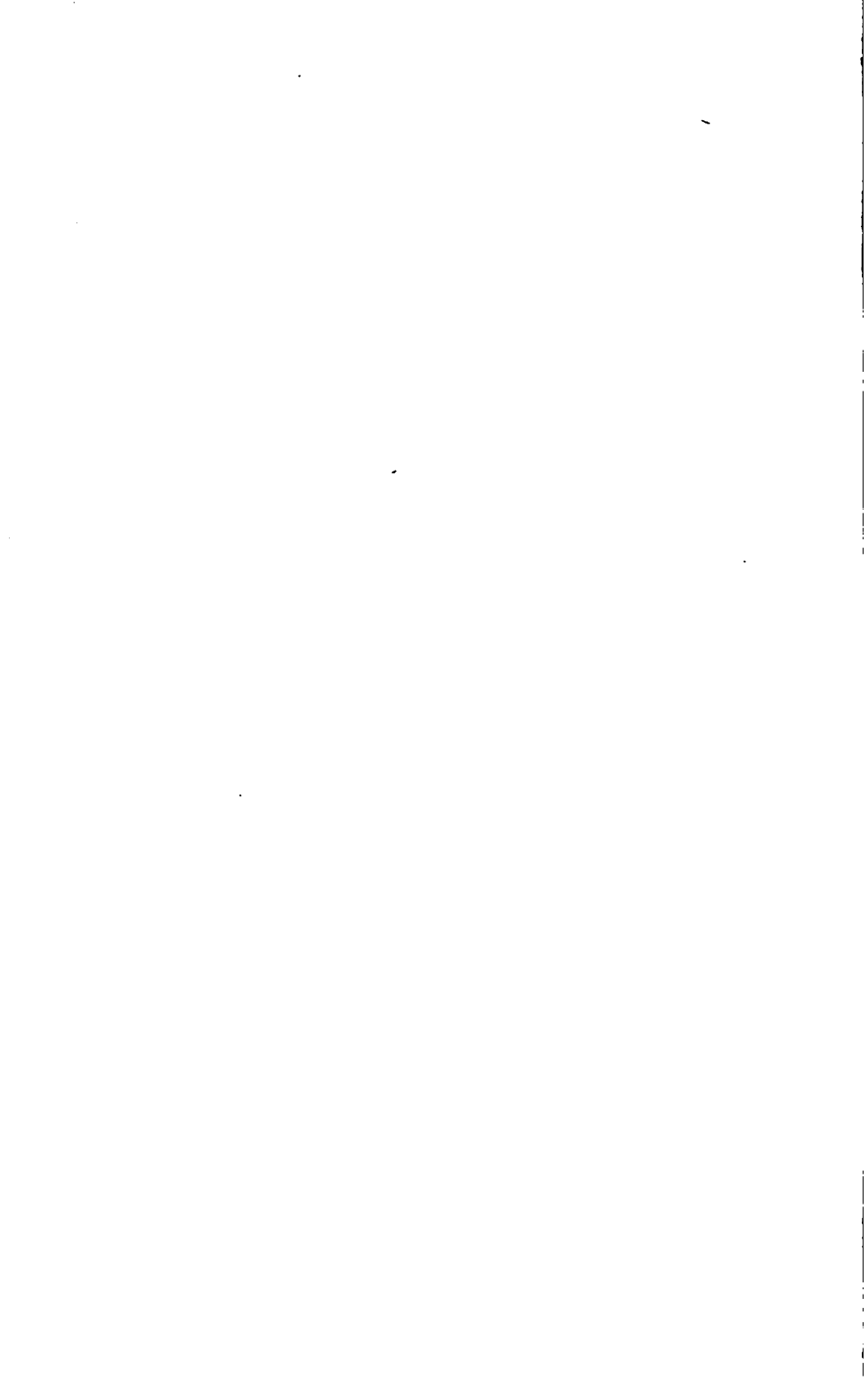
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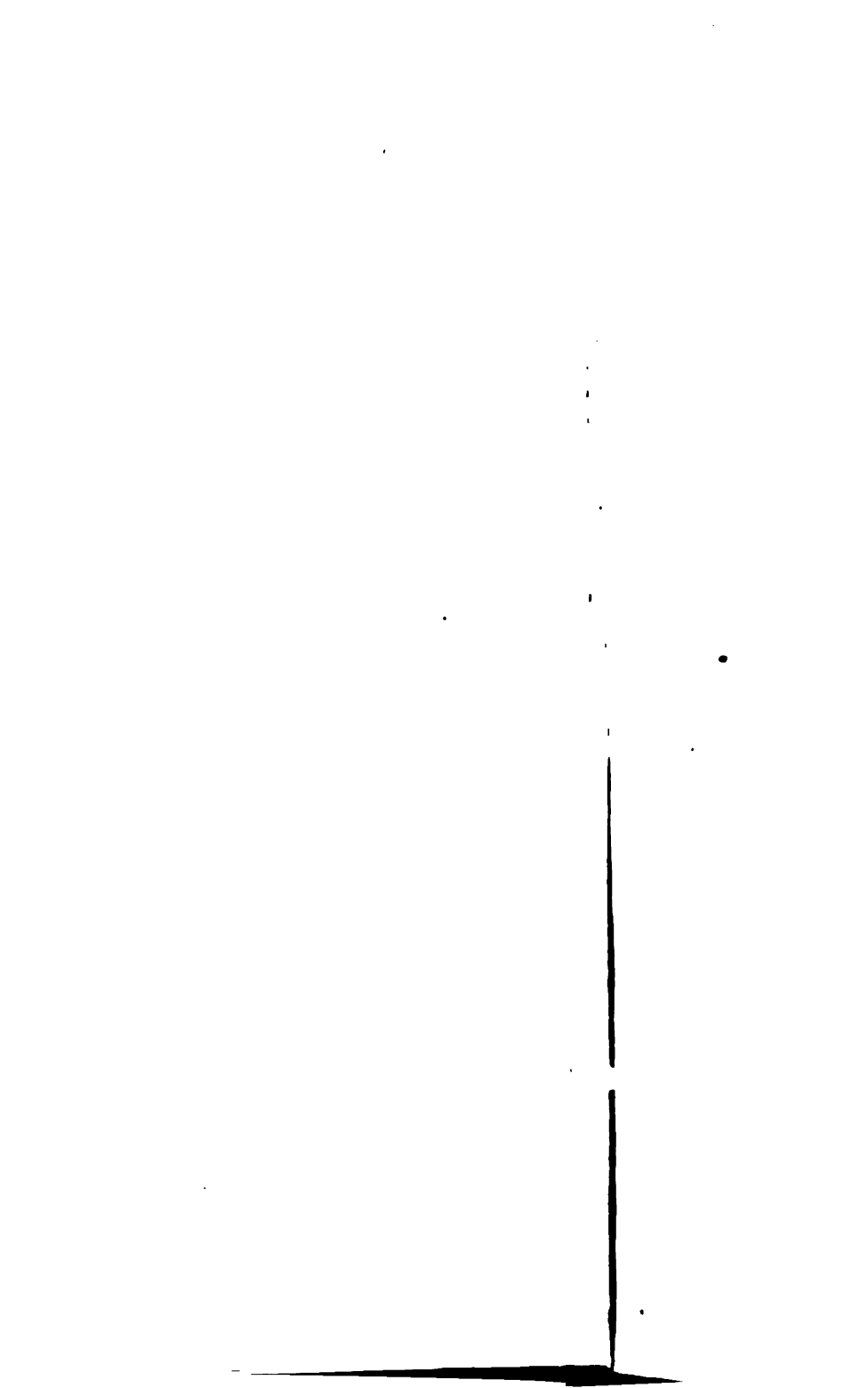
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