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COLLECTION OF STATUTES

CONNECTED WITH THE

General Administration of the Law;

ARRANGED ACCORDING TO THE ORDER OF SUBJECTS:

WITH NOTES,

By Sir William David Evans, Knt.
Late Recorder of Bombay.

The Third Edition, corrected;

COLLATED WITH THE ORIGINAL STATUTES,
AND BROUGHT DOWN TO 10 Geo. IV.

By Anthony Hammond, Esq.
Of the Inner Temple;

AND CONTINUED FROM THAT PERIOD TO THE 5 & 6 WILL. IV. INCLUSIVE,

By Thomas Colpitts Granger, Esq.
Of the Inner Temple, Barrister at Law.

IN TEN VOLUMES.

VOL. X.

LONDON:

Thomas Blenkarn, 19, Chancery Lane;
Edward Lumley, 56, Chancery Lane; and
W. H. Bond, 8, Bell Yard, Temple Bar.

1836.
A SUPPLEMENT
TO THE
Collection of the Statutes,
CONNECTED WITH THE
GENERAL ADMINISTRATION OF THE LAW.

PART V.
Criminal Law (1).

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3. Offences relating to Coin and Bullion.
4. Homicide.
5. Rape, Polygamy, Forcible Marriage, &c.
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(1) Many of the acts in this volume are not properly classed under the head of criminal law, but it has been thought expedient in this Supplement to follow the arrangement adopted in Eaton's Statutes.
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CLASS I.

STATUTES RELATING TO RELIGION AND ECCLESIASTICAL AUTHORITY.

[No. I.] 1 & 2 W. IV. c. 49.—An Act to repeal so much of an Act passed in Ireland in the Fourth Year of King George the First, for the better regulating the Town of Galway, and for strengthening the Protestant Interest therein, as limits the Franchise created by the said Act to Protestants only. [15th October 1831.

[No. II.] 2 W. IV. c. 7.—An Act for the Relief of His Majesty's Subjects in Ireland being Protestants of the Established Church, and to repeal an Act passed in the Parliament of Ireland in the Thirty-third Year of the Reign of His Majesty King George the Third, intituled An Act to remove some doubts respecting Persons in Office taking the Sacramental Test. [20th February 1832.]

WHEREAS an act was passed in the parliament of Ireland in the nineteenth and twentieth years of the reign of his Majesty king
Religion and Ecclesiastical Authority.

No. II.

George the third, intituled An Act for the Relief of His Majesty's faith-

ful Subjects the Protestant Dissenters of this Kingdom, and to repeal a 2 W. 4. c. 7.

Clause in the Act of the Second of Queen Anne, intituled 'An Act to

prevent the further Growth of Popery,' as far as the same relates to the 19 & 20 G. 3,

Protestant Dissenters, whereby, after reciting a certain clause of an act (I.)

made in the said parliament of Ireland in the second year of the reign

of her Majesty Queen Anne, intituled An Act to prevent the further

Growth of Popery, it was enacted, that all and every person or persons,

being Protestants, should and might have, hold, and enjoy any office or

offices, civil or military, and receive any pay, salary, fee, or wages

belonging to or by reason of such office or place, notwithstanding he

shall not receive or have received the sacrament of the Lord's Supper,

as in the said recited clause is prescribed, without incurring any of the

penalties in the said act or any other act enacted, for or in respect of

his neglect of receiving the same: And whereas by an act made in the

said parliament of Ireland in the thirty-third year of the reign of his

said Majesty king George the Third, intituled An Act to remove some

Doubt respecting Persons in Office taking the Sacramental Test, it was

declared and enacted, that the said act of the nineteenth and twentieth

years of his Majesty king George the Third did not and doth not extend,

and shall not be deemed, taken, and construed to have extended, to

Protestants of the church of Ireland as by law established, but to Pro-

testant dissenters only: and whereas it is not expedient that Protestants,

being members of the Established Church, should be subjected to any

test from which Protestant dissenters are exempt; be it therefore enacted,

That the said recited act passed in the thirty-third year of the reign of

his Majesty king George the third shall be and the same is hereby

repealed, and after the passing of this act.

II. And be it further declared and enacted, That the said act of the

nineteenth and twentieth years of the reign of his Majesty king George

the third doth and shall be deemed and taken and construed to extend

to have extended to Protestants of the church of Ireland as by law

established and to Protestant dissenters alike.

III. That all persons being Protestants of the Established Church,

and 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

the before-mentioned act of the second year of the reign of her Majesty

queen Anne, or any other act or acts, they respectively ought to have

hitherto been or ought hereafter to receive the said sacrament of the

Lord's Supper, or to file a certificate thereof, shall be and are hereby

confirmed in the possession and enjoyment of the said several

offices, commands, places, trusts, services, employments, pay, salaries,

fee, and wages respectively, notwithstanding their omission or neglect

to take or receive the sacrament of the Lord's Supper, or to file such

certificate thereof, and shall be and are hereby indemnified, freed, and

discharged from all incapacities, disabilities, forfeitures, and penalties

whatever already incurred or which might hereafter be incurred in

consequence of any such omission or neglect; and that no election of

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 and filed such certificate in the

time and manner prescribed by the said act of the second year of the

reign of her Majesty queen Anne; any thing in the said act, or in any

other act or acts, to the contrary hereof notwithstanding.
Religion and Ecclesiastical Authority.  

[No. III.] 3 & 4 W. IV. c. 37.—An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland (1).

[14th August 1833.]

Whereas it is expedient to make provision for the abolition of first fruits in Ireland, and the substitution of an annual tax in lieu thereof; and it is also expedient that compulsory assessments by vestries should be abolished in certain cases: And whereas the number of bishops in Ireland may be conveniently diminished, and the revenues of certain of the bishopricks, as well as the said annual tax, applied to the building, rebuilding, and repairing of churches and other such like ecclesiastical purposes, and to the augmentation of small livings, and to such other purposes as may conduce to the advancement of religion, and the efficiency, permanence, and stability of the united church of England and Ireland; And whereas the tenure by which church lands are held in Ireland is inconvenient, and it is expedient to alter the same in such manner as may tend to the ease and security of the church, and the advantage of the persons holding thereunder: Be it therefore enacted, &c., That from and after the commencement of this act the several acts or parts of acts hereafter mentioned shall be repealed; (that is to say,) an act made in the parliament of Ireland in the twenty-eighth year of the reign of king Henry the eighth, intituled An Act for First Fruits; an act made in the parliament of Ireland in the twenty-eighth year of the reign of king Henry the eighth, intituled An Act for the Twentieth Part; so much of an act made in the parliament of Ireland in the second year of the reign of queen Elizabeth, intituled An Act for the Restoration of the First Fruits and Twentieth Part, and Rents reserved nomine Ten or Twenty, and of Parsonages Impropriate, to the Imperial Crown of this Realm, as relates to or concerns first fruits and twentieth parts, or the payment thereof; an act made in the parliament of Ireland in the second year of the reign of king George the first, intituled An Act for confirming the several Grants made by Her late Majesty of the First Fruits and Twentieth Parts payable out of the Ecclesiastical Benefices in this Kingdom, and also for giving the Archbishops, Bishops, and other Ecclesiastical Persons some Years Time for the Payment of First Fruits; so much of an act made in the parliament of Ireland in the eighth year of the reign of king George the first, intituled An Act for the better enabling of the Clergy having Cure of Souls to reside upon their Respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of Ireland, as relates to or concerns the payment of any sum of money by the trustees of first fruits therein mentioned; an act made in the parliament of Ireland in the tenth year of the reign of king George the first, intituled An Act for amending an Act, intituled 'An Act for confirming the several Grants made by Her late Majesty out of the First Fruits and Twentieth Parts payable out of the Ecclesiastical Benefices in this Kingdom, and also for giving the Archbishops and other Ecclesiastical Persons Four Years Time for the Payment of First Fruits,' and for incorporating the Trustees and Commissioners of the said First Fruits; an act made in the parliament of Ireland in the twenty-ninth year of the reign of king George the second, intituled An Act for amending and making more effectual the several Laws relating to the First Fruits payable out of the Ecclesiastical Benefices in this Kingdom, and for the better Regulation and Management of the Charitable Bequests of Doctor Hugh Boulter, late Lord Archbishop of Armagh, for augmenting the Maintenance of Poor Clergy in this Kingdom; an act made in the parliament of Ireland in the twenty-ninth year of the reign of king George the third, intituled An Act for the better enforcing the Payment of the First Fruits chargeable on the Clergy of this Kingdom; also an act made

(1) See the 4 & 5 W. 4, c. 90 post.
in the parliament of the united kingdom, in the forty-sixth year of the reign of his late Majesty king George the third, intituled

An Act for amending and making more effectual the several Laws relating to First Fruits payable out of Ecclesiastical

Benefits in this Kingdom, and for the better Regulation and Management of the Charitable Bequest of Doctor Hugh Boultier, late Lord Arch bishop of Armagh, for augmenting the Maintenance of Poor Clergy in this Kingdom,' so far only as relates to the said Charitable Bequest; an act made in the parliament of the united kingdom in the forty-third year of the reign of king George the third, intituled An Act to enable the Commissioners of First Fruits in Ireland to lend certain Sums of Money (interest free) to Incumbents of Benefits there, for the purpose of enabling them to erect or purchase Glebe Houses and Offices convenient for their Residence, and to purchase Glebe Lands fit and convenient for the Erection of such Houses and Offices; and to make Provision for the Repayment of all Loans so to be made by the said Commissioners; an act made in the parliament of the united kingdom in the forty-eighth year of the reign of king George the third, intituled An Act to make more effectual Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses, and for the Purchase of Glebe Lands, Glebe Houses, and Improprations in Ireland; an act made in the parliament of the united kingdom in the forty-ninth year of the reign of king George the third, intituled An Act to amend an Act made in the last Session of Parliament, for making Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses in Ireland; so much of an act made in the parliament of the united kingdom in the fourth year of the reign of king George the fourth, intituled An Act to and

Trustees and Commissioners of the First Fruits of Ecclesiastical Benefits, and for the Improvement of Church Lands in Ireland, as relates to the making, apportioning, raising, levying, or enforcing any rate, assessment, or cess for or towards the repairing, building, or rebuilding any churches or chapels in Ireland, or as relates to any loans made by the trustees and commissioners of the first fruits of ecclesiastical benefits in Ireland, or any instalments of sums payable to the said trustees and commissioners, or to any proceeding concerning any of the same; and the said several herein-before recited acts and parts of acts are hereby, from and after the commencement of this act, repealed accordingly, save and except so far as the said recited acts or parts of acts, or any of them, repeal the whole or any part of any other act or acts; and also save and except so far as relates to any acts, matters, and things done at any time before the commencement of this act, all which acts, matters, and things shall be and remain good, valid, and effectual, to all intents and purposes whatsoever, as if this act had not passed; and also save and except as to the recovery and application of any penalty for any offence which shall have been committed previous to the commencement of this act; and also save and except as to the recovery and application of any sum and sums of money lent or advanced under or by virtue of any of said recited acts or parts of acts, and which may now be or at any time after become due, and also save and except so far as relates to all and every the bonds or other securities for the repayment of any such sum or sums of money, all which penalties, sums of money, and bonds or other securities, not by this act otherwise provided for, shall and may be sued for, recovered, and dealt with to all intents and purposes as if this act had not been passed.

II. That the lord primate of all Ireland, the lord high chancellor of Ireland, being a member of the united church of England and Ireland, the lord archbishop of Dublin, the lord chief justice of Ireland, being a member of the united church of England and Ireland, all now and hereafter for the time being, and also such four of the archbishops or bishops of Ireland as shall be appointed from time to time by his Majesty in council for the time being, by warrant under the sign manual,
together with three proper and discreet persons, being members of the united church of England and Ireland, two of whom to be appointed from time to time by his Majesty in council by warrant under the sign manual, and the other to be appointed from time to time by the said lord primate and lord archbishop of Dublin for the time being, by writing under their respective hands and seals, shall be one body politic and corporate, by the name of the "Ecclesiastical Commissioners for Ireland," and by that name have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall have power and authority to take and purchase and hold lands, tenements, and hereditaments to them, their successors and assigns, for the purposes of this act, the statutes of mortmain, or any other act or acts, to the contrary hereof notwithstanding: Provided always, That the said lord chancellor and lord chief justice, and said three other commissioners respectively, and their successors for ever, do and shall, before acting under said commission, and at the first meeting they shall respectively attend, subscribe in the book of the minutes of the proceedings of said commissioners a declaration in the words following:

'I DO hereby solemnly, and in the presence of God, testify and declare, That I am a member of the united church of England and Ireland, as by law established. Witness my hand this day of '"

His Majesty in council may remove commissioners and fill up vacancies.

III. That the said four bishops and the said three other commissioners shall be at all times removable by his Majesty in council by warrant under the sign manual; and that whenever by death, resignation, removal, or otherwise, any such bishop or person shall cease to be a commissioner under this act, then and in every such case it shall and may be lawful for his Majesty, by warrant as aforesaid, to appoint one other bishop or person in the place and stead of any such bishop, or in place and stead of either of such two persons appointed by his Majesty, so ceasing to be such commissioner respectively: and in case of the death, resignation, or removal of said commissioner appointed by the lord primate and the archbishop of Dublin, it shall and may be lawful for the said lord primate and archbishop of Dublin for the time being to appoint another proper and discreet person in the place and stead of the person so dying, resigning, or being removed as aforesaid; and any such bishop or person so to be appointed shall accordingly be and become to all intents and purposes one of the commissioners for the purposes of this act.

IV. That it shall and may be lawful for the lord lieutenant or other chief governor or governors to order and appoint such salary as he or they shall deem fit to be paid to the said three persons (not being bishops) to be appointed such commissioners as aforesaid, regard being had to the nature and extent of the duties to be performed, and to the responsibility which may attach to such persons respectively.

V. That it shall and may be lawful for the said commissioners to appoint, during pleasure, such secretary and treasurer, and such other subordinate officer or officers, as they in their discretion shall think necessary for the execution of the several duties and trusts hereby reposed in them; and the said commissioners shall, out of the several funds hereby vested in and made payable to them, pay such salaries as shall, pursuant to the provision herein-before contained, be appointed to be paid to the said three commissioners, and also such other salaries to the said secretary, treasurer, and other subordinate officer or officers as the said commissioners, by and with the approbation and consent of the lord lieutenant or other chief governor or governors, testified in writing under his or their hand or hands, shall from time to time think fit and allow; and the said commissioners shall also out of the said funds defray all such incidental charges and expenses as shall become necessary in the execution of the several powers and trusts by this act, or by any act hereafter to be passed, reposed in them.
VI. That all acts, matters, and things (save as herein-after excepted) which the said commissioners are by any of the provisions of this act authorized or required to do and perform, shall and may be done and performed by any three of such commissioners: Provided always, That such three commissioners be for such purpose assembled at a meeting, whereof due notice shall have been given to all the said commissioners.

VII. Provided always, That no proceeding which requires to be ratified and confirmed by the common seal of the corporation shall be finally concluded, nor the said seal affixed to any deed or instrument, save at a meeting whereof notice shall have been in like manner given, and whereas one at least of the said episcopal commissioners shall be personally present: Provided always, That in case any episcopal commissioner, being the only episcopal commissioner present, should object to the ratification and confirmation of any such proceeding as aforesaid, or to the affixing of such seal to any deed or instrument as aforesaid, such ratification or affixing of the seal shall not take place till a subsequent meeting of the commissioners, of which due notice shall have been given.

VIII. That at each meeting of the said commissioners the commissioner first in rank and precedence there present shall preside as chairman, and in case of the equality in rank and precedence of all the commissioners so present, then the senior commissioner in the order of appointment shall so preside; and the chairman at all such meetings shall not only vote as a commissioner, but shall also, in case of the equality of votes, have the casting or decisive vote.

IX. That the secretary or other officer of the said commissioners shall keep a book, in which he shall make minutes of the proceedings of the said commissioners at their several meetings, and enter the names of the commissioners present thereof; and such entry of the proceedings at each meeting shall be signed by the chairman thereof.

X. That the said commissioners shall once in every year, within fourteen days after the first day of August, make a report to the lord lieutenant or other chief governor or governors of Ireland for the time being, under the hands and seal of the said commissioners, of their proceedings under this act for the year preceding ending on such first day of August, and shall also return with said report an account of all their receipts and disbursements during the like period, distinguishing the specific sources from which all monies may be derived, and showing the total amount derived from each such source, together with the specific purposes to which the receipts have been applied; and such report and account shall be laid before both houses of parliament; and the said commissioners shall also, at all other times when and as thereunto required by the lord lieutenant or other chief governor or governors for the time being, deliver to him or them a report of their proceedings, and return an account of their receipts and disbursements under this act, for and during such period as they may be so required.

XI. That the said commissioners shall frame and prepare such rules, orders, and bye laws, not being contrary to the provisions in this act contained, nor to the laws of that part of the united kingdom called Ireland, as the said commissioners shall judge most convenient for the better government of such corporation, and the management and disposal of the funds hereby vested in them for the several purposes of this act, and for the more effectual execution of the several powers and trusts hereby reposed in them; and all such rules, orders, and bye laws, being approved and confirmed by the lord lieutenant or other chief governor or governors of Ireland, by writing under his or their hand or hands, shall be good, valid, and effectual, and shall be sufficient in all courts to justify all persons who shall act pursuant to the same; and it shall be lawful for the said commissioners, by and with the consent and approbation of the said lord lieutenant or other chief governor, from time to time to annul or alter such rules, orders, and bye laws, or to make others in lieu thereof or in addition thereto, which, being duly
No. III. 3 & 4 W. 4, c. 37.

An account to be kept with the bank of Ireland

Payments of first fruits to cease.

Nothing herein to acquit persons of arrears.

Commissioners to make a valuation of all livings, &c. and levy a yearly assessment therefrom, subject to deduction mentioned hereafter; such assessment to commence from next avoidance.

Tax when to be payable.

confirmed as aforesaid, shall be good, valid, and effectual to all intents and purposes whatsoever: Provided always, That no rule, order, or bye law shall be presented to the lord lieutenant or other chief governor for his approbation and confirmation unless it shall have been made by the said commissioners at one meeting, and shall afterwards have been confirmed by them at another meeting, which other meeting shall have been called upon one month's notice, wherein shall have been set forth the rule, order, or bye law proposed to be confirmed.

XII. That the governors and directors of the bank of Ireland shall and they are hereby required to open in their books a general and such and so many particular and distinct accounts with the said commissioners, under the title of "The Ecclesiastical Commissioners for Ireland," as the said commissioners shall from time to time require to be kept, and to receive such lodgments and make such payments to the credit and debit of such accounts respectively, and to give and deliver such receipts and vouchers as the said commissioners shall from time to time direct.

XIII. That from and after the commencement of this act all payments of first fruits in Ireland shall cease and determine for ever; and that all archbishops, bishops, archdeacons, deans, rectors, vicars, and all other ecclesiastical persons, and their successors, in Ireland, shall be for ever hereafter excused, acquitted, and discharged, as well against his present Majesty, his heirs and successors, as against the trustees and commissioners of first fruits in Ireland, and all other persons whatsoever, of and from the payment of all and all manner of first fruits issuing out of ecclesiastical benefices payable by the clergy in Ireland, by whatsoever name the same are called, and by whatsoever right or title the same did or now may belong to the crown, or to the said trustees and commissioners, or any other person or persons: Provided always, That nothing herein contained shall extend or be construed to extend to exonerate, acquit, or discharge any persons, their heirs, executors, or administrators, from paying and satisfying all and every the arrears of first fruits due or payable by them or any of them, or which may hereafter become due and payable by virtue of any writing obligatory in force at or before the passing of this act, but that such arrears shall and may be recovered as hereafter provided.

XIV. That the said ecclesiastical commissioners shall make or cause to be made, and from time to time, as they shall think necessary, amend or cause to be amended, a valuation, in which valuation allowance shall be made for the deduction herein-after mentioned, of all and every the revenues, rents, farms, tithes, composition for tithes, estaintes, demesnes, glebe and other lands, offerings, emoluments, and all other profits, spiritual or temporal, appertaining or belonging, or that shall hereafter appertain or belong, to any archbishoprick, bishoprick, archdeaconry, deanery, prebend, cathedral church, collegiate church, spiritual corporations, aggregate or sole, parsonage not improper, vicarage, benefice, chonstry, free or other chapel, perpetual curacy, or any other benefice or office or promotion spiritual, of what name, nature, quality, or description soever they be, within that part of the united kingdom called Ireland, and shall have, take, levy, and receive therefrom and thereout from and after the times when the same shall severally become void next after the passing of this act, and for ever thereafter, a yearly tax, rate, or assessment, computed and imposed upon such valuation, according to the several rates and scales specified and contained in the Schedule (A.) to this act annexed.

XV. That the said yearly tax shall be paid half-yearly in equal moiety to the said ecclesiastical commissioners on each first day of July and first day of January, the first payment on account of such annual tax to be made from and out of each dignity, benefice, office, or promotion spiritual on the first day of July or first day of January, as may happen, next after the first day of May or the first day of November, as may happen, next after the consecration, installation, induction, collation,
Resting, placing, election, or appointment of the persons succeeding thereto: Provided always, That such person shall only be charged or arguable in such first payment with a proportion of such tax, according to the term during which he shall have enjoyed or been entitled to the profits of such dignity, benefice, office, or promotion spiritual; and ovided further, That if any such dignity, benefice, office, or promotion spiritual shall remain void for any time after such days herein-before pointed for the payment of the said annual tax, the person succeeding thereto shall be charged and chargeable with all arrears thereof accruing from and after the last avoidance thereof.

XVI. That each and every dignity, benefice, or office, or promotion spiritual, shall be separately and distinctly rated, each in the proper diocese to which it may belong, wheresoever the possessions or profits thereon respectively belonging shall happen to be locally situate; and in the case of any estate, tithes, funds, or other emoluments whatever distributable among the members of any corporation aggregate, under or by virtue of any law, statute, bye law, or usage whatsoever, the said tax, rate, or assessment shall be imposed severally upon the separate share or income of each such member respectively, and that each such share or income shall be and become respectively charged therefrom and after the time when the member of such corporation now enjoying or entitled to such share or income shall die, or become disfranchised, or in any manner cease to be a member of such corporation, and for ever thereafter.

XVII. Provided, That no economy estate or fund appropriated to the purpose of repairing any cathedral or church, or other such like purpose, shall be liable to the said annual tax, rate, or assessment, save only so far as respects the surplus thereof (if any), which may be distributable among the dean and chapter or members of the ecclesiastical body to whom such economy estate or fund may belong.

XVIII. That in order to enable the said commissioners the better to compute and impose the said tax, rate, or assessment according to the provisions of this act, every archbishop, bishop, archdeacon, dean, prebendary, master, warden, parson, spiritual vicar, perpetual curate, and every spiritual corporation aggregate under its corporate seal, and every member of such a corporation individually, and all and every other spiritual persons, in Ireland, by whatever name or names they may be respectively called, known, or described, shall, on or before the first day of December in the year one thousand eight hundred and thirty-three, and at all times thereafter, when and so often as they or any of them shall think fit or shall be requisite by the said commissioners, return respectively to the said commissioners an account of the true and entire yearly value of such archbishopricks, bishopricks, and all other the spiritual promotions aforesaid, and all lands, tenements, heriditaments, and profits thereto respectively belonging, by them and each of them at the time of making such returns respectively held and enjoyed; and in case the value thereof shall be of a fluctuating nature, then such account shall state the average annual value communibus annis; such account of such value in either of the cases aforesaid to be exclusive of the see house or glebe house or offices, or other place of residence of or belonging to the same respectively; and shall therein also respectively specify all rents, synodale, or proxies, or other charges (if any), payable out of or in respect of the same, and also the amount of the sums (if any) expended in building or improving such see house, glebe house, or offices, or place of residence, by such spiritual person, or paid or secured to be paid, or wherewith he shall be chargeable to his or their predecessors respectively, or his or their executors, administrators, or assigns; distinguishing the sums which are or shall be recoverable by such spiritual person as aforesaid from or against his successors from such sums as shall not be so recoverable; and in case there shall be no see house or glebe house or place of residence thereon or thereto belonging, then such account shall specify the annual rent paid or payable by such spiritual person for a house or place of residence occupied by him.
XIX. That the said ecclesiastical commissioners shall also have power and authority, when and as often as they shall so think necessary, to direct into any diocese in Ireland a commission under their corporate seal to the archbishop or bishop thereof, and such other person or persons, being members of the united church of England and Ireland, as the said commissioners shall think fit, commanding and authorizing the persons in such commission to be named, or two of them at the least, to examine, search, and inquire into, of, and for all such matters and things as may be requisite and necessary in order to enable the said ecclesiastical commissioners under this act to form the said valuation, and impose the said rate, tax, and assessment, according to the provisions of this act, and authorizing and empowering some two or more persons to be named in such commission, separately, or in the presence of each other, to administer an oath to each of the said persons therein named as aforesaid, to the effect following; that is to say,

Oath to be taken by persons named in such commission.

I. A. B. do swear, That I will well, diligently, and truly, according to the best of my skill and knowledge, do, fulfil, perform, and execute the several powers and trust reposed in me by virtue of a commission issued pursuant to the provisions of an act passed in the fourth year of the reign of his Majesty king William the fourth intituled [here set forth the title of this act], within the limits thereof, without favour or affection, prejudice, malice, or ill-will to any person whatever.

So help me GOD.’

Commissioners to make report; and to examine witnesses.

Which oath the said persons to be therein named shall take before they shall begin to execute their said commission; and also directing and authorizing and empowering the said persons in such commission so named, or two of them at the least, to return, under their hands and seals, to the commissioners appointed under this act, on a certain day to be named in the said commission, a true, just, and faithful account and estimate of the said several matters and things in the said commission so directed to be inquired of by them as aforesaid, and which return the said persons in such commission named are hereby required to make; and the said persons to be therein named as aforesaid, or any two of them, shall likewise have power to examine witnesses upon oath touching or concerning any of the matters or things so to be inquired of by them as aforesaid: Provided always, That the said ecclesiastical commissioners under this act may at their discretion direct and order the costs and expenses of issuing said commission, and of all the proceedings thereunder, or any part thereof, to be paid and borne, in such shares or proportions as the said commissioners shall think fit, by such archbishop, bishop, archdeacon, dean, prebendaries, person, vicar, or other spiritual person aforesaid, of and into the revenues, rents, issues, and profits of whom such commission shall be issued to inquire and examine as aforesaid; and which costs and expenses, when so ordered to be paid as aforesaid, shall and may be recovered in the manner hereafter directed and mentioned with respect to the said annual tax: Provided always, That no such archbishop, dignitary, or spiritual person shall be required to pay the costs or expenses of any such commission, or any part thereof, unless the valuation of the revenues, issues, and profits to him belonging shall exceed the amount thereof as stated in the last previous return thereof by him made in the proportion of ten pounds per centum.

Proviso as to costs of commission.

XX. Provided, That in and from the valuation to be made for the purpose of imposing the said rate, tax, or assessment, the said commissioners shall from time to time deduct and allow all rents, synodals, proxies, and other charges, including salaries or stipends for perpetual curates or licensed assistant curates of any benefice the incumbent whereof shall be resident in any such benefice, which any such spiritual person or persons as aforesaid, chargeable with the said annual tax, is or are bound to pay or allow in respect of his or their archbishoprick, bishoprick, archdeaconry, deanery, prebend, benefice, or other promo-
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ion spiritual as aforesaid; and in case there shall be no see house or glebe house or place of residence thereof or thereto respectively belonging, then that the said ecclesiastical commissioners shall deduct and allow such sum as shall appear to be the annual rent or value of the house or place of residence occupied by each such spiritual person, or such lesser sum as the said ecclesiastical commissioners shall in their discretion think fit; and in case any such spiritual person so chargeable as aforesaid shall have expended or laid out in building or improving any house, offices, or place of residence as aforesaid, or shall have paid or secured, or shall be chargeable with to his or their predecessors respectively, or his or their respective executors, administrators, or assigns, any sum or sums of money on account of money laid out or expended therefore on any such buildings or improvements, then in every such case as the said ecclesiastical commissioners shall from time to time, in and from such valuation, deduct and allow, on account thereof, in the following manner and according to the following rate; (that is to say,) the annual sum or allowance of ten pounds in the hundred for all and every the sum or sums so expended or laid out in such building or improvement, or paid or secured to be paid, or with which such person as aforesaid shall be chargeable to his predecessor, or his executors, administrators, or assigns, as the case may be, on account of money so theretofore laid out or expended on such building or improvement as aforesaid, and which shall not be by law recoverable by such person, his executors, administrators, or assigns, from or against his successor; and the annual sum or allowance of five pounds in every hundred for all and every the sum or sums so expended or laid out, or paid or secured to be paid, or wherewith any such person shall be chargeable to his predecessor, or his executors, administrators, or assigns, as aforesaid, on account of money so theretofore laid out or expended as aforesaid, as the case may be, and which shall be by law recoverable by such person, his executors, administrators, or assigns, from or against his successor.

XXI. Provided always, That the said ecclesiastical commissioners shall not, from or in such valuation, deduct or allow for any sum or sums of money so laid out or expended, or paid or secured to be paid, or wherewith any of the persons aforesaid shall or may be chargeable as aforesaid, unless such sum and sums shall be contained, included, and mentioned in the certificate of the lord lieutenant or other chief governor or governors of Ireland, or of the archbishop or bishop of the province or diocese respectively, as the case may be, in such cases given or directed to be given, under or by virtue of any statute now or heretofore in force in Ireland, in order to enable any archbishop, bishop, or other of the persons aforesaid to recover against his successor the sums above mentioned, or any of them, or any part thereof.

XXII. That if the said tax, rate, or assessment, or any part thereof, payable by any body or person, shall be in arrear and unpaid more than a reasonable time after the same shall have been demanded by or on the part of the commissioners under this act, it shall and may be lawful for such commissioners in every such case to apply to the court of chancery or exchequer in Ireland, by petition in a summary way, for relief in that behalf; and such court shall and may, on the hearing of such petition, and upon the production of a certificate under the corporate seal of such commissioners, of such tax being in arrear and unpaid as aforesaid, in a summary way, with or without reference to any master or other officer of said court, order process of sequestration (after hearing such matters, if any, as may be alleged in answer to such application, by affidavit or otherwise, upon a day to be fixed for that purpose,) to issue out of said court, directed to sequestrators to be named by or on behalf of such commissioners, authorizing and requiring such sequestrators forwith to enter into the possession of and take and receive the rents, issues, and profits of all and every the lands, tenements, and hereditaments of or belonging to any such body or person in his or their ecclesiastical
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3 & 4 W. 4, c. 37.

Capacity or character, and all and every the tithes, moduses, compositions for tithes, salaries, stipends, fees, and all other ecclesiastical emoluments and profits whatsoever of or belonging to the same respectively, or such part or parts thereof as to the said court shall seem fully sufficient for the purpose, and to pay over the same to such commissioners, until they shall have been fully paid and satisfied the said yearly tax and every part thereof which shall be then, or which shall at any time pending such sequestration, remain or become due and payable, together with lawful interest for the same from the time when every such sum or sums ought respectively to have been paid, and all costs and charges and expenses whatsoever attending such petition and sequestration as aforesaid; and it shall and may be lawful for the said court to proceed against all persons disobeying or opposing such process, or in any manner hindering or preventing the due execution thereof, and to act in all matters connected with and consequent upon such sequestration in the same manner as in other cases in which sequestrations are or shall be issued out of said court pursuant to the orders of said court.

XXIII. Provided always, That any sequestration issued pursuant to the provisions of this act shall be preferred, and the said commissioners under this act shall be paid and satisfied the sum and sums to be recovered thereby, and every part thereof, in preference to any other person or persons whatsoever, notwithstanding any sequestration, judgment, execution, or other process whatsoever issued or begun for such other person or persons; any thing herein or in any other law or statute contained to the contrary hereof notwithstanding.

XXIV. Provided always, That if any archbishop, bishop, or other person charged or chargeable with the payment of said yearly tax shall happen to die, or be lawfully evicted, translated, promoted, removed, or put from his dignity, benefice, office, or promotion spiritual, before any one of the gale days hereby appointed for the payment of the said tax, then such archbishop, bishop, or person, or his executors or administrators, as the case may be, shall only be charged and chargeable with a proportion of such tax, according to the time he may have been entitled to or enjoyed the profits of such dignity, benefice, perpetual curacy, or office, or promotion spiritual as aforesaid; and the successor to such dignity, benefice, office, or promotion spiritual shall become liable to the residue of such tax accruing due on such gale day:

And provided further, that in any case in which it shall be made to appear to the satisfaction of the said commissioners that any spiritual person chargeable with the said tax shall not have received the profits of the dignity, benefice, perpetual curacy or office, or promotion spiritual, in respect whereof he may be so chargeable, then and in such case it shall be lawful for the said commissioners to extend the time for the payment of such tax until such profits shall be received, or in case such spiritual person shall die or be removed, or promoted from his dignity, benefice, perpetual curacy, or office, or promotion spiritual as aforesaid, without being entitled to receive any of such profits, then and in such case to charge and recover the same of and from his successor therein whenever such successor shall have received the said profits; any thing herein-before contained to the contrary notwithstanding.

XXV. That the proportion of said annual tax due on the death of any archbishop, bishop, or other person as aforesaid shall be deemed and taken to be and shall rank as a judgment debt of such deceased archbishop, bishop, or person as aforesaid, and be paid as such, as if a judgment had been duly acknowledged by or entered against him during his lifetime by the said commissioners for the amount of said tax which shall be so due as aforesaid, and immediately after all other bond fide judgments, crown bonds, and recognizances entered up against, acknowledged, or executed by him during his lifetime.

XXVI. That the said commissioners under this act shall be deemed and taken to be, in every ecclesiastical court in the united kingdom, judgment creditors of any archbishop, bishop, or other such person as
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aforesaid chargeable with any arrears of said annual tax; and in case
the executors, or next of kin, or residuary legatees of such archbishop,
bishop, or other person as aforesaid shall refuse or neglect to take out
probat or letters of administration to him, the said commissioners shall
be entitled to have administration of his goods and chattels, rights and
credits, granted or committed unto their nominee or nominees in such
manner and form, but subject to the same regulations as far as may be,
as and under which administrations are usually granted to creditors of
other deceased persons, notwithstanding that no affidavit or other evi-
dence shall be made or given in or to such ecclesiastical court of any
debt being actually due to such commissioners: Provided always, That
a certificate under the corporation seal of the said commissioners shall
be produced to such ecclesiastical court, alleging that a debt on account
of arrears of said annual tax is due to such commissioners, and that they
require such administration to be granted to the person to be therein
named.

XXVII. That the several archbishops and bishops of Ireland shall,
from and after the passing of this act, on the first day of November and
first day of May in every year, or at farthest within fourteen days after,
make returns to the said commissioners of all, how many, and what
archdeacons, deans, provosts, masters, wardens, prebendaries, rectors,
parsons, vicars, perpetual curates, incumbents, or other spiritual per-
sons, by whatever name called, known, or described, have been installed,
admitted, instituted, collated, or inducted (and of and on whose gift,
grant, or presentation such installation, admission, institution, or in-
duction has taken place,) into dignities, benefices, curacies, chapellies,
offices, or promotions spiritual, by whatever name called, known, or de-
scribed, as aforesaid, and by what names and surnames they were so in-
stalled, admitted, instituted, collated, or inducted, and each of them
were singly and separately called and known by, together with the day
and year of the installation, admission, institution, collation, or in-
duction of each of them, and in what county and counties within their re-
spective diocese or dioceses and jurisdictions such archdeacons, de-
aneories, prebends, rectories, parsonages, vicarages, curacies, chapellies,
or other dignities, benefices, or offices, or promotions spiritual, by
whatever name called, known, or described, be and are situated, to the
dates of the said respective returns.

XXVIII. That all and every the powers and authorities, provisions,
regulations, forfeitures, clauses, matters, and things in this act con-
tained, in relation to bishops in their dioceses, shall extend and be con-
structed to extend to the archbishops in the respective dioceses of which
they are bishops, and also in their own peculiar jurisdictions, as fully
and effectually as if the archbishops were named with the bishops in
every such case.

XXIX. That every archbishop and bishop within the limits of whose
province or diocese respectively any benefice or office or promotion spi-
RITual, by whatever name called, known, or described respectively,
 exempt or peculiar, shall be locally situate, shall have, use, and exercise
all the powers and authorities necessary for the due execution by them
respectively of all the purposes and provisions of this act, and for en-
forcing the same with regard thereto respectively, as such archbishop
and bishop respectively would have used and exercised if the same were
not exempt and peculiar, but were subject in all respects to the jurisdic-
tion of such archbishop or bishop; and where any benefice or promotion
spiritual as aforesaid, exempt or peculiar, shall be locally situate within
the limits of more than one province or diocese, or where the same or
any of them shall be locally situate between the limits of any two or
more such dioceses, the archbishop or bishop of the cathedral church to
whose province or diocese the parish church of the same respectively
shall be nearest in local situation shall have, use, and exercise all and
every the powers and authorities which are necessary for the due exec-
ution of the provisions of this act, and enforcing the same with regard
therto respectively, as such archbishop or bishop would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively, and the same, for all the purposes of this act, shall be deemed and taken to be within the limits of the province or diocese of such archbishop or bishop: Provided that the peculiarities belonging to any archbishoprick or bishoprick, though locally situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act as for all other purposes of ecclesiastical jurisdiction.

XXX. That where any two or more dignities, benefices, vicarages, or perpetual curacies shall be held by one incumbent, that the same shall be valued and taxed as a single benefice: Provided always, That in case any dignity or benefice be attached or annexed to or held together with any archbishoprick or bishoprick, such dignity or benefice, and such archbishoprick or bishoprick, shall be separately valued and taxed according to the respective scales contained in the schedules to this act annexed, and as if such benefice or dignity, and such archbishoprick or bishoprick, were held and enjoyed by several persons.

XXXI. That whereas it is well, and as often as any of the archbishopricks or bishopricks in Ireland shall happen to be void, that then thereon the dean of the cathedral church where the see of such archbishoprick or bishoprick being void shall happen to be, or the vicar general of the diocese, being in holy orders, or any archdeacon of the diocese, according to the direction or order of said commissioners, to be made or given in writing under the seal of the said commissioners, shall, during the vacancy thereof, be charged and chargeable and is hereby required to do or cause to be done all and every thing and things for the due execution of this act, within the diocese of such archbishoprick or bishoprick, as the same archbishop or bishop of the see being void should have done, according as it is limited and appointed by this act, or by any thing herein contained: Provided always, That during the vacancy of the archbishoprick of Dublin it shall be lawful for said commissioners to order, direct, and appoint the dean of Saint Patrick's, or the vicar general of such diocese, being in holy orders, or archdeacon of Dublin, to do and perform all and every the matters and things for the due execution of this act within such diocese as such archbishop should have done, according as it is limited and appointed by this act, or any thing herein contained.

XXXII. And whereas his Majesty has been graciously pleased to signify that he has placed at the disposal of parliament his interest in the temporalities and custody thereof of the several bishopricks and archbishopricks mentioned in this act and the Schedule (B) thereto annexed; be it therefore enacted, That the bishoprick of Waterford, now void, shall from and after the passing of this act, and the other bishopricks named in the first column of the Schedule (B) to this act annexed shall, when and as the same may severally become void, be thenceforth united to and held together with the bishoprick or archbishoprick mentioned in conjunction therewith respectively in the second column of the said Schedule (B); and that the archbishops or bishops of the archbishopricks or bishopricks in such second column named shall, at such times respectively as before mentioned, be and become, by virtue of this act, and without further grant, installation, or ceremony whatsoever, bishops respectively of the said bishopricks named in such first column in conjunction therewith, and shall have and exercise all and every the ecclesiastical patronages and jurisdictions in appointing, collating, and presenting to all and every the dignities, rectories, vicarages, curacies, chapelties, or other offices or promotions, and all other jurisdictions whatsoever, by whatever name called, known, or described, lawfully had, used, exercised, and enjoyed by the respective bishops of the said bishopricks in the first column of the said Schedule (B) named, as also the right of nominating and appointing to all and every the offices of chancellor, vicar general, official, principal registrar, and all other eccle-
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Class I.]

Religious and Ecclesiastical Offices of or belonging or appertaining to such last-mentioned bishopricks respectively; and his most excellent Majesty, his heirs and successors, shall at all times thereafter grant each such bishoprick in the first column of the said Schedule (B.) named, together with the bishoprick or archbishoprick to which it may have been united in manner aforesaid, to be held by one and the same person.

XXXIII. Provided always, That if any bishoprick mentioned in the second column of the said Schedule (B.) shall become void before the union of such bishoprick with the bishoprick mentioned in the first column of the said Schedule, then the bishop of the bishoprick mentioned in the first column shall become, by virtue of this act, and without further grant, installation, or ceremony whatever, bishop of the bishoprick in such second column named in conjunction therewith, and shall have and exercise all powers and authorities of the bishop of such united bishopricks: Provided always, That nothing herein contained shall authorize or empower any bishop of a bishoprick mentioned in the first column of the said schedule as hereafter to be united to the dioceses of Armagh or of Dublin, to become, by virtue of this act, archbishop of Armagh or of Dublin.

XXXIV. Provided also, That it shall and may be lawful for the archbishop of Armagh and archbishop of Dublin, and they are hereby required, to select from and out of the benefices belonging to each of the bishopricks in the first column of the said Schedule (B.) mentioned and now in the gift or collation of the respective bishops thereof, one benefice not exceeding the annual value of one thousand pounds, and to return a list of the several benefices so selected, under their episcopal seals, to the said lord lieutenant or other chief governor or governors of Ireland, and his Majesty's privy council there, for their approval, and when approved by the said lord lieutenant or other chief governor or governors and council, such list shall be registered in the rolls office of his Majesty's court of chancery in Ireland, together with such approval; and upon each and every avoidance of the said benefices so selected happening from time to time after the said bishopricks to which the same may respectively belong shall have become united to any other bishopricks by virtue of this act, it shall and may be lawful for the said archbishop of Armagh and archbishop of Dublin to nominate and present to each such benefice one of the fellows or ex-fellows of the college of the holy and undivided trinity, near Dublin, being in holy orders: Provided always, That in case the said two archbishops shall not be able to agree in such nomination and appointment, or shall decide upon the person to be appointed to the said vacant benefice, the first turn therein to be exercised by the archbishop of Armagh, and if on the vacancy of any of the said benefices so selected as aforesaid, the said archbishop shall not present thereto some such fellow or ex-fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall, for that turn, devolve to the bishop of the diocese, and be in all respects subject to the ordinary law of lapse; Provided always, That until the said bishopricks shall have become united to any other bishopricks under the provisions of this act, nothing herein contained shall alter or affect the right of presentation or collation to any of the benefices so selected as aforesaid, as at present enjoyed or possessed; and provided further, that any fellow of the said college who shall accept any such benefice shall vacate his fellowship at such time and in such manner as according to any statute, by law, or usage of the said college, fellowships are vacated upon the acceptance of any living in the gift or disposal of the said college.

XXXV. Provided also, That the said ecclesiastical commissioners under this act shall, from and out of the revenues of each bishoprick in the first column mentioned, when and as the same shall become vested in them, make good to the bishop thereof becoming, by virtue
confirmed as aforesaid, shall be good, valid, and effectual to all intents and purposes whatsoever: Provided always, That no rule, order, or bye law shall be presented to the lord lieutenant or other chief governor for his approbation and confirmation unless it shall have been made by the said commissioners at one meeting, and shall afterwards have been confirmed by them at another meeting, which other meeting shall have been called upon one month’s notice, wherein shall have been set forth the rule, order, or bye law proposed to be confirmed.

XII. That the governors and directors of the bank of Ireland shall and they are hereby required to open in their books a general and such and so many particular and distinct accounts with the said commissioners, under the title of "The Ecclesiastical Commissioners for Ireland," as the said commissioners shall from time to time require to be kept, and to receive such lodgments and make such payments to the credit and debit of such accounts respectively, and to give and deliver such receipts and vouchers as the said commissioners shall from time to time direct.

XIII. That from and after the commencement of this act all payments, of first fruits in Ireland shall cease and determine for ever; and that all archbishops, bishops, archdeacons, deans, rectors, vicars, and all other ecclesiastical persons, and their successors, in Ireland, shall be for ever hereafter excused, acquitted, and discharged, as well against his present Majesty, his heirs and successors, as against the trustees and commissioners of first fruits in Ireland, and all other persons whatsoever, of and from the payment of all and all manner of first fruits issuing out of ecclesiastical benefices payable by the clergy in Ireland, by whatsoever name the same are called, and by whatsoever right or title the same did or now may belong to the crown, or to the said trustees and commissioners, or any other person or persons: Provided always, That nothing herein contained shall extend or be construed to extend to exonerate, acquit, or discharge any persons, their heirs, executors, or administrators, from paying and satisfying all and every the arrears of first fruits due or payable by them or any of them, or which may hereafter become due and payable by virtue of any writing obligatory in force at or before the passing of this act, but that such arrears shall and may be recovered as hereafter provided.

XIV. That the said ecclesiastical commissioners shall make or cause to be made, and from time to time, as they shall think necessary, amend or cause to be amended, a valuation, in which valuation allowance shall be made for the deduction herein-after mentioned, of all and every the revenues, rents, farms, tithes, composition for tithes, estates, demesnes, glebe and other lands, offercings, emoluments, and all other profits, spiritual or temporal, appertaining or belonging, or that shall hereafter appertain or belong, to any archbishoprick, bishoprick, archdeaconry, deanery, prebend, cathedral church, collegiate church, spiritual corporations, aggregate or sole, parsonage not improper, vicarage, benefice, chantry, free or other chapel, perpetual curacy, or any other benefice or office or promotion spiritual, of what name, nature, quality, or description soever they be, within that part of the united kingdom called Ireland, and shall have, take, levy, and receive therefrom and thereout, from and after the times when the same shall severally become void next after the passing of this act, and for ever thereafter, a yearly tax, rate, or assessment, computed and imposed upon such valuation, according to the several rates and scales specified and contained in the Schedule (A.) to this act annexed.

XV. That the said yearly tax shall be paid half-yearly in equal moiety to the said ecclesiastical commissioners on each first day of July and first day of January, the first payment on account of such annual tax to be made from and out of each dignity, benefice, office, or promotion spiritual on the first day of July or first day of January, as may happen, next after the first day of May or the first day of November, as may happen, next after the consecration, installation, induction, collation,
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No. III. 3 & 4 W. 4, c. 37.

... and liable if such successors had been appointed, pay to and satisfy the person or persons, or his or their respective executors, administrators, or assigns, as the case may be, by whose promotion or death such vacancy shall have occurred or been occasioned, or who shall become bishop of any united bishopricks, all and every such sum and sums of money as by force of any law or statute or usage has or have herefore been charged upon the said other bishopricks upon the same coming void respectively, and which would have been payable to and recoverable by such persons respectively, or their respective executors, administrators, or assigns, from or against their respective successors in such bishopricks, in case this act had not been made.

XXXIX. That in the case of the said bishoprick of Waterford it shall be lawful for the said commissioners from and after the passing of this act, and in the case of the other bishopricks named in the first column of the Schedule (B.) to this act annexed, save and except the bishopricks of Ossory and of Cork and Ross, it shall and may be lawful for such commissioners at and after such times as the said bishopricks shall become respectively vacant, or united to any other bishoprick or archbishoprick as aforesaid, and such commissioners are hereby empowered, by and with the consent of the lord lieutenant or other chief over or governors in Ireland, to be testified in writing under his hand or hands, to demise for any term of lives or years, or lives ad valorum, with a covenant to make void the said demise in case of assigning or subletting, and for such rent or fine as shall be specified in any such consent as aforesaid, the see house and offices, and all or any part of the menosal or demesne lands of or belonging to the said bishoprick of Waterford, or to the said other bishopricks, save as aforesaid: Provided always, That if the bishop for the time being of the bishoprick to which such bishoprick of Waterford, or such other bishoprick save as aforesaid, shall be united by virtue hereof as aforesaid, do and shall, with and by the like consent as aforesaid, to be testified as aforesaid, elect and choose the see house of such bishoprick of Waterford, or such other bishoprick, save as aforesaid, to be and continue for ever to be the see house of such united bishoprick, it shall not be lawful for the said commissioners so to demise the said see house and offices selected and chosen as aforesaid, nor the menosal or demesne lands hereof or thereto respectively belonging; and in such case it shall be ad become lawful for the said commissioners, and they are hereby empowered, by and with the like consent as aforesaid, to be testified as aforesaid, to demise, in like manner and upon the like terms as aforesaid, the see house and offices of the bishoprick to which such bishoprick of Waterford, or such other bishoprick, save as aforesaid, shall be united as aforesaid, by virtue of this act, together with any art of the menosal or demesne lands thereof or thereto respectively belonging, instead of the see house and menosal or demesne lands of such bishoprick of Waterford or other bishopricks so respectively becoming vacant, or united to any other archbishoprick or bishoprick, save as aforesaid.

XL. Provided always, That if such consents as aforesaid be not received in the respective deeds of demise aforesaid, and if the said deeds of demise do not contain such covenant as aforesaid against assigning or subletting, or be not respectively executed by the said commissioners in the manner herein-before directed as to the execution of deeds by said commissioners, and the said bishop of the bishopricks which shall become united in manner aforesaid, for the time being respectively, then the said demises shall be respectively null and void to all intents and purposes whatsoever.

XLI. That it shall be lawful for the said commissioners, when and as soon as the said bishoprick of Ossory and bishoprick of Cork and Ross shall be, under the provisions of this act, united to the bishopricks of Ferns and Leighlin and of Cloyne respectively, in like manner to demise, with the like consent and subject to the same covenants as...
XIX. That the said ecclesiastical commissioners shall also have power and authority, when and as often as they shall so think necessary, to direct into any diocese in Ireland a commission under their corporate seal to the archbishop or bishop thereof, and such other person or persons, being members of the united church of England and Ireland, as the said commissioners shall think fit, commanding and authorising the persons in such commission to be named, or two of them at the least, to examine, search, and inquire into, of, and for all such matters and things as may be requisite and necessary in order to enable the said ecclesiastical commissioners under this act to form the said valuation, and impose the said rate, tax, and assessment, according to the provisions of this act, and authorizing and empowering some two or more persons to be named in such commission, separately, or in the presence of each other, to administer an oath to each of the said persons therein named as aforesaid, to the effect following; that is to say,

'I A. B. do swear, That I will well, diligently, and truly, according to the best of my skill and knowledge, do, fulfil, perform, and execute the several powers and trust reposed in me by virtue of a commission issued pursuant to the provisions of an act passed in the fourth year of the reign of his Majesty king William the fourth intituled [here set forth the title of this act], within the limits thereof, without favour or affection, prejudice, malice, or ill-will to any person whatever. So help me GOD.'

XX. Provided, That in and from the valuation to be made for the purpose of imposing the said rate, tax, or assessment, the said commissioners shall from time to time deduct and allow all rents, synodales, proxies, and other charges, including salaries or stipends for perpetual curates or licensed assistant curates of any benefice the incumbent whereof shall be resident in any such benefice, which any such spiritual person or persons as aforesaid, chargeable with the said annual tax, is or are bound to pay or allow in respect of his or their archbishoprick, bishoprick, archdeaconry, deanery, prebend, benefice, or other promo-
shall apply and be construed to apply and extend to the said commissioners as if they had been named in such act or acts, and as if the provisions of such act or acts had been herein expressly re-enacted, subject always to the provisions herein-after contained with respect to the renewal of any lease or leases heretofore made of such lands, tenements, and hereditaments, and the grants of perpetuities therein.

XLVI. That when and as the now archiepiscopal sees of Tuam and Cashel shall become severally void, the bishops of Tuam and Cashel shall henceforth for ever respectively cease to have or exercise archiepiscopal jurisdiction within the said provinces of Tuam and Cashel; and all such archiepiscopal jurisdiction as may have heretofore belonged to and been exercised by the bishop of Tuam shall be transferred to and vested as the archbishop of Armagh for the time being, and all such archiepiscopal jurisdiction as may have heretofore belonged to and been exercised by the bishop of Cashel shall be transferred to and vested in the archbishop of Dublin for the time being; and the bishops of Tuam and Cashel shall, as well as the other bishops of the said provinces of Tuam and Cashel, be subject to the archiepiscopal jurisdiction of the said archbishops of Armagh and Dublin respectively; and the said archbishops of Armagh and Dublin, and their successors respectively, shall have, use, and exercise, without further grant, installation, or ceremony whatsoever, all and singular the metropolitan rights, privileges, franchises, duties, powers, and authorities heretofore exercised or which might have been exercised within the said provinces of Tuam and Cashel respectively: Provided always, That nothing herein contained shall in any respect abridge or affect the jurisdiction, privileges, rights, or authority of the archbishop of Armagh as primate of all Ireland.

XLVII. That when and so soon as the now archiepiscopal see of Tuam shall become void, the bishoprick of Ardagh, now held therewith, shall be united to and held together with the bishoprick of Kilmore, and that the then bishop of Kilmore shall be and become, by virtue of this act, and without further grant, installation, or ceremony whatsoever, bishop of Ardagh, and have and exercise all and every the ecclesiastical patronages and jurisdictions in appointing, collating, and presenting to all and every the dignities, rectories, vicarages, curacies, chapelries, or other offices or promotions, by whatever name called, known, or described, heretofore lawfully had, used, exercised, and enjoyed by the archbishop of Tuam as bishop of Ardagh, as also the right of nominating and appointing to all and every the offices of chancellor, vicar general, official, principal registrar, and all other ecclesiastical offices of or belonging to the said bishoprick of Ardagh; and his most excellent Majesty, his heirs and successors, shall at all times thereafter grant, to be held by one and the same person, the said bishopricks of Kilmore and Ardagh, together with such other bishoprick as shall under the provisions of this act be appointed to be held together with such bishoprick of Kilmore.

XLVIII. Provided always, That all and singular the lands, tenements, and hereditaments, together with all and singular the tithes, rents, and emoluments, to the said bishoprick of Ardagh appertaining and belonging, shall, from and after the time when the said now archiepiscopal see of Tuam shall become void as aforesaid, be and the same are hereby transferred to and vested in the said ecclesiastical commissioners and their successors for ever, to and for the like trusts, uses, and purposes, with the like powers, and subject in all respects to such and the like charges, conditions, and regulations, as herein-before provided in respect of the bishopricks mentioned in the first column of the said schedule (B) to this act annexed.

XLIX. That all and singular the lands, tenements, and hereditaments, Temporalities of Christ Church, heretofore held and enjoyed in commendam or otherwise by the bishop of Kildare for the time being, as dean of Christ Church, or by
capacity or character, and all and every the tithes, modues, compositions for tithes, salaries, stipends, fees, and all other ecclesiastical emoluments and profits whatsoever of or belonging to the same respectively, or such part or parts thereof as to the said court shall seem fully sufficient for the purpose, and to pay over the same to such commissioners, until they shall have been fully paid and satisfied the said yearly tax and every part thereof which shall be then, or which shall at any time pending such sequestration, remain or become due and payable, together with lawful interest for the same from the time when every such sum or sums ought respectively to have been paid, and all costs and charges and expenses whatsoever attending such petition and sequestration as aforesaid; and it shall and may be lawful for the said court to proceed against all persons disobeying or opposing such process, or in any manner hindering or preventing the due execution thereof, and to act in all matters connected with and consequent upon such sequestration in the same manner as in other cases in which sequestrations are or shall be issued out of said court pursuant to the orders of said court.

XXIII. Provided always, That any sequestration issued pursuant to the provisions of this act shall be preferred, and the said commissioners under this act shall be paid and satisfied the sum and sums to be recovered thereby, and every part thereof, in preference to any other person or persons whatsoever, notwithstanding any sequestration, judgment, execution, or other process whatsoever issued or begun for such other person or persons; any thing herein or in any other law or statute contained to the contrary hereof notwithstanding.

XXIV. Provided always, That if any archbishop, bishop, or other person charged or chargeable with the payment of said yearly tax shall happen to die, or be lawfully evicted, translated, promoted, removed, or put from his dignity, benefice, office, or promotion spiritual, before any one of the gale days hereby appointed for the payment of the said tax, then such archbishop, bishop, or person, or his executors or administrators, as the case may be, shall only be charged and chargeable with a proportion of such tax, according to the time he may have been entitled to or enjoyed the profits of such dignity, benefice, perpetual curacy, or office, or promotion spiritual as aforesaid; and the successor to such dignity, benefice, office, or promotion spiritual shall become liable to the residue of such tax accruing due on such gale day:

And provided further, that in any case in which it shall be made to appear to the satisfaction of the said commissioners that any spiritual person chargeable with the said tax shall not have received the profits of the dignity, benefice, perpetual curacy or office, or promotion spiritual, in respect whereof he may be so chargeable, then and in such case it shall be lawful for the said commissioners to extend the time for the payment of such tax until such profits shall be received, or in case such spiritual person shall die or be removed, or promoted from his dignity, benefice, perpetual curacy, or office, or promotion spiritual as aforesaid, without being entitled to receive any of such profits, then and in such case to charge and recover the same of and from his successor therein whenever such successor shall have received the said profits; any thing herein-before contained to the contrary notwithstanding.

XXV. That the proportion of said annual tax due on the death of any archbishop, bishop, or other person as aforesaid shall be deemed and taken to be and shall rank as a judgment debt of such deceased archbishop, bishop, or person as aforesaid, and be paid as such, as if a judgment had been duly acknowledged by or entered against him during his lifetime by the said commissioners for the amount of said tax which shall be so due as aforesaid, and immediately after all other bond fide judgments, crown bonds, and recognizances entered up against, acknowledged, or executed by him during his lifetime.

XXVI. That the said commissioners under this act shall be deemed and taken to be, in every ecclesiastical court in the United Kingdom, judgment creditors of any archbishop, bishop, or other such person as
a temporal peer of that part of the united kingdom called Ireland should be chosen by the lords temporal to be one of the representatives of the lords temporal.

LIV. And whereas the revenues of the archbishoprick of Armagh and the bishoprick of Derry have increased in such manner that, without affecting the just and competent support of the said dignities, a portion thereof may be beneficially applied for the other purposes of the established church in Ireland, in manner herein-after mentioned; be it therefore further enacted, That when and so soon as the said archbishoprick of Armagh shall become void, the successor thereto, and his successors for ever, archbishops of Armagh, shall, from and out of the revenues of the said archbishoprick, pay over to the said commissioners under this act the annual sum of four thousand and five hundred pounds, the same to be paid by two equal payments on each first day of July and first day of January in every year, the first payment or amount of such annual tax to be made on the first day of July or first day of January, as may happen, after the first half-yearly payment of the revenue of such archbishoprick of Armagh shall have become due and payable to such successor of the said archbishoprick of Armagh; and that the now bishop of Derry, having freely assented theretoe, shall, from and out of the revenues of the said bishoprick, pay over to the said commissioners under this act the annual sum of four thousand and one hundred and sixty pounds; and when and so soon as the said bishoprick of Derry shall become void, the successor thereto, and his successors for ever, bishops of Derry, shall, from and out of the revenues of the said bishoprick, pay over to the said commissioners under this act the annual sum of six thousand one hundred and sixty pounds, the same to be paid by two equal payments on each first day of July and first day of January in every year, the first payment thereof to be made on the first day of January in the year one thousand eight hundred and thirty-four; and the sums so from time to time to be paid to the said commissioners by the said archbishops of Armagh and bishops of Derry shall be applied to such and the like purposes as the proceeds of said tax hereby vested in the said commissioners and the revenue of such bishopricks so to be united with other bishoprics, and under like rules and regulations.

LV. Provided always, That the now bishop of Derry and his successors, and the successors of the now archbishop of Armagh, shall not be liable, in respect of the said sums so by them to be respectively paid to the said commissioners, to be rated, taxed, or assessed in or to the annual tax herein-before appointed to be imposed or levied; any thing herein-before contained to the contrary notwithstanding.

LVI. That if at any time the said sums hereby directed to be paid by the said archbishop or bishop shall be in arrear and unpaid for six months next after the same shall have become due and payable as aforesaid, it shall be lawful for the said commissioners to recover the same by process of sequestration, to be applied for and issued in like manner as herein-before directed in case any archbishop or bishop shall fail to make payment of the annual rate, tax, or assessment by this act authorized to be imposed and levied, and subject in all respects to such and the like provisions.

LVII. That while and so long as the temporalities of the said archbishoprick and bishoprick respectively shall at any time be in the custody of his most excellent Majesty, his heirs and successors, the said annual payments shall be made to the said commissioners in like manner as the same are hereby directed to be made by the archbishop or bishop thereof respectively while the said sees are full.

LVIII. That all and every sum and sums of money due and payable at the passing of this act by any archdeacon, dean, prebendary, master, warden, incumbent, perpetual curate, parson, vicar, or other spiritual person, by whatever name called, known, or described, on account of first fruits and arrears thereof, and any sum or sums at any time herebefore lent and advanced by, and now payable or hereafter to become Sums now due to trustees of first fruits on certain accounts vested in commissioners hereof.

Bishops of Derry and Armagh exempted from annual tax in respect of sums paid by them.

Commissioners may recover arrears by sequestration.
payable, pursuant to the laws in force in Ireland, to the trustees and commissioners of the first fruits in Ireland, for purchasing, building, rebuilding, improving, repairing, or enlarging glebe or other houses or offices, shall, from and after the passing of this act, be and the same and every part thereof are hereby vested in and transferred and made payable to the commissioners under this act, and their successors, to be by them applied and disposed of, so, for, and upon the purposes of this act hereafter mentioned, and subject to the like rules and regulations as are herein mentioned, as to the proceeds of the said annual tax hereby vested in the said commissioners.

LIX. That all and every the sums of money so actually due as account of first fruits and arrears thereof, and all and every sum and sums so lent and advanced as aforesaid for building, rebuilding, improving, enlarging, or repairing glebe or other houses and offices, and which an or shall become due and payable as aforesaid, and all and every sum or sums of money due or to become due on any account whatsoever to the said trustees and commissioners of first fruits in Ireland, other than the sums by this act remitted, shall and may be sued for and recovered and levied, by or under the directions of the commissioners of this act and their successors, and in their name as aforesaid, by the same ways, means, remedies, and processes, and at the times, as the same might have been respectively sued for and recovered and levied by or for the said trustees and commissioners of first fruits in Ireland if this act had not been passed; and that all the powers, remedies, and authorities given or mentioned in any act or acts of parliament, or otherwise provided or allowed by law, for the recovery thereof respectively, shall, until all and every such sum and sums shall be recovered and paid as aforesaid, continue and be in full force and effect as if the same were herein re-enacted, and as if the commissioners of this act had been named in every such act or acts, or in any bond or bonds or other securities therein respectively mentioned, and in pursuance thereof respectively executed and entered into, instead of the trustees and commissioners of the first fruits in Ireland.

LX. That all and every sum and sums of money and property of every kind and description, and securities for money, belonging to and now in the hands or possession of or at the disposal of the trustees and commissioners of first fruits in Ireland, or any of their officers, on account of the first fruits, or on account of any gift, grant, or loan from the commissioners of the treasury in pursuance of any act of parliament heretofore made, or on any other account, shall, from and after the passing of this act, be forthwith, and the same and every of them are hereby directed to be paid over and transferred to, and are hereby to all intents and purposes vested in, the said commissioners under this act and their successors for ever, subject nevertheless, in the first place, to all grants and subsisting contracts made by the said board of first fruits before the passing of this act, to be by them applied and disposed of to and for the several purposes of this act as herein-after mentioned, and subject to the like rules and regulations as hereafter mentioned with respect to the said annual tax hereby vested in the said commissioners.

LXI. And whereas the several sums respectively bequeathed by Doctor Hugh Boulter and Doctor Richard Robinson, formerly lord archbishops of Armagh, towards buying of glebes and augmenting poor livings in Ireland, were and are vested in the said trustees and commissioners of first fruits in Ireland for the purposes aforesaid; be it therefore enacted, That the same and all the proceeds thereof, or so much thereof as remains unapplied to the aforesaid purposes, and the funds, parliamentary or otherwise, lands, estates, and mortgages, or other securities wherein the same or any part thereof have been laid out or invested, shall be and the same are hereby transferred to, vested in, and made payable to the commissioners under this act appointed, and their successors for ever, to be by them kept distinct from all other
XXIII. Provided always, That if any bishoprick mentioned in the first column of the said Schedule (B.) shall become void before the second column of the said Schedule (B.) shall become void, the bishopric in the first column of the said Schedule, then the bishop of the bishoprick mentioned in the first column shall become, by virtue of this act, and without further grant, installation, or ceremony whatever, bishop of the bishoprick in such second column named in conjunction therewith, and shall have and exercise all powers and authorities of the bishop of such united bishoprics: Provided always, That nothing herein contained shall authorize or empower any bishop of a bishoprick mentioned in the first column of the said schedule as hereafter to be united to the dioceses of Armagh or of Dublin, to become, by virtue of this act, archbishop of Armagh or of Dublin.

If bishoprick in second column of said Schedule (B.) shall become void before the first column of said Schedule (B.) becomes void, then such bishop to be bishop of such bishoprick.

XXXIV. Provided also, That it shall and may be lawful for the archbishop of Armagh and archbishop of Dublin, and they are hereby required, to select from and out of the benefices belonging to each of the bishopricks in the first column of the said Schedule (B.) mentioned and now in the gift or collation of the respective bishops thereof, one benefice not exceeding the annual value of one thousand pounds, and to return a list of the several benefices so selected, under their episcopal seals, to the said lord lieutenant or other chief governor or governors of Ireland, and his Majesty's privy council there, for their approval, and when approved by the said lord lieutenant or other chief governor or governors and council, such list shall be registered in the rolls office of his Majesty's court of chancery in Ireland, together with such approval; and upon each and every happening from time to time after the said bishopricks to which the same may respectively belong shall have become united to any other bishopricks by virtue of this act, it shall and may be lawful for the said archbishop of Armagh and archbishop of Dublin to nominate and present to each such benefice one of the fellows or ex-fellows of the college of the holy and undivided trinity, near Dublin, being in holy orders: Provided always, That in case the said two archbishops shall not be able to agree in such nomination and appointment, or shall decide upon the person to be appointed to the said vacant benefice, the first turn therein to be exercised by the archbishop of Armagh, and if on the vacancy of any of the said benefices so selected as aforesaid, the said archbishop shall not present thereto some such fellow or ex-fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall, for that turn, devolve to the bishop of the diocese, and be in all respects subject to the ordinary law of lapsed; Provided always, That until the said bishopricks shall have become united to any other bishopricks under the provisions of this act, nothing herein contained shall alter or affect the right of presentation or collation to any of the benefices so selected as aforesaid, as at present enjoyed or possessed; and provided further, that any fellow of the said college who shall accept any such benefice shall vacate his fellowship at such time and in such manner as according to any statute, by law, or usage of the said college, fellowships are vacated upon the acceptance of any living in the gift or disposal of the said college.

Provido in case of disagreement of the archbishops.

XXXV. Provided also, That the said ecclesiastical commissioners under this act shall, from and out of the revenues of each bishoprick in the first column mentioned, when and as the same shall become vested in them, make good to the bishop thereof becoming, by virtue

Commissioners to make good deficiencies happening to bishops by the
where the Parish Churches have been long in Ruins, any cathedral church shall have been or shall be made use of as a parish church, it shall and may be lawful for the said commissioners, and they are hereby required, to contribute to the repairs of such cathedral and parochial churches, in such proportion as has been agreed upon by and between the dean and chapter, or chapter, of such cathedral church, and by the protestant inhabitants of the parish or union in which such church is situate, that the inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such cathedral and parochial churches; and if it shall happen that no such agreement as aforesaid shall have been made by and between the parties aforesaid, it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, and the privy council thereof, upon the petition of the dean and chapter or of the said commissioners, finally to adjust and ascertain the proportions in which such deans and chapters, or chapters, and said commissioners shall so respectively contribute for the purposes aforesaid; and the sums necessary and sufficient for such purposes shall be from time to time apportioned and paid accordingly by the said deans and chapters, or chapters, and said commissioners respectively, subject however to the regulations hereafter mentioned with respect to monies to be expended in such purposes.

Certain parts of 7 G. 4, c. 72, repealed.
provides for the aforesaid church purposes or any of them, anything
the said act of the seventh of George the fourth to the contrary
withstanding: Provided that nothing herein contained shall be
emoved, taken, or construed to make void the said rate or assessment
to so much thereof as shall have been assessed or apportioned for any
other purposes.

LXVI. That from and after the commencement of this act it shall not
be lawful to make, applot, or levy any rate or assessment in any parish,
of first fruits
union, chapelry, or place, for the purpose of repaying, by instalments or
otherwise, any loan or loans herebefore made by the trustees and com-
miserees of the first fruits of ecclesiastical benefices in Ireland, for the
purpose of building, rebuilding, enlarging, or repairing the church or
kapel of any such parish, union, chapelry, or place, but that all sums
lent and advanced and remaining unpaid shall be and the same are
to be remitted and discharged; and all obligations to the king's Ma-
esty or otherwise, in the nature of collateral securities, for the repay-
ment of such advances, shall be deemed and taken to be satisfied;
Provided that nothing herein contained shall affect or repeal any provision
contained in any act or acts heretofore made in order to enforce the due
application of any sum or sums of money so advanced, or the refunding
thereof if not so applied.

LXVII. That from and after the commencement of this act the in-
herent, or, in his absence, the officiating curate or minister officiating
as curate of every parish, union, or chapelry, or perpetual curacy, in Ire-
land, and the dean and chapter, or chapter, of every such cathedral and
archial church, or cathedral used as a parish church, in Ireland, shall
and they are hereby required, on or before the first day of No-
ember in this present year, and on or before the first day of June in
each and every succeeding year, to prepare or cause to be prepared an
estimate of such sum or sums of money as will be necessary, according
to his or their belief, for the ordinary repairs of the church or chapel
of aforesaid respectively, for the ensuing year, and for providing things necessary for the celebration of
live service in every such church or chapel of such parish, union,
chapelry, or perpetual curacy, for such ensuing year, which estimate
shall contain the several items and particulars of all the matters and
things for which such sum or sums shall or may be required necessary
for such church or chapel; and such estimate shall be transmitted by
such person or persons whose duty it is to prepare the same to the ordi-
nary of the dioese on or before the first day of December in this present
year, and on or before the first day of July in each and every succeed-
ing year, together with a certificate under the hand or hands of such
person or persons, stating that according to his or their belief the several
matters and things contained in such estimate are or will be neces-
sary or proper to be done or executed or provided for the use of or in
the church or chapel of such parish, union, chapelry, or perpetual
curacy, or such cathedral and parochial church, or cathedral used as
aforesaid, as the case may be, and that the charges for the same and
every of them as contained in such estimate are reasonable and proper
charges; Provided always, That such estimate, except in the case of
cathedral churches, before it be sent to the ordinary of the dioese,
shall be first approved of by the rural dean of the deanery in which
the church or chapel to which such estimate shall relate shall be locally
situate, which approval shall be certified by signature affixed to such
estimate.

LXVIII. That upon the receipt of such estimate and certificate as
aforesaid the archbishop, bishop, or other ordinary of the dioese
within such church or chapel shall be situate, or in case of the illness
or absence from Ireland of such archbishop, bishop, or other ordinary,
or during the vacancy of the see, then that the vicar general of such
dioese shall and he and they are hereby required, when such estimate
is made as aforesaid, to certify thereon.
No. III. 3 & 4 W. 4, c. 37. Commissioners to grant such sum as they may think fit. Payment of clerks' salaries.

shall have been approved of by him, to signify his approbation thereof by certifying such approbation at the foot of such estimate, and to transmit such estimate, with such certificate of approbation thereof, to the said commissioners, who are hereby required to take the same into their consideration; and they are hereby authorised and required to grant the amount required by such estimate and certificate for the purposes aforesaid, or any of them, or such lesser sum as they in their discretion shall think fit, and to issue and pay the same to such person or persons, in such manner, and subject to such regulations as they shall think fit.

LXIX. That the said commissioners shall pay or cause to be paid on the first day of September in each year, in such manner as they shall think fit, for the maintenance of all and every the person or persons who at the passing of this act shall be clerk or clerks of any parish, union, or chapelry, or of any chapel of ease, (not being within the county of the city of Dublin or the suburbs thereof,) in which there shall be a church or chapel fit for the celebration of divine service according to the rites and ceremonies of the united churches of England and Ireland, the following salaries, so long as such person or persons shall be and continue to be such clerk or clerks as aforesaid; that is to say, for the clerk of every such parish in the church or chapel whereof there shall be Divine Service usually celebrated on Sundays and festival days and also on two common days at least in the week, a sum not exceeding twenty pounds nor less than ten pounds, and in all other cases a sum not exceeding ten pounds nor less than five pounds, as and for the maintenance and maintenance of every such clerk respectively for the year next ensuing, and in satisfaction and lieu of all other fees, dues, and allowances whatever alleged or claimed to be payable to such parish clerk under any usage or custom.

LXX. That the said commissioners are hereby authorised and required to grant any sum or sums, not exceeding the sums of twenty pounds and ten pounds respectively above mentioned, which they in their discretion shall think fit, as and for the maintenance of any person or persons who shall from and after the passing of this act be appointed to the office of such clerk or clerks of such churches or chapels as aforesaid, and which salary shall also be in lieu of satisfaction of all other fees, dues, and allowances whatever alleged or claimed to be payable to such clerk under any usage or custom.

LXXI. That if any church or chapel of any parish, or any such cathedral and parochial church, or cathedral used as a parish church, shall, by reason of any accidental injury or other unforeseen event, be in immediate want of any extraordinary repairs or rebuilding or expenditure thereon, or if it should become necessary to enlarge any such church or chapel, the said commissioners appointed under this act, upon the application of such dean and chapter, or chapter, or of the incumbent, or in his absence of the officiating curate or minister of such parish, approved by the ordinary of the diocese, shall and may pay and apply such sum or sums of money as they shall think fit and necessary, or as by the provisions of this act they are bound to contribute with respect to any such cathedral and parochial church, or cathedral used as aforesaid, in making or executing such extraordinary repairs, or rebuilding or enlarging of any such church or chapel, or such cathedral and parochial church, or cathedral used as aforesaid.

LXXII. That if any church, chapel, or other building used for religious worship according to the usage of the united church of England and Ireland shall be maliciously or wantonly demolished, pulled down, burned, or set fire to, or in any manner maliciously or wantonly injured or damaged, it shall and may be lawful for the said ecclesiastical commissioners, or any person or persons to be by them deputed in that behalf, by writing under their common seal, to sue for and recover satisfaction and amends for such malicious or wanton demolition, burning,
Religion and Ecclesiastical Authority.

firing, or injury or damage as aforesaid, at the next assizes to be held for the county in which such church, chapel, or other building may be situate, or if in the county of Dublin, at the next presenting term, or if in the city of Dublin, at the next quarter sessions for the said city, by exhibiting to the judge or judges of assize, or to the court of king's bench for the said county of Dublin, or to the recorder of the city of Dublin if at such quarter sessions a petition, praying such satisfaction and amends as aforesaid, and therein setting forth particularly the injury or damage done or committed, and the particular amount and nature thereof, by what number of persons such injury or damage was done or committed, and the names or descriptions of such offenders, so far as the same shall be known to the petitioners; and the matter of such petition shall be inquired into by such judge or judges of assize, or court of king's bench, or recorder, in open court, in the presence of the grand jury impanelled and sworn at such assizes or presenting term or sessions, on the oath of such person or persons as may be produced to testify as to the same; and if on consideration of the matter such judge or judges of assize, or recorder, shall be of opinion that such demolition, burning, firing, or other injury or damage was wantonly or maliciously done, such judge or judges shall inquire into the amount of such injury or damage done or committed as aforesaid; and the said grand jury shall thereupon, and they are hereby required, pursuant to the directions of such judge or judges, court of king's bench, or recorder as aforesaid, to present such sum or sums of money as shall appear to be the amount of the injury or damage committed as aforesaid to be raised either on the county, county of a city or town, barony, town or townships, parish or parishes, in or near which such offence shall have been committed, and in such proportions as they shall think fit; which sum or sums so presented as aforesaid shall be apportioned, levied, and raised by such ways and means and in such form or manner as other public money presented at the said assizes, or presenting term, or sessions; and such monies shall be paid to the said commissioners, or to the person or persons by them deputed as aforesaid, and be by such commissioners applied to rebuild or repair such church, chapel, or other building, and be for such purpose expended by such person or persons in such manner and subject to such regulations and security for the due application thereof as they shall think fit: Provided that if any person or persons shall find himself, herself, or themselves aggrieved by any presentment to be made in pursuance of this act, such person or persons, in case the sum so presented do exceed the sum of five pounds, shall or may, at the said assizes, or presenting term, or sessions, traverse the same; which traverse shall be tried at the same or next ensuing assizes, presenting term, or sessions, as the judge or judges who shall allow the same shall think fit; and if on such traverse the issue shall be found for the traverser, such presentment shall be discharged, otherwise the same shall be final and conclusive to all persons; and in the case the said issue shall be found against the traverser, it shall and may be lawful to and for the judge before whom the same shall be tried, in case he shall see fit, to award the costs thereof to be paid by the traverser, to be taxed and certified by the clerk of the crown, the payment whereof may be enforced, if necessary, by a summary order of his Majesty's court of king's bench in Ireland: Provided always, that the said commissioners, or the person or persons by them deputed as aforesaid, or the rector, curate, or other officiating minister, or, in case of vacancy of the benefice, any two inhabitants of the parish, within thirty days after such offence shall have been committed, shall give notice thereof to the high constable of the barony and to the churchwardens of the parish where such offence shall have been committed (if such high constable or churchwardens shall respectively reside within such barony and parish), who are hereby required forthwith to publish the same within such barony and parish; and if such high constable or churchwardens shall not reside therein as aforesaid, then such notice shall be given to some two inhabitants of such barony or parish.
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ties of the bishoprick of Kildare.

Dean of St. Patrick's to be dean of Christ Church.

Patronage of dean of Christ Church to vest in archbishop of Dublin.

Rotation of archbishops sitting in parliament.

39 & 40 G. 3, c. 67.

whatever other title, shall be deemed and taken to be, for the purpose of this act, part of the lands, tenements, and hereditaments, tithes, rents, and emoluments, appertaining and belonging to the said bishoprick of Kildare, and be in like manner and time transferred to and vested in the said ecclesiastical commissioners and their successors, all in all respects subject to such and the like provisions.

L. That the said deanery of Christ Church shall, from and after the next avoidance thereof, be united to and held together with the deanery of Saint Patrick's; and that the then dean of the cathedral of Saint Patrick's in the archdiocese of Dublin shall, and his successor for ever shall be and become, by virtue of this act, and without further grant, installation, election, or other ceremony whatsoever, dean and deans of Christ Church for ever, and have and exercise all and every the rights, privileges, jurisdiction, and authority appertaining to the said deanery of Christ Church, heretofore lawfully had, used, and enjoyed by the deans thereof: Provided nevertheless, that all and every the ecclesiastical patronage in appointing or presenting to benefices now belonging, in his sole and separate right, to the dean of Christ Church, shall, from and after the next avoidance of such deanery, vest in and be exercised by the archbishop of Dublin and his successors for ever.

L. And whereas an act was passed in the parliament of Ireland in the fortieth year of the reign of his Majesty king George the third, intituled An Act to regulate the Mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the United Kingdom on the Part of Ireland, shall be summoned and returned to the said Parliament; and the said act of the parliament of Ireland was incorporated into and made part of an act passed in the parliament of England in the same year, intituled An Act for the Union of Great Britain and Ireland; and by force of the said two acts the right of sitting in the house of lords of the united parliament, as between the lords spiritual of Ireland, stands regulated according to a certain rotation by the said acts appointed to take place among the archiepiscopal sees from session to session and according to another like rotation appointed to take place among the episcopal sees: And whereas the enactments herein-before made for reducing the number of the archiepiscopal sees in Ireland, and for the union of certain of the episcopal sees, render it necessary to make provision so as to accommodate the said rotation to such enactments; be it therefore enacted, That when and as the now archiepiscopal sees of Cashel and Tuam shall severally become void, they and each of them respectively shall thenceforth cease to be included in the rotation by the said acts established amongst the archiepiscopal sees, and shall be included in the rotation by the said acts established to be observed amongst the episcopal sees, and therein take place next before the episcopal see last in the order of rotation of the episcopal sees the bishop whereof may have sat in parliament for the session last previous; and the rotation by the said acts appointed to take place amongst the archiepiscopal sees shall, in case of such avoidance as aforesaid, proceed to the archbishop whose see is next in rotation to the archiepiscopal see becoming void as aforesaid.

LIII. That in the case of the bishoprick of Waterford, now void, and in the case of each and singular of the other bishopricks named in the first column of the schedule to this act annexed, when and as they shall become respectively void, or united to any other bishoprick, the rotation by the said recited acts appointed to take place among the episcopal sees shall proceed to the bishop whose see is next in rotation to the said see of Waterford or other see being or becoming void, or united to any other bishoprick as aforesaid; and such see of Waterford, or other see being or becoming void, or united to any other bishoprick as aforesaid, shall for ever thereafter be excluded from and omitted out of such rotation.

LIII. Provided always, That, save as herein specifically provided, the order of rotation by the said recited acts established shall remain unchanged, but subject always to the regulation thereby made in case any spiritual lord should be a temporal peer of the united kingdom, or being,
provided further, that before any advance for such purpose shall be made by said commissioners the several sums so subscribed or contributed shall be respectively paid or secured to be paid to the said commissioners, in such manner as the said commissioners shall appoint and require, and that for such purpose the said commissioners shall and they are hereby enabled to take such personal or real security as to them shall seem proper or necessary; and provided further, that such commissioners may employ an architect chosen by themselves to execute such building, and subject to such regulations as such commissioners shall think fit; and provided that if such sum or sums of money shall be paid by instalments, the last instalment shall be at least one-fourth part of the whole sum granted for such purpose, and that such instalment shall not be paid until the said commissioners shall be satisfied, by the certificate of a competent architect, that the building of such church or chapel is completed in a sufficient and workmanlike manner, pursuant to the plan and estimate approved as aforesaid, and also by a certificate from the ordinary of the diocese that he, upon inspection thereof, is satisfied with the execution of such work; and the said commissioners shall have the like remedies for the recovery of any part of such sum or sums received from them for the purpose of any such building which shall not have been duly applied for such purpose, and shall remain over and above after the execution of such purpose, as herein-before provided as to sums granted by said commissioners for the purpose of repairing churches or chapels; and the rents or profits which may arise from the letting or sale of pews and seats in such church or chapel shall be and become vested in such commissioners, to be employed by them as other monies which shall come into their hands under the provisions of this act: Provided always, That if it shall appear to the said commissioners that, from the peculiar circumstances of any parish or place, it is expedient that a church or chapel of ease should be built in such parish or place, and that such application of twenty inhabitants as aforesaid, or contribution of one-fifth of the expenses of building the same as aforesaid, cannot be obtained, it shall and may be lawful for the commissioners, upon the application of the bishop of the diocese, to advance, if they shall think fit, the necessary monies out of the funds at their disposal, without such application or contribution as aforesaid.

LXXIX. Provided nevertheless, That in consideration of such subscriptions as aforesaid it shall and may be lawful for such commissioners to allot and assign such and so many of the seats and pews to be erected in said church or chapel of ease as to them shall seem fit or expedient to the persons who may have or entered into such subscription as aforesaid, according to such scheme for the classification thereof, with regard to the amount of their several subscriptions, as shall be proposed by such subscribers and approved by such commissioners; and the pews so assigned to such subscribers as aforesaid shall be vested in them and deemed and taken to be personal property, and assignable and transmissible as such.

LXXX. That it shall and may be in like manner lawful for the said commissioners, out of any surplus funds or monies at their disposal, from time to time, and in such proportion as they shall think proper, to lend and advance, upon an application accompanied by a plan and estimate made by the incumbent of any benefice or parish, and approved of by the bishop of the diocese, any sum of money, not exceeding two years net income of such benefice or parish, to be applied to the purpose of building or improving a mansion or glebe house and offices, or in the purchase of houses already built, for the fit and suitable habitation of such incumbent and his successors, or, if the said commissioners shall so think fit, in the purchase of glebe or demesne lands fit and convenient for the erection of such glebe house and offices.

LXXXI. That the incumbent of any such benefice or parish to whom any such money shall be so advanced, or in case of his death or removal before the repayment of the whole sum so advanced, his successor or Commissioners may assign pews to subscribers in consideration of subscriptions. Commissioners may advance money for building glebe houses, &c. Money so advanced to be repaid by incumbent.
successors for the time being, shall and he and they is and are hereby required and bound to repay to the said commissioners so much of the said sum as shall become due, by instalments during their respective incumbencies, in manner following; that is to say, four pounds per centum of the sum so advanced on the first day of July next after the expiration of one year from the day on which same shall have been so advanced and lent (or within twenty-one days after), and four pounds per centum more of the sum advanced on the first day of July in every succeeding year (or within twenty-one days after), until the sum so advanced shall be wholly repaid.

LXXXII. Provided always, That no person shall be deemed a successor, so as to be charged by or under this act, who shall die or be removed within the space of one year from the death or removal of the incumbent immediately preceding him.

LXXXIII. Provided also, That no successor shall in any case be liable to pay any such instalment before the first day of July next after he shall have so become a successor chargeable under this act, nor to pay any more than one such instalment on such first day of July, notwithstanding that more than one year may have intervened between the death or removal of the last incumbent who had become chargeable with the payment of any instalment under this act and such first day of July.

LXXXIV. Provided also, That in cases where such last preceding incumbent shall die or be removed before he shall have received the whole of such sum so granted by way of loan, every person who shall be a successor of any such incumbent should be bound and obliged to repay to the said commissioners appointed under this act an instalment at the rate of four pounds per centum for the sum which shall have been actually so advanced to such incumbent on account of such loan (although the whole amount of such loan may not have been received by such incumbent) on the first day of July next after such person shall have become a successor chargeable by virtue of this act; and that no instalment not actually paid of any such loan shall be discharged, or be deemed or taken as discharged, by reason of the neglect or default of any incumbent in respect of the nonpayment of any instalment which may have become due and payable during his incumbency, it being the true intent and meaning of this act that instalments of every such loan shall continue to be paid until the whole amount of such loan shall be actually paid to the said commissioners.

LXXXV. That in order to enforce the punctual payment and discharge of such sums as shall be so lent and advanced in pursuance and by virtue of the provisions of this act, it shall and may be lawful for the said commissioners appointed under this act for the time being, and they are hereby required, to take and receive, previous to the advancing of any sum of money to any such incumbent, a bond from such incumbent, which bond shall not be subject to any stamp duty, binding him, with one or more sufficient sureties, and them, his and their heirs, executors and administrators, jointly and severally, to the king’s most excellent Majesty, his heirs and successors, in a penalty amounting to double the sum advanced, conditioned for the due application of the money so to be advanced within two years from the advance, or for refunding to the said commissioners so much of the said money as shall not be so applied within such time, and for the payment to the said commissioners of all such instalments of the said sum or sums at the several times before mentioned as may severally become due during his incumbency, with legal interest on such instalments respectively from the respective time when each instalment ought to have been paid until the actual payment thereof; which bond shall have the same force and effect as bonds to the king’s most excellent Majesty, and for his use, have by virtue of an act passed in Ireland in the twenty-first and twenty-second years of the reign of king George the third, intituled An Act for the more speedy and effectual Recovery of the King’s Debts, and suits shall
funds, and applied and disposed of, immediately from and after the passing of this act, towards the payment of such annual salaries, save as herein-after excepted, as may have been heretofore lawfully granted by the said trustees and commissioners of first fruits to any incumbent, curate, or minister for the augmentation of any benefice, living, or curacy, and towards buying of glebes and augmenting poor livings in Ireland, and to no other purposes, but in the manner and subject and according to the regulations and directions hereafter mentioned and appointed with respect to the other funds to be applied for such purposes.

LXII. That the said commissioners under this act are hereby authorized and empowered from time to time, at their discretion, to lay out to put monies at interest all or any part of such moneys as shall at any time hereafter, out at interest, by or under the provisions of this act, come to or be in their hands or at their disposal, in the purchase of government or parliamentary funds, stocks, or securities, and no other, either in England or Ireland, and from time to time change, transfer, or sell out such stocks, funds, or securities, or any part thereof, as they may find necessary or convenient.

LXIII. That all and every the rents, issues, and profits of all lands, application of tenements, or hereditaments, and the said annual tax and the proceeds thereof, all and every sum and sums of money and securities for money, vested in or which shall accrue to or in any manner come into or be in the hands, power, custody, or possession, or at the disposal of the said commissioners and their successors, under and by virtue of this act, and all interest, dividends, profits, and proceeds thereof, or any part thereof, (save and except the properties and funds respectively bequeathed by Doctor Hugh Boulter and Doctor Richard Robinson, and heretofore vested in the said trustees and commissioners of first fruits in Ireland as herein-before mentioned, and the interest, dividends, and proceeds thereof respectively, and also save and except such other funds and properties as may be hereafter bequeathed to or vested in the said commissioners under this act, and their successors, for any special purposes,) shall be and the same are hereby declared to be applicable, and shall be applied in the manner and for the purposes following; (that is to say,) for the providing, in such manner and proportions, and subject to such regulations, as the said commissioners shall deem fitting, things necessary for the celebration of Divine Service in the church or chapel of every parish, union, perpetual curacy, or chapelry, or chapel of ease in Ireland, as required and authorized by any rubric or canon in force in England or Ireland, and also for the payment of the salaries for maintenance of the parish clerks or sextons, or the clerks or sextons of any chapelry or chapel of ease, and also for defraying such expenses of building, rebuilding, enlarging, or repairing any church or chapel, or fencing and maintaining any churchyard as aforesaid, as have been heretofore defrayed by vestry assessment in Ireland, and also for supplying such parts or proportions of the expenses of providing for the said several matters aforesaid, and for putting into and keeping in repair cathedral and parochial churches, as the said commissioners are hereafter directed to contribute for such purposes: Provided always, That in future such parish clerk or sexton shall and may be appointed by the minister, and by him removable, with the consent of the bishop, for any misconduct.

LXIV. That in all cases where, under and by virtue of an act made in the twenty-first year of the reign of king George the second, intituled An Act for disappropriating Benefices belonging to Deans, Archdeacon, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead, and also for the Removal of the Sites of ruined Cathedral Churches, any parochial church shall have been or shall be made, or shall have become by usage or custom, cathedral and parochial, and in all cases where, under and by virtue of an act made in the parliament of Ireland in the thirty-ninth year of the reign of king George the third, intituled An Act for the repairing of Cathedral Churches in Cases Commissioners shall contribute to re-building and repairing cathedral and parochial churches.
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where the Parish Churches have been long in Ruins, any cathedral church shall have been or shall be made use of as a parish church, it shall and may be lawful for the said commissioners, and they are hereby required, to contribute to the repairs of such cathedral and parochial churches, in such proportion as has been agreed upon by and between the dean and chapter, or chapter, of such cathedral church, and by the protestant inhabitants of the parish or union in which such church is situate, that the inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such cathedral and parochial churches; and if it shall happen that no such agreement as aforesaid shall have been made by and between the parties aforesaid, it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, and the privy council thereof, upon the petition of the dean and chapter or of the said commissioners, finally to adjust and ascertain the proportions in which such deans and chapters, or chapters, and said commissioners shall so respectively contribute for the purposes aforesaid; and the sum necessary and sufficient for such purposes shall be from time to time apportioned and paid accordingly by the said deans and chapters, or chapters, and said commissioners respectively, subject however to the regulations hereafter mentioned with respect to monies to be expended in such purposes.

LXV. That from and after the commencement of this act, and save as herein-after provided, so much and such parts of an act made in the parliament of the united kingdom in the seventh year of the reign of his late Majesty king George the fourth, intitled 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, as herein-after mentioned, shall be and the same are hereby repealed; (that is to say,) so much and such parts of the said act as authorize and enable the archbishop or bishop of any diocese wherein any church which shall be made cathedral and parochial, or any cathedral church which shall have been made use of as a parish church, under the said recited acts made in the 21st year of king George the second, or the 39th year of king George the third, is situate, to adjust and ascertain the proportions in which the deans and chapters and inhabitants shall respectively contribute as aforesaid to the rebuilding, enlarging, or keeping in repair of such churches; and also so much and such parts of the said act as authorize the making or levying of any church rate or parish cess or assessment for any of the following purposes, namely, the building, rebuilding, enlarging, or repairing of the church or chapel of any parish, union of parishes, or chapelry, or of any cathedral and parochial church, or cathedral made use of as a parish church, the providing things necessary for the celebration of Divine Service therein or in any of them, as required and authorized by any rubric or canon in force in England or Ireland, the providing a salary for the maintenance of any parish clerk or sexton, or the clerk of any chapelry or chapel of ease, or the defraying of the expenses of such building, rebuilding, enlarging, or repairing, or other necessary charges, or any of them, or the taking of any other proceedings in relation to such rate, cess, or assessment, for any of the foregoing purposes; and from and after the commencement of this act it shall not be lawful for any vestry called or holden in or for any parish, union, or chapelry, or place in Ireland, or for any person or persons, to make or levy any rate or assessment for any church purposes whatsoever, but all such rates or assessments upon any parish, union, chapelry, or place, or the inhabitants thereof or any or them, for any of the said purposes, and all proceedings for the making, assessing, apportioning, or levying the same, shall, from and after the commencement of this act, wholly cease and determine; any law, custom, or usage to the contrary notwithstanding: Provided always, That every rate, assessment, or apportionment for any church purposes whatsoever shall be and shall be deemed to be by all courts of justice totally void as to so much thereof.
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have any right whatever to demand or receive, such salary or augmentation but from the time when such church or chapel, or other licensed place of worship, shall be actually built and fitted for the performance of such Divine Service as aforesaid.

XCV. That if the incumbent of any benefice, or any parson, vicar, minister, or curate, whose maintenance has been augmented by the trustees and commissioners of first fruits, or which shall be so augmented by the commissioners under this act, by the grant of such annual salary or otherwise, shall not reside upon such augmented benefice, living, or curacy, or so conveniently as shall be satisfactory to the bishop of the diocese, or shall be willfully absent from the cure of such church or chapel for the service of which such augmentation has been so granted, for any period exceeding the space of sixty-one years together, or to be accounted at several times in any one year, and shall his residence and abiding at any other place or places, without licence or exemption as allowed by an act passed in the fifth year of the reign of his late Majesty, intituled An Act to consolidate and amend the Laws for enforcing the Resident of Spiritual Persons on their benefices, to restrain Spiritual Persons from carrying on Trade or Middling, and for the Support and Maintenance of stipendiary Curates in Ireland, and unless such parson, vicar, curate, or minister so to be bent by virtue of such licence or exemption shall find and provide a sufficient person, to be approved of by the archbishop, bishop, or other ordinary of such diocese, to supply the cure and perform Divine Service in such church or chapel as aforesaid during such absence; and if there shall be a discontinuance of the performance of Divine Service, except if the necessary repairs, or rebuilding, or enlarging of the said churches, chapels, or for other cause to be approved of by the archbishop, bishop, or other ordinary of the diocese, and certified to the said commissioners as aforesaid; then and in any of said cases such salary or augmentation so made or to be made of any such benefice, living, or curacy, and all right and title of any such parson, vicar, incumbent, rector, or minister to demand or receive such salary or augmentation, shall utterly cease and be determined, during his incumbency only, notwithstanding any such grant before made thereof; and that such parson, vicar, incumbent, curate, or minister shall for ever after be disabled and rendered incapable of having or enjoying such salary or augmentation, but that the same shall nevertheless be restored and payable to the next successor as if the same had not so ceased or been so suspended; and that the said salary or augmentation so stopped during the incumbency of such disabled person shall be vested in the said commissioners, to be applied by them to such uses and purposes as the same might have been applied to if the same had not been so granted aforesaid.

XCVI. That in case any incumbent of any such benefice, living, or curacy, or any parson, vicar, curate, or minister, whose maintenance shall be augmented by the grant of such annual salary or otherwise by being commissioned under this act, or which shall have been at any time heretofore augmented by the said trustees and commissioners of first fruits in Ireland, shall accept and take any other benefice, living, or curacy, and be instituted and inducted into the possession of the same, that then the said benefice, living, or curacy which shall have so augmented shall from thenceforth be and be deemed and adjudged absolutely void to all intents and purposes whatsoever; and that shall be lawful for the archbishop, bishop, or other patron to collate or present thereto, in like manner and form as if the former incumbent had died or resigned, any licence, union, or other dispensation to the contrary in anywise notwithstanding; and that every licence, union, or dispensation, of what name or names, quality or qualities ever, obtained contrary to the true meaning and intention of this act, shall be absolutely void and of none effect; and in case any person already possessed of any benefice, living, or curacy shall be collated or

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instituted to any of the said benefices, livings, or curacies which has been heretofore augmented as aforesaid by the said trustees and commissioners of first fruits in Ireland, or which shall be so augmented by the commissioners under this act as aforesaid, every such collation, presentation, or nomination shall be utterly void to all intents and purposes whatsoever: Provided always, That no lapse shall incur upon any sole use of any benefice, living, or curacy which shall happen in consequence of this act, until six months after notice shall be given, in cases in which notice is now by law required, to the person or persons having a right to present or nominate to the same, by the archbishop or bishop of the diocese, or other ordinary for the time being, in writing under his or their hand and archiepiscopal or episcopal seal or seals of office respectively.

XCVII. And whereas the provision for augmenting such poor livings as shall be thought proper by the said commissioners to be so augmented is intended to extend not only to parsons, vicars, and curates who come in by presentation or collation, institution and induction, licence, but likewise to such ministers who come in by donation, are only stipendiary preachers or curates in and of improper or inappropriate parishes, officiating in any church or chapel where the liturgy and rites of the united churches of England and Ireland as law established shall be used and observed, some of which may happen not to be corporations nor have a legal succession, and therefore incapable of taking a grant of such perpetual augmentation by a salary or endowment of such tithes or land, as is by this act intended; and some places it might be in the power of the improprior, donor, parson or vicar to withdraw the allowance now or heretofore paid to the minister or curate serving the cure, or, in case of a chapelry, the incumbent of the mother church might refuse to employ a curate, or permit a minister duly nominated or licensed to officiate in such augmented chapel and might officiate therein himself, and take the benefit of the augmentation, though his living be above the value of those which are hereby intended to be augmented, and the maintenance of the curate or minister would thus be sunk, instead of being augmented; therefore be enacted by the authority aforesaid, That all such churches, curacies or chapels which shall at any time hereafter be augmented by the said commissioners shall be and are hereby declared and established to be, from the time of such augmentations, perpetual curacies and benefices; and the ministers duly nominated and licensed therunto, their successors respectively, shall be and be esteemed in law both politic and corporate, and shall have perpetual succession by such names and titles as in the grant of such augmentation shall be mentioned and shall have a legal capacity, and are hereby enabled to take in perpetuity, to them and their successors, all such lands and tenements, tithes as shall be granted to or purchased for them by the said commissioners, or such annual salaries as shall be so granted pursuant to the act, any law or statute to the contrary notwithstanding; and that all impropriators or patrons of any churches or donatives of the benefit so augmented for the time being, and their heirs, and the rectors, vicars of the mother churches whereunto any such augmented curacy or chapel doth appertain, and their successors, shall be and are hereby utterly excluded from having or receiving, directly or indirectly, profit or benefit by such augmentation, and shall from time to time, at all times from and after such augmentation, pay and allow to the ministers officiating in any church or chapel so augmented such annuities and other pensions, salaries, and allowances which by ancient custom or otherwise, of right and not of bounty, ought to be by them respectively paid and allowed, and which they might by due course of law before the making of this act, have been compelled to pay or allow to the respective ministers officiating here, and such other yearly sum of allowance as shall be agreed upon, if any shall be, between the said commissioners and such patron or impropriator upon making the said
firing, or injury or damage as aforesaid, at the next assizes to be held for the county in which such church, chapel, or other building may be situate, or if in the county of Dublin, at the next presenting term, or if in the city of Dublin, at the next quarter sessions for the said city, by exhibiting to the judge or judges of assize, or to the court of king’s bench for the said county of Dublin, or to the recorder of the city of Dublin if at such quarter sessions a petition, praying such satisfaction and amends as aforesaid, and therein setting forth particularly the injury or damage done or committed, and the particular amount and nature thereof, by what number of persons such injury or damage was done or committed, and the names or descriptions of such offenders, so far as the same shall be known to the petitioners; and the matter of such petition shall be inquired into by such judge or judges of assize, or court of king’s bench, or recorder, in open court, in the presence of the grand jury impanelled and sworn at such assizes or presenting term or sessions, on the oath of such person or persons as may be produced to testify as to the same; and if on consideration of the matter such judge or judges of assize, or recorder, shall be of opinion that such demolition, burning, firing, or other injury or damage was wantonly or maliciously done, such judge or judges shall inquire into the amount of such injury or damage done or committed as aforesaid; and the said grand jury shall thereupon, and they are hereby required, pursuant to the directions of such judge or judges, court of king’s bench, or recorder as aforesaid, to present such sum or sums of money as shall appear to be the amount of the injury or damage committed as aforesaid to be raised either on the county, county of a city or town, barony, town or townlands, parish or parishes, in or near which such offence shall have been committed, and in such proportions as they shall think fit; which sum or sums so presented as aforesaid shall be apportioned, levied, and raised by such ways and means and in such form or manner as other public money presented at the said assizes, or presenting term, or sessions; and such monies shall be paid to the said commissioners, or to the person or persons by them deputed as aforesaid, and be by such commissioners applied to rebuild or repair such church, chapel, or other building, and be for such purpose expended by such person or persons in such manner and subject to such regulations and security for the due application thereof as they shall think fit: Provided that if any person or persons shall find himself, herself, or themselves aggrieved by any presentment to be made in pursuance of this act, such person or persons, in case the sum so presented do exceed the sum of five pounds, shall or may, at the said assizes, or presenting term, or sessions, traverse the same; which traverse shall be tried at the same or next ensuing assizes, presenting term, or sessions, as the judge or judges who shall allow the same shall think fit; and if on such traverse the issue shall be found for the traverser, such presentment shall be discharged, otherwise the same shall be final and conclusive to all persons; and in case the said issue shall be found against the traverser, it shall and may be lawful to and for the judge before whom the same shall be tried, in case he shall see fit, to award the costs thereof to be paid by the traverser, to be taxed and certified by the clerk of the crown, the payment whereof may be enforced, if necessary, by a summary order of his Majesty’s court of king’s bench in Ireland: Provided always, that the said commissioners, or the person or persons by them deputed as aforesaid, or the rector, curate, or other officiating minister, or, in case of vacancy of the benefice, any two inhabitants of the parish, within thirty days after such offence shall have been committed, shall give notice thereof to the high constable of the barony and to the churchwardens of the parish where such offence shall have been committed (if such high constable or churchwardens shall respectively reside within such barony and parish), who are hereby required forthwith to publish the same within such barony and parish; and if such high constable or churchwardens shall not reside therein as aforesaid, then such notice shall be given to some two inhabitants of such barony or parish.
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LXXXIII. That in all parishes and places where, by virtue of any law, statute, or custom, provision may heretofore have been made, by vestry or other assessment, for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of Divine Worship, or attendant or sexton, such provision by vestry or other assessment shall cease, and from and after the passing of this act wholly cease and determine; and it shall and may be lawful for the said commissioners under this act, by and out of the proceeds of the said annual tax, and the other funds as aforesaid by this act vested in them, to provide for all such purposes in such manner and proportions as to them shall seem fitting.

Commissions shall provide for same.

LXXXIV. Provided always, That it shall be lawful for the said commissioners, and they are hereby authorized, to appoint such sum or sums of money to be expended under such rules and regulations, and for securing the due application thereof, as they in their discretion shall think fit.

LXXXV. That every such incumbent, dean and chapter, or chapter, or other person or persons who shall have received from the said commissioners any sum or sums of money for any of the purposes herein-before mentioned, shall, within one year from the receipt of such sum or sums of money, return and transmit to the said commissioners a full statement and account of the expenditure of such sum or sums of money, and shall, if required by the said commissioners, verify the truth thereof upon oath, which oath any vicar general, surrogates, justice of the peace, master or master extraordinary in chancery, is and are respectively hereby empowered and required to administer.

LXXXVI. That it shall be lawful for the said commissioners to sue for any part of any sum or sums of money granted for any of the purposes aforesaid which may be unapplied or not duly accounted for as herein directed, or any surplus thereof after the execution of the said purposes, by civil bill before the assistant barrister of the county wherein such church and parochial church or cathedral used as aforesaid in respect whereof the same may be due shall be situate, provided that such sum sued for by such civil bill shall not exceed the sum of fifty pounds, and if the same shall exceed the sum of fifty pounds, then by action in any of his Majesty's superior courts in Ireland: And provided further, That if the person retaining the same or not duly accounting shall be possessed of any ecclesiastical benefice or other ecclesiastical emolument, then the said commissioners shall take proceedings to recover the same by process of sequestration, which sequestration shall be applied for and issued on the certificate of the said commissioners, in the manner and subject to the regulations herein-before directed as to sequestrations in any other case to be applied for by the said commissioners.

LXXXVII. That when and so soon as in any year the said commissioners shall have in their hands any surplus or balance, after due provision shall have been made for the several objects and purposes herein-before mentioned, and not sooner, it shall and may be lawful for the said commissioners to apply and dispose of such surplus, or any part thereof, in such proportions as to the said commissioners shall seem fit, for all or any of the objects herein-after mentioned.

LXXXVIII. That it shall and may be lawful for the said commissioners to advance or apply, out of the said surplus fund and monies at their disposal as aforesaid, such sum or sums as they shall think fit for the purpose of building churches or chapels of ease in any parish or place in Ireland, provided that an application in writing shall be made to such commissioners, through the bishop of the diocese, for such purpose, by at least twenty of the inhabitants of such parish or place, accompanied by a plan and estimate of the expense of building such church or chapel of ease, and that such application shall signify the willingness of the persons making the same to contribute or procure to be contributed, in such proportions as may have been mutually agreed upon by them, a sum not less than one-fifth of the whole expense as stated in such estimate, for the purpose of building such church or chapel of ease; and
provided further, that before any advance for such purpose shall be made by said commissioners the several sums so subscribed or contributed shall be respectively paid or secured to be paid to the said commissioners, in such manner as the said commissioners shall appoint and require, and that for such purpose the said commissioners shall and they are hereby enabled to take such personal or real security as to them shall seem proper or necessary; and provided further, that such commissioners may employ an architect chosen by themselves to execute such building, and subject to such regulations as such commissioners shall think fit; and provided that if such sum or sums of money shall be paid by instalments, the last instalment shall be at least one-fourth part of the whole sum granted for such purpose, and that such instalment shall not be paid until the said commissioners shall be satisfied, by the certificate of a competent architect, that the building of such church or chapel is completed in a sufficient and workmanlike manner, pursuant to the plan and estimate approved as aforesaid, and also by a certificate from the ordinary of the diocese that he, upon inspection thereof, is satisfied with the execution of such work; and the said commissioners shall have the like remedies for the recovery of any part of such sum or sums received from them for the purpose of any such building which shall not have been duly applied for such purpose, and shall remain over and above after the execution of such purpose, as herein-before provided as to sums granted by said commissioners for the purpose of repairing churches or chapels; and the rents or profits which may arise from the letting or sale of pews and seats in such church or chapel shall be and become vested in such commissioners, to be employed by them as other monies which shall come into their hands under the provisions of this act: Provided always, That if it shall appear to the said commissioners that, from the peculiar circumstances of any parish or place, it is expedient that a church or chapel of ease should be built in such parish or place, and that such application of twenty inhabitants as aforesaid, or contribution of one-fifth of the expenses of building the same as aforesaid, cannot be obtained, it shall and may be lawful for the commissioners, upon the application of the bishop of the diocese, to advance, if they shall think fit, the necessary monies out of the funds at their disposal, without such application or contribution as aforesaid.

LXXXIX. Provided nevertheless, That in consideration of such subscriptions as aforesaid it shall and may be lawful for such commissioners to allot and assign such and so many of the seats and pews to be erected in said church or chapel of ease as to them shall seem fit or expedient to the persons who may have or entered into such subscription as aforesaid, according to such scheme for the classification thereof, with regard to the amount of their several subscriptions, as shall be proposed by such subscribers and approved by such commissioners; and the pews so assigned to such subscribers as aforesaid shall be vested in them and deemed and taken to be personal property, and assignable and transmissible as such.

LXXX. That it shall and may be in like manner lawful for the said commissioners, out of any surplus funds or monies at their disposal, from time to time, and in such proportion as they shall think proper, to lend and advance, upon an application accompanied by a plan and estimate made by the incumbent of any benefice or parish, and approved of by the bishop of the diocese, any sum of money, not exceeding two years net income of such benefice or parish, to be applied to the purpose of building or improving a mansion or glebe house and offices, or in the purchase of houses already built, for the fit and suitable habitation of such incumbent and his successors, or, if the said commissioners shall so think fit, in the purchase of glebe or demesne lands fit and convenient for the erection of such glebe house and offices.

LXXXI. That the incumbent of any such benefice or parish to whom any such money shall be so advanced, or in case of his death or removal before the repayment of the whole sum so advanced, his successor or money so advanced to be repaid by incumbent.
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successors for the time being, shall and he and they is and are hereby required and bound to repay to the said commissioners so much of the said sum as shall become due, by instalments during their respective incumbencies, in manner following; that is to say, four pounds per centum of the sum so advanced on the first day of July next after the expiration of one year from the day on which same shall have been so advanced and lent (or within twenty-one days after), and four pounds per centum more of the sum advanced on the first day of July in every succeeding year (or within twenty-one days after), until the sum so advanced shall be wholly repaid.

LXXXII. Provided always, That no person shall be deemed a successor, so as to be charged by or under this act, who shall die or be removed within the space of one year from the death or removal of the incumbent immediately preceding him.

LXXXIII. Provided also, That no successor shall in any case be liable to pay any such instalment before the first day of July next after he shall have so become a successor chargeable under this act, nor to pay any more than one such instalment on such first day of July, notwithstanding that more than one year may have intervened between the death or removal of the last incumbent who had become chargeable with the payment of any instalment under this act and such first day of July.

LXXXIV. Provided also, That in cases where such last preceding incumbent shall die or be removed before he shall have received the whole of such sum so granted by way of loan, every person who shall be a successor of any such incumbent should be bound and obliged to repay to the said commissioners appointed under this act an instalment at the rate of four pounds per centum for the sum which shall have been actually so advanced to such incumbent on account of such loan (although the whole amount of such loan may not have been received by such incumbent) on the first day of July next after such person shall have become a successor chargeable by virtue of this act; and that no instalment not actually paid of any such loan shall be discharged, or be deemed or taken as discharged, by reason of the neglect or default of any incumbent in respect of the non-payment of any instalment which may have become due and payable during his incumbency, it being the true intent and meaning of this act that instalments of every such loan shall continue to be paid until the whole amount of such loan shall be actually paid to the said commissioners.

LXXXV. That in order to enforce the punctual payment and discharge of such sums as shall be so lent and advanced in pursuance and by virtue of the provisions of this act, it shall and may be lawful for the said commissioners appointed under this act for the time being, and they are hereby required, to take and receive, previous to the advancing of any sum of money to any such incumbent, a bond from such incumbent, which bond shall not be subject to any stamp duty, binding him, with one or more sufficient sureties, and them, his and their heirs, executors and administrators, jointly and severally, to the king's most excellent Majesty, his heirs and successors, in a penalty amounting to double the sum advanced, conditioned for the due application of the money so to be advanced within two years from the advance, or for refunding to the said commissioners so much of the said money as shall not be so applied within such time, and for the payment to the said commissioners of all such instalments of the said sum or sums at the several times before mentioned as may severally become due during his incumbency, with legal interest on such instalments respectively from the respective time when each instalment ought to have been paid until the actual payment thereof; which bond shall have the same force and effect as bonds to the king's most excellent Majesty, and for his use, have by virtue of an act passed in Ireland in the twenty-first and twenty-second years of the reign of king George the third, intituled An Act for the more speedy and effectual Recovery of the King's Debits, and suits shall
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and may be prosecuted and carried on upon such bonds, by the orders and under the directions of the said commissioners, for the recovery of the money which shall be due thereon, in such and the same manner as suits on bonds to the king's Majesty may be prosecuted by virtue of the said act.

LXXXVI. Provided also, That it shall and may be lawful for the said commissioners, if they shall so think fit, at the time of making such advance, to signify their intention to require interest, at the lawful rate or any less rate, to be paid for the same from the time of advancing the said sum, or any other time, until repayment thereof; and in such case the bond aforesaid shall be framed and payment made accordingly.

LXXXVII. That all and every sum and sums of money so to be advanced by the said commissioners appointed under this act to any such incumbent as aforesaid shall, with or without interest, as the case may be, from the time of advancing any part thereof, be a charge on all the glebe lands, tithes, composition for tithes, rents, moduses, salaries, stipends, fees, gratuities, and all other ecclesiastical emoluments and profits whatsoever arising or to arise from the benefice of which such person or persons shall be incumbent as aforesaid; and in case default shall be made in the due application of such advances, or the regular discharge of any of the said payments or any part thereof, on the days appointed for the payment thereof, by such incumbent, or his successor or successors, it shall and may be lawful for the said commissioners to recover the same by process of sequestration, and such sequestration shall be applied for and issued on the certificate of such commissioners in the manner and subject to the regulations herein-before directed as to sequestrations in any other case to be applied for by the said commissioners.

LXXXVIII. That such sum or sums of money as shall be lent or Sum lent to be advanced to any such incumbent by virtue of this act shall be distinguished and mentioned apart, in the usual certificate to be given by any archbishop or bishop by virtue of the acts now in force to enable an incumbent who builds to recover against his successor, from any and every sum or sums by any such incumbent laid out or expended out of his own proper income in the building of such glebe house and offices which would otherwise be allowed by such certificate; and a separate and distinct portion of the said certificate shall be allotted by the said archbishop or bishop for ascertaining the expenditure of the said sum so lent and advanced by the said commissioners.

LXXXIX. That in case any such incumbent shall die or be removed before all the sums agreed to be advanced by the said commissioners, then and in such case his successor shall be entitled and bound to receive the remainder of the money so agreed to be advanced, and shall give, in proportion to the money remaining to be advanced, the like security that had been given by his predecessor, by bond to the king's most excellent Majesty, the penalty of which bond shall be recovered in manner herein-before declared and enacted with respect to the recovery of the penalty of the bond so given by his predecessor; and the money so advanced with or without interest, as the case may be, shall also be charged on such benefice in the same manner as the money advanced to such first incumbent, and recoverable in the like manner.

XC. Provided also, That the incumbent for the time being of such benefice shall annually, at his own expense, until the last installment of such sum shall be paid, keep the buildings on which money so lent and advanced shall have been expended regularly insured against fire at some public insurance office in Great Britain or Ireland, to the full amount at least of the sum so lent and advanced; and in default thereof it shall be lawful for the court of chancery or exchequer

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Commissioners may at time of making advances signify their intention to require interest.

Sums advanced by the said commissioners appointed under this act to any such incumbent as aforesaid shall, with or without interest, as the case may be, from the time of advancing any part thereof, be a charge on all the glebe lands, tithes, composition for tithes, rents, moduses, salaries, stipends, fees, gratuities, and all other ecclesiastical emoluments and profits whatsoever arising or to arise from the benefice of which such person or persons shall be incumbent as aforesaid; and in case default shall be made in the due application of such advances, or the regular discharge of any of the said payments or any part thereof, on the days appointed for the payment thereof, by such incumbent, or his successor or successors, it shall and may be lawful for the said commissioners to recover the same by process of sequestration, and such sequestration shall be applied for and issued on the certificate of such commissioners in the manner and subject to the regulations herein-before directed as to sequestrations in any other case to be applied for by the said commissioners.

In case incumbent dies be-appointed by virtue of this act for building or procuring such glebe house and offices aforesaid shall have been actually advanced by the said commissioners, then and in such case his successor shall be entitled and bound to receive the remainder of the money so agreed to be advanced, and shall give, in proportion to the money remaining to be advanced, the like security that had been given by his predecessor, by bond to the king's most excellent Majesty, the penalty of which bond shall be recovered in manner herein-before declared and enacted with respect to the recovery of the penalty of the bond so given by his predecessor; and the money so advanced with or without interest, as the case may be, shall also be charged on such benefice in the same manner as the money advanced to such first incumbent, and recoverable in the like manner.

Incumbent to keep buildings insured.

In case incumbent dies be-appointed by virtue of this act for building or procuring such glebe house and offices aforesaid shall have been actually advanced by the said commissioners, then and in such case his successor shall be entitled and bound to receive the remainder of the money so agreed to be advanced, and shall give, in proportion to the money remaining to be advanced, the like security that had been given by his predecessor, by bond to the king's most excellent Majesty, the penalty of which bond shall be recovered in manner herein-before declared and enacted with respect to the recovery of the penalty of the bond so given by his predecessor; and the money so advanced with or without interest, as the case may be, shall also be charged on such benefice in the same manner as the money advanced to such first incumbent, and recoverable in the like manner.

Incumbent to keep buildings insured.
division of any parish as aforesaid, or to the annexing or uniting a part or parts thereof to any adjoining parish or parishes as aforesaid, the assent of the lord lieutenant or other chief governor or governors of Ireland for the time being thereto, under his or their hand and seal or hands and seals, shall to all intents and purposes be as good, valid, and effectual in law as if the consent of his Majesty, his heirs or successors, were thereunto signified by letters patent under the great seal of Ireland. Provided always, That such consent of the lord lieutenant or other chief governor or governors of Ireland shall be enrolled in the rolls of the high court of Chancery in Ireland, together with the instrument making and setting forth such division as aforesaid, for the enrolment of which consent the sum of three shillings and sixpence, and no more, shall be paid, over and above the expenses usually paid to the ingrossing clerk for the same.

CXIV. That where any person or persons, other than the crown, or an archbishop or bishop, shall be patron or patrons of any living or parish so to be divided as aforesaid, or shall be entitled to present a clerk thereto upon any vacancy or turn thereof, it shall and may be lawful for the said commissioners under this act, if they shall think fit so to do, out of the surplus funds remaining in their hands, upon obtaining the consent of such patron or patrons to such division of any such parish as aforesaid, to pay unto such patron or patrons such sum or sums of money as the said commissioners shall think fit as a compensation for the diminution of the annual value of such living or parish, so that such sum or sums of money shall in no case exceed twelve years' purchase of the annual sum by which the income or annual value of such divided parish shall be reduced by means of and in consequence of such division as aforesaid; and such sum or sums of money shall be and become vested in and settled upon the same person or persons, and for and upon the same uses, estates, trusts, and limitations, and subject to the same powers, conditions, charges, and incumbrances, as the advowson of or right of presentation to such divided parish was vested in, settled upon, or subject to, or would have been vested in, settled upon, or subject to, or as near thereto as the nature of the case may admit.

CXV. That where any person or persons, other than the crown, or an archbishop or bishop, shall be patron or patrons of any living or parish so to be augmented by the annexation thereto of any part of any such divided parish, or shall be entitled to present a clerk thereto upon any vacancy or turn thereof, it shall and may be lawful for the said commissioners under this act, and they are hereby directed and required, and shall be entitled to demand, take, and receive from such patron or patrons of any such augmented parish or parishes such sum or sums of money as shall be mutually agreed upon by and between such commissioners and the respective patron or patrons, or, in case of disagreement between them, shall be fixed and determined by three arbitrators, to be chosen in the same manner as in the case of arbitrators appointed for the settlement of differences between the said commissioners and parties applying for the purchase of perpetualities under this act, and under and subject to the like regulations, so far as the same are applicable; which sum or sums of money so to be received by the said commissioners shall be added to the general funds of the said commissioners for the purposes of this act; and in default of payment of such sum or sums of money to the said commissioners within six calendar months after a demand thereof by notice in writing shall have been made and served upon such patron or patrons, the said sum or sums of money shall be and become a charge or lien on such advowson or on the inheritance of the same, and be paid and payable to the said commissioners, with interest thereon, in priority to all other charges or incumbrances upon such advowson.

CXVI. That whenever any benefice whereof the king shall be patron, or the right of presentation or collation thereto shall be in any arch-
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CXVII. Provided always, That whenever the said commissioners under this act shall propose to suspend the appointment, presentation, or collation to any benefice, under the power herein-before vested in them, or of removing such suspension if it shall have taken place, they shall in either of such cases give notice of such intention to the archbishop or bishop of the diocese in which such benefice shall be situate, unless he happen to be one of the said commissioners; and such archbishop or bishop shall be associated with the said commissioners in determining upon the propriety of directing or removing such suspen-
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Statement to be made of reasons for such suspensions.

C Certain monies payable under 5 G. 4, c. 91, to be paid to commissioners of this act.

House purchased by commissioners to be the house of residence.

General powers of commissioners to do all acts which trustees of first fruits could have done, if not otherwise provided for;

to bring actions;

sion as aforesaid, and shall and may vote upon all questions relating thereto as if he were a commissioner, and be deemed and taken to be for such purpose or purposes a member of the said corporation of the ecclesiastical commissioners of Ireland.

CXVIII. Provided also, That in any case in which the said commissioners shall direct that the appointment, presentation, or collation of a clerk to any benefice shall be suspended, a full statement of the reasons on which such direction was founded, comprising the several particulars of the extent of such benefice, its annual value, the amount of the population, the number of protestants residing within it, the condition of the church and glebe house, if any, and the quantity of land belonging to it, shall be entered in a book to be kept for that purpose, and preserved among the records of the commission.

CXIX. And whereas by an act made in the parliament of the United Kingdom, in the fifth year of the reign of his late Majesty king George the Fourth, intituled An Act to consolidate and amend the Laws for enforcing the Residence of Spiritual Persons on their Benefices, to restrain Spiritual Persons from carrying on Trade or Merchandize, and for the Support and Maintenance of Stipendary Curates, bishops are authorized and empowered to pay over certain sums therein mentioned to the trustees and commissioners of first fruits in Ireland, for certain purposes therein also mentioned; be it therefore enacted, That all and every payment made to the commissioners of this act, in the manner and form and for the purposes directed and specified by said recited act, with respect to payments to said trustees and commissioners of first fruits, shall be as good, valid, and effectual to all intents and purposes; and such sums, when paid, shall be applied by the commissioners of this act for the purposes in said recited act mentioned, in the same manner as if such payment had been made to the said trustees and commissioners of first fruits, and as if this act had not been passed.

CXX. And whereas the commissioners under this act may hereafter purchase houses not situate within the parishes for which they are purchased, but so near as to be sufficiently convenient and suitable for the residence of the officiating minister thereof; be it therefore enacted, That such houses, having been previously approved by the bishop by writing under his hand and seal, and duly registered in the registry of the diocese, shall be deemed houses of residence appertaining to such benefices so all intents and purposes whatsoever.

CXXI. That it shall and may be lawful for the commissioners of this act to lend and advance all and every such sum and sums of money, and to give such consents, and to do and perform such acts, matters, and things, and on such securities, and in such manner and form respectively, as by any statute or law in Ireland in force at the passing of this act the trustees and commissioners of first fruits in Ireland might or were empowered or authorized to have lent and advanced, given and done, if this act had not been passed; all which securities, loans, consents, acts, matters, and things, when made, entered into, given, and done, respectively shall be valid and effectual to all intents and purposes whatsoever, unless it is or shall be enacted or declared to the contrary or otherwise provided for by this act, or by any other act hereafter to be made; and that all and every action or proceeding for breaches of covenant, or otherwise, which has been commenced, or which might at any time hereafter, if this act had not been made, have been taken, commenced, and carried on by the said trustees and commissioners of first fruits in Ireland, shall and may be commenced, taken, and carried on at any time hereafter by the commissioners of this act, in the name of their secretary, as if they had been expressly named in any deed, covenant, agreement, writing, or security, or in any act or acts of parliament, on or under or by virtue whereof such action or proceeding might have been and shall be so commenced, taken, and carried on; and that all and every sum and sums to be recovered in any such action or proceeding shall may be applied and disposed of by the commissioners of this
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To pay debts; and to perform contracts.

CXXII. That in case of any refusal or neglect of any archbishop, bishop, archdeacon, dean, prebendary, parson, vicar, curate, incumbent, or other spiritual person as aforesaid, by whatever name called, known, described, or any other person or persons whatsoever, to make or cause to be made any of the returns hereby required or directed to be made to the said commissioners of this act, or to do any act, matter, or thing hereby directed or required to be done by them or any of them, it shall be lawful for the court of king's bench in Ireland to direct a writ of mandamus, or any other writ that may be necessary, to any such archbishop, bishop, archdeacon, dean, prebendary, or other spiritual or other person as aforesaid, to enforce the making such returns, or the performance of such acts, matters, and things, by such spiritual or other person as aforesaid, pursuant to this act.

CXXXIII. That if any person, upon examination on oath or affirmation before the said commissioners of this act, or the commissioners to be for perjury, named and authorized in and by any commission to be issued in pursuance of this act, or in any affidavit, deposition, or affirmation before my judge, baron of the exchequer, vicar general, surrogate, master or master extraordinary in chancery, or justice of the peace, in any matter relating to the execution of this act, shall wilfully and corruptly give false evidence, or shall in any such affidavit, deposition, or affirmation wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties as by any law now or hereafter to be in force in Ireland any persons convicted of wilful and corrupt perjury are or may be subject and liable to.

CXXIV. And whereas several parishes, or the tithes or portions of tithes and glebes thereof, are appropriated or united to certain archbishops, bishopricks, deaneries, archdeaconries, dignities, prebends, or canonries; and it is expedient that the same should be disappropriated, disunited, and divested out of such archbishopricks, bishopricks, deaneries, archdeaconries, dignities, prebends, or canonries, and vested in the respective vicars or curates discharging the duties of the parishes in which the said benefices, tithes, or portions of tithes are respectively situate: And whereas the now dean of Down and Raphoe freely consent that such arrangements as aforesaid should be made in respect of their several deaneries, and the parishes or tithes or portions of tithes and glebes appropriated or united thereunto; be it therefore enacted, That it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being, and his Majesty's privy council there, in the case of the said deaneries of Down and Raphoe, when and as they may so think fit, and in the case of any and every archbishoprick, bishoprick, or other deanery, or archdeaconry, dignity, prebend, or canonry, by and with the consent and approbation of the archbishop, bishop, dean, archdeacon, dignity, prebendary, or
tors, are or shall be interested, or with any bodies politic or corporate, or any other person or persons, having any estate or interest in possession, reversion, or remainder in any such improper rectory, in his or their own right, or in right of their wives, or in right of his or their churches, or with the guardian or guardians or committee or committees of or acting for any person or persons having such estate or interest, who at the time of such consent shall be respectively infants, idiots, or lunatics, or under any other legal disability, or with any person or vicar of any mother church, shall be respectively good and effectual to all intents and purposes in law, with respect to such charges, against His Majesty, his heirs and successors, or against all or any such bodies politic and corporate, or against the person or persons so agreeing, their wives, heirs, and successors respectively, and every of them, and against all and every their issue, and against every other person and persons claiming in remainder or reversion after any estate tail in the premises, according to the form of such agreement, as fully and in like manner as if such agreement had been made by his Majesty, his heirs and successors, under his and their great seal, and as if such bodies politic and corporate had been free from any restraint, and as if such other persons so agreeing had been sole seised in his and their own right of such donation, improper rectory, or mother church as aforesaid, at the time of making such agreement; and that the agreements of guardians or committees for or on behalf of infants or idiots or lunatics under their guardianship, or of whom they shall be committees as aforesaid, shall be as good and effectual to all intents and purposes as if the said infants or idiots or lunatics respectively had been of full age and of sound mind, and had themselves entered into such agreement: Provided always, That in case of any such agreement as aforesaid with any parson or vicar, the same shall be with the approbation and consent of his patron and ordinary; and in case of any such agreement made with any person in right of his wife, that the wife may be a party to the agreement, and seal and execute the same.

CIII. And whereas it is expedient to provide a more effectual remedy in cases where the owners of appropriations or improper tithes are bound by law bound, but nevertheless refuse or neglect, to repair the chancels of any church, or maintain an officiating clergyman, in Ireland; be it therefore enacted, That from and after the passing of this act it shall and may be lawful for the said commissioners, or any archbishop or bishop of the diocese, to present a petition to the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal, or master of the rolls, for the time being, or to the court of exchequer, in Ireland, praying such relief as the nature of the case may require; and it shall be lawful for the lord chancellor, lord keeper, and commissioners for the custody of the great seal, and for the master of the rolls, and the court of exchequer, in Ireland, and they are hereby required, to hear such petition in a summary way, and upon affidavits or such other evidence as shall be produced upon such hearing in support of or in answer to such petition to determine the same, and to make such order therein, and with respect to the costs of such petition, as to him or them shall seem just, and such order shall be final and conclusive, unless the party or parties who shall think himself or themselves aggrieved thereby shall, within one year from the time such order shall have been passed and entered by the proper officer, have preferred an appeal from such decision to the house of lords, to whom it is hereby enacted and declared that an appeal shall lie from such order; and neither such petitions, nor any proceedings upon the same or relative thereto, nor the copies of any such petitions or proceedings, shall be subject or liable to the payment of any stamp duty whatever.

CIII. That all augmentations, agreements, and orders made by the said commissioners in pursuance of this act shall be carefully examined and entered into a book to be provided and kept by their secretary or other officer or officers to be by them appointed for such purpose, and that such entries, being approved of by the said commissioners, an
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or for term of twenty-one years or three lives, or for three lives, or for term of forty years, immediately from and under any archbishop or bishop or other sole ecclesiastical corporation in Ireland, any lands, premises, or hereditaments belonging to the respective sees or other spiritual promotion or dignity of any such archbishop or bishop or other the commis-
sional ecclesiastical corporation, to purchase the fee simple and inheritance sooner under of and in the said lands, premises, and hereditaments so held by him this act.
them as aforesaid, in the manner and at the rate of purchase money, and subject to the perpetual annual rents, and to the provisos, restrictions, regulations, and conditions herein-after mentioned; (that is to say,) that it shall and may be lawful for any such tenant or lessee, by notice in writing under his hand, to notify to the said commissioners under this act, and to such archbishop or bishop or other ecclesiastical person under whom such lands, premises, or hereditaments are or shall be held, that he, such tenant or lessee, is ready and willing to purchase the fee simple and inheritance as aforesaid of and in the said lands, premises, or hereditaments so held by him under such archbishoprick or bishoprick or other spiritual promotion or dignity, in the manner and pursuant to the provisions of this act; and that thereupon the said commissioners shall and may and they are hereby authorized and required to ascertain the annual rent or rents now thereby reserved and payable by virtue of such lease or contract out of the said lands and premises, and the amount of the sum or sums of money theretofore paid or agreed to be paid as and for the fine or fines and fees for renewal of any such lease or interest of and in the said lands and premises, in the case of leases usually renewed every or every alternate or every third year, for and during the period of nine years next preceding the service of such notice; and in the case of leases usually renewed at longer intervals, and in the case of leases for lives, for and during such period as shall include the three last previous occasions of such renewal; and every such archbishop or bishop or other ecclesiastical person under whom the said lands and premises shall be held as aforesaid shall, upon being thereto required by the said commissioners by writing, certify to the said commissioners, by writing under his hand and seal, the amount of such annual rent, and every such fine and fines and fees so paid, or agreed to be paid, or usually paid or payable as aforesaid, for and during such period as aforesaid; and that it shall and may be lawful for the said commissioners under this act and they are hereby empowered, if they shall so think fit, or shall be required by requisition under the hand and seal of the said archbishop or bishop or other ecclesiastical person, or tenant or tenants, lessee or lessees, to issue a commission under their seal to inquire into and ascertain the amount of such annual rent and such renewal fine or fines and fees as aforesaid so paid or payable, or agreed to be paid, or usually paid or payable as aforesaid, for and during the period aforesaid; which commission shall issue in the same manner, and subject to the like rules and regulations, with the like powers, as is and are herein-before provided with respect to commissions directed to be issued for inquiring into the annual value of ecclesiastical benedixes.

CXXIX. Provided always, That it shall and may be lawful for the said commissioners, and they are hereby empowered and directed, in each and every case in which they shall proceed to ascertain the amount of the annual rent or rents reserved and payable out of the lands and premises in which the tenant, lessee, or assignee thereof shall be desirous to purchase the fee simple and inheritance as aforesaid, to inquire and ascertain whether any and what addition has been made to the rent or rents reserved and payable to any archbishop or bishop or other ecclesiastical person out of the said lands and premises since the sixteenth day of August in the year one thousand eight hundred and thirty-two; and in case it shall appear that the said yearly rent or rents has or have been increased since such period, and that such increase has Commission in ascertaining amount of annual rent shall not include any sum added thereto since 16th August, 1832.
been made in consequence of the change of the liability to the payment of the composition for tithes, then and in every such case the said commissioners shall separate the sum or sums which shall so appear to have been added on the aforesaid account to the yearly rent or rents theretofore usually reserved and payable out of such lands and premises, and shall not include such additional sum or rent in the rent to be reserved in any conveyance of such lands and premises to be executed by them or him pursuant to this act; and the said commissioners shall ascertain, by reference to the lease or contract made next before the reservation of such additional sum or rent, the annual and customary rent or rents (penal rents or sums in the nature of penal rents excepted) reserved and payable out of the said lands and premises; and such annual and customary rent or rents shall be deemed and taken to be the annual rent reserved and payable out of such lands and premises.

CXXX. That when such rent or rents and fine or fines and fees shall have been ascertained by any of the ways or means aforesaid, it shall and may be lawful for the said commissioners appointed under this act, and they are hereby directed, to take and estimate the yearly average of the renewal fine or fines theretofore paid or agreed to be paid or payable as aforesaid, which yearly average of the said fine or fines and fees, when so ascertained as aforesaid, together with and in addition to the yearly rent or rents theretofore reserved or made payable in and by such lease or contract as aforesaid, shall be the amount of the annual rent to be thereafter reserved and made payable out of the said lands and premises to such archbishop or bishop or other ecclesiastical person, and his successors respectively, in and by the deed of conveyance herein-after mentioned, subject only to such approval as herein-after mentioned, and to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of seven years, according to the provisions herein-after mentioned.

CXXXI. Provided always, That whenever it shall appear that such renewal fines and fees have not been regularly paid during any such period as aforesaid, it shall and may be lawful for the said commissioners under this act, and they are hereby empowered and directed, by all or any of the ways or means aforesaid, to ascertain the amount as well of the annual rent as of the annual or other renewal fine or fines and fees which have been paid, agreed to be paid, or payable, or which ought to have been paid in respect of the said lands and premises for and during such period as aforesaid, according to the theretofore accustomed mode of renewing such lease or interest, and to take and estimate accordingly the yearly average of such annual or other fine or fines; which said yearly average of such renewal fines, together with and in addition to the said annual rent or rents theretofore reserved and payable as aforesaid out of the said lands and premises, shall be the amount of annual rent to be reserved and made payable in and by the deed of conveyance or demise herein-after mentioned, subject only to such approval as herein-after mentioned, and subject to variation according to the price of wheat or oats, as herein-after also provided; and if it shall happen that no fine or fines have been paid or payable for renewing any such lease or interest as aforesaid for any such period, or any part of such period, preceding the service of such notice as aforesaid, then that in every such case it shall be lawful for the said commissioners to take and estimate the yearly average of such renewal fines and fees according to such proportion of the improved yearly value as may, by the custom of the diocese or other spiritual promotion or dignity under which the said lands and premises are held, have determined the amount of fines payable in respect of lands and premises held thereunder by like tenure and demise, (such improved yearly value to be ascertained by all such ways and means as the said commissioners shall think fit, or by the issuing of a commission as last aforesaid, and subject to the like rules and regulations as such commission last aforesaid,) or by
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in days from the date thereof, together with a map and survey of the parishes respectively, and a statement of the annual value of the me, and of such part or parts to be so separated and disunited from each divided parish as aforesaid be transmitted to the lord lieutenant or the chief governor or governors of Ireland in council, and the lord lieutenant or other chief governor or governors in council shall confirm or alter the bounds of such parish or parishes so set out and described such instrument, as the circumstances of the case may seem to require, and shall order such instrument to be altered accordingly: provided always, That such instrument so altered by any such order, or no order shall be made thereupon by the lord lieutenant or other chief governor or governors of Ireland in council within six weeks after the transmission of the copy of such instrument to the council in Dublin castle, then such instrument as originally transmitted, shall be entered in the registry of the diocese for which entry the sum of thirteen shillings and four-pence, and no more, shall be paid to the priest), and shall also be enrolled in the rolls office of the high court of chancery in Ireland, for which enrolment the sum of thirteen shillings and four-pence, and no more, shall be paid, over and above the fees usually paid to the clerk for ingrossing the same.

CXI. And in order to prevent disputes which might arise upon the proportioning of any crown rents, port corn rents, pensions, procurations, synodals, and salaries payable to the schoolmasters of the diocesan schools by the several incumbents of any such divided or augmented parish or parishes; be it enacted, That it shall and may be lawful for the said commissioners under this act, and they are hereby empowered and directed to settle and adjudge the proportions of crown rents, port corn rents, pensions, procurations, synodals, and the salaries of the said schoolmasters which the incumbents of any such divided parish and such augmented parish or parishes are respectively to pay; which proportion, being so adjusted by an adjudication in writing under the seal of the said commissioners, and registered in the register book of the bishop of the diocese wherein such parishes are situate respectively, shall be the proportions which the incumbents of such divided and of such augmented parishes are respectively to pay, and shall be binding and conclusive upon the said several incumbents of such divided or augmented parish or parishes respectively, and their respective successors, any law or custom to the contrary notwithstanding.

CXII. That where any parish shall be divided in manner aforesaid, and that the incumbent of any such divided parish shall be entitled to receive any sum of money from his next successor in such parish, in case the same had not been divided, on account of any purchase of glebe, or addition to the glebe, or of any buildings or improvements made on the glebe of such parish, or any money paid by him to his predecessor, on such account, according to the laws in force for that purpose, such incumbent shall have and be entitled to receive from his next successor in that part of such divided parish within which such additional glebe shall be situate, or on which such buildings or improvement shall have been made, the same sum as he would have been entitled to receive if the said parish had not been divided, provided that the sum so to be received shall not exceed two years' income of that part of the parish; and incumbent, having paid such proportion of the said money, shall be entitled to receive such proportion of the money so to be paid from successors, according to the laws in force for that purpose, in such manner as he would in case such parish had not been divided; and it shall be lawful to the commissioners to divide any parish the assent of the king's Majesty to be given to the making of any such division; Whereas the same.
divide any parish in Ireland, the average annual value whereof shall exceed eight hundred pounds, and to separate and disunite from such parish any townland, townlands, district, parcel or parcels of land, and all tithes, composition for tithes, dues, and ecclesiastical emoluments whatsoever, from such townland, townlands, district, parcel or parcels of land arising or to arise and payable to the ecclesiastical incumbent of such parish, and thenceforth to annex and unite in perpetuity, by the same or a different instrument, any such townland, townlands, district, parcel or parcels of land, and all such tithes, composition for tithes, dues, and ecclesiastical emoluments whatsoever therefrom arising or to arise, to any other adjoining parish or parishes the annual average value of which respectively shall not exceed two hundred pounds: Provided nevertheless, that the annual value of any such parish so divided as aforesaid shall not by such division be in any case reduced below the sum of three hundred pounds.

CVII. Provided also, That any such division of any parish shall take effect and come into operation upon the death or removal of any person who shall be the incumbent of any such divided parish at the time of the commencement of this act or at the time when such division shall be made as aforesaid, as the case may be, and not sooner: and that then and for ever thereafter such townland, townlands, district, parcel or parcels of land, and all such tithe, composition for tithe, dues, and ecclesiastical emoluments whatsoever therefrom respectively arising or to arise, shall cease to be or to be deemed a part or parts of or annexed to such divided parish, and shall become and be and be deemed a part or parts of or annexed to such augmented parish or parishes, to all intents and purposes whatsoever.

CVIII. That it shall and may be lawful for the said commissioners, with such approbation and consent and in such manner as are herein before last mentioned, to divide and separate the glebe belonging to any such parish so divided, and to grant a portion of such glebe to the incumbent of such divided portion of the parish or of such augmented parish, as the case may be, as and for a glebe for such parish, subject, however, to the laws now in force or that may hereafter be in force for the exchange of glebes; and that all such divisions of glebes shall be good, firm, and valid in law; and that such part or parts of such glebe as shall be so annexed shall be always deemed and taken to be the glebe or glebes of such parish or parishes to which the same shall be so annexed; and that the incumbent or incumbents of such parish or parishes to which the same shall be so annexed shall hold and enjoy such part or parts of such divided glebe, being so annexed, in as full and ample a manner to all intents and purposes as if such part or parts of such glebe had been always held with and enjoyed as the glebe belonging to such parish or parishes to which the same shall be so annexed, any law or usage to the contrary notwithstanding.

CIX. That whenever any patron of any parish so to be divided as aforesaid shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of every such patron to consent to such division as aforesaid for such patron, and to certify his, her, or their consent under his, her, or their hand and seal or hands and seals, for such patron, who shall be bound thereby in such manner, and the same shall be as valid and effectual, as if he or she had been of full age, or sound mind, or feme sole, and had expressed such consent as aforesaid.

CX. That before any such division or augmentation of any parish or parishes as last aforesaid shall be made and concluded, the bounds of such parish or parishes shall be ascertained by instrument in writing in manner following; (that is to say,) the said commissioners under this act, by instrument in writing under their seal, shall and may set out and describe the bounds of such parishes, and the several townlands or other parcels or denominations of lands which shall be comprised within such parishes respectively; and a copy of such instrument shall, within four-
ten days from the date thereof, together with a map and survey of the said parishes respectively, and a statement of the annual value of the same, and of such part or parts to be so separated and disunited from such divided parish as aforesaid be transmitted to the lord lieutenant or other chief governor or governors of Ireland in council, and the lord lieutenant or other chief governor or governors in council shall confirm or alter the bounds of such parish or parishes so set out and described in such instrument, as the circumstances of the case may seem to require, and shall order such instrument to be altered accordingly: Provided always, That such instrument so altered by any such order, or if no order shall be made thereupon by the lord lieutenant or other chief governor or governors of Ireland in council within six weeks after the date of the transmission of the copy of such instrument to the council office in Dublin castle, then such instrument as originally transmitted, shall be entered in the registry of the diocese (for which entry the sum of thirteen shillings and four-pence, and no more, shall be paid to the registrar), and shall also be enrolled in the rolls office of the high court of chancery in Ireland, for which enrolment the sum of thirteen shillings and four-pence, and no more, shall be paid, over and above the expenses usually paid to the clerk for ingrossing the same.

CXII. And in order to prevent disputes which might arise upon the apportioning of any crown rents, port corn rents, pensions, procurations, synodals, and salaries payable to the schoolmasters of the diocesan schools by the several incumbents of any such divided or augmented parish or parishes; be it enacted, That it shall and may be lawful for the said commissioners under this act, and they are hereby empowered and directed to settle and adjudge the proportions of crown rents, port corn rents, pensions, procurations, synodals, and the salaries of the said schoolmasters which the incumbents of any such divided parish and such augmented parish or parishes are respectively to pay; which proportion, being so adjusted by an adjudication in writing under the seal of the said commissioners, and registered in the register book of the bishop of the diocese wherein such parishes are situate respectively, shall be the proportions which the incumbents of such divided and of such augmented parishes are respectively to pay, and shall be binding and conclusive upon the said several incumbents of such divided or augmented parish or parishes respectively, and their respective successors, any law or custom to the contrary notwithstanding.

CXIII. That where any parish shall be divided in manner aforesaid, and that the incumbent of any such divided parish shall be entitled to receive any sum of money from his next successor in such parish, in case the same had not been divided, on account of any purchase of glebe, or addition to the glebe, or of any buildings or improvements made on the glebe of such parish, or any money paid by him to his predecessor, or such account, according to the laws in force for that purpose, such incumbent shall have and be entitled to receive from his next successor in that part of such divided parish within which such additional glebe shall be situate, or on which such buildings or improvement shall have been made, the same sum as he would have been entitled to receive if the said parish had not been divided, provided that the sum so to be received shall not exceed two years' income of that part of the parish; and such incumbent, having paid such proportion of the said money, shall be entitled to receive such proportion of the money so to be paid from his successors, according to the laws in force for that purpose, in such manner as he ought in case such parish had not been divided; and it shall not be lawful for the said commissioners to divide any parish the incumbent whereof shall be liable to any such payment in such manner as the sum to be paid by him shall exceed two years' income of the divided part of the parish in which such buildings or improvements shall be situate.

CXIII. Provided always, That where the assent of the king's Majesty, his heirs or successors, is to be given to the making of any such
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is required assent of the lord lieutenant to be good.

Commissioners may pay compensation to patrons in certain cases.

Division of any parish as aforesaid, or to the annexing or uniting a part or parts thereof to any adjoining parish or parishes as aforesaid, the assent of the lord lieutenant or other chief governor or governors of Ireland for the time being thereto, under his or their hand and seal or hands and seals, shall to all intents and purposes be as good, valid, and effectual in law as if the consent of his Majesty, his heirs or successors, were thereunto signified by letters patent under the great seal of Ireland: Provided always, That such consent of the lord lieutenant or other chief governor or governors of Ireland shall be enrolled in the rolls of the office of the high court of Chancery in Ireland, together with the instrument making and setting forth such division as aforesaid, for the enrolment of which consent the sum of three shillings and sixpence, and no more, shall be paid, over and above the expences usually paid to the ingrossing clerk for the same.

CXIV. That where any person or persons, other than the crown, or an archbishop or bishop, shall be patron or patrons of any living or parish so to be divided as aforesaid, or shall be entitled to present a clerk thereto upon any vacancy or turn thereof, it shall and may be lawful for the said commissioners under this act, if they shall think fit so to do, out of the surplus funds remaining in their hands, upon obtaining the consent of such patron or patrons to such division of any such parish as aforesaid, to pay unto such patron or patrons such sum or sums of money as the said commissioners shall think fit as a compensation for the diminution of the annual value of such living or parish, so that such sum or sums of money shall in no case exceed twelve years' purchase of the annual sum by which the income or annual value of such divided parish shall be reduced by means of and in consequence of such division as aforesaid; and such sum or sums of money shall be and become vested in and settled upon the same person or persons, and for and upon the same uses, estates, trusts, and limitations, and subject to the same powers, conditions, charges, and incumbrances, as the advowson of or right of presentation to such divided parish was vested in, settled upon, or subject to, or would have been vested in, settled upon, or subject to, or as near thereto as the nature of the case may admit.

CXV. That where any person or persons, other than the crown, or an archbishop or bishop, shall be patron or patrons of any living or parish so to be augmented by the annexation thereto of any part of any such divided parish, or shall be entitled to present a clerk thereto upon any vacancy or turn thereof, it shall and may be lawful for the said commissioners under this act, and they are hereby directed and required, and shall be entitled to demand, take, and receive from such patron or patrons of any such augmented parish or parishes such sum or sums of money as shall be mutually agreed upon by and between such commissioners and the respective patron or patrons, or, in case of disagreement between them, shall be fixed and determined by three arbitrators, to be chosen in the same manner as in the case of arbitrators appointed for the settlement of differences between the said commissioners and parties applying for the purchase of perpetuities under this act, and under and subject to the like regulations, so far as the same are applicable; which sum or sums of money so to be received by the said commissioners shall be added to the general funds of the said commissioners for the purposes of this act; and in default of payment of such sum or sums of money to the said commissioners within six calendar months after a demand thereof by notice in writing shall have been made and served upon such patron or patrons, the said sum or sums of money shall be and become a charge or lien on such advowson or on the inheritance of the same, and be paid and payable to the said commissioners, with interest thereon, in priority to all other charges or incumbrances upon such advowson.

CXVI. That whenever any benefice whereof the king shall be patron, or the right of presentation or collation whereof shall be in any arch-
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Thereof set forth in the deed or deeds of conveyance, then and in such case the amount of such annual rent to be paid out of or in respect of the said lands and premises to such archbishop or bishop or other ecclesiastical person, or to the said commissioners, as the case may be, shall be increased or diminished by the said commissioners in such manner and to such extent that the amount of such annual rent payable for and during the next ensuing seven years shall bear the like proportion to the amount of the annual rent reserved and made payable out of the said lands and premises as the average price of wheat or oats ascertained at the time of such application shall bear to the average price thereof set forth in such original deed of conveyance; and the said commissioners under this act shall thereupon, in cases where the said annual rent shall be payable to any such archbishop or bishop or other ecclesiastical person, grant to such archbishop or bishop or other ecclesiastical person, purchaser, his heirs, appointees, or assigns, or, in cases where the said rent shall be payable to the said commissioners, shall, for the purpose of registry and enrolment as herein-after mentioned, execute a certificate under their seal, setting forth the amount of such revised or new annual rent to be paid and payable out of the said lands and premises to such archbishop or bishop or other ecclesiastical person, or to the said commissioners, as the case may be, and cause notice of or a copy of the said certificate to be given to or served upon such archbishop or bishop or other ecclesiastical person, and the person or persons who shall have purchased the fee simple and inheritance of and in the said lands and premises, or to the person or persons who shall have become possessed of his or their estate or interest therein, and shall also cause such certificate to be registered in the registry of the diocese wherein the said lands and premises shall be situate, and also be enrolled in the rolls office of the high court of chancery along with and annexed to the enrolment of such deed of conveyance; and a copy of such enrolment, duly compared and attested, shall be conclusive evidence of the amount of such revised and new annual rent; and such revised and new annual rent shall be paid to and received by such archbishop or bishop or other ecclesiastical person, or the said commissioners respectively, as the case may be, for seven years from and after the first day of May next before the service of such notice, and until such revised and new annual rent shall afterwards, upon a like application, be again varied and ascertained according to the average price of wheat or oats during the term of seven years then last past; and the several parties aforesaid are hereby respectively authorized to make such further application from time to time after the expiration of every seven years, during the continuance of such grant, in such and the like manner and form as herein-before directed with respect to the first application; and the costs, charges, and expenses of every such application, and of varying and re-ascertaining the amount of such annual rent, shall be defrayed by the person or persons who shall make such application as aforesaid; and any such revised and new annual rent shall, during the period when it shall be in force, stand in the place of the said original annual rent reserved and made payable out of the said lands and premises upon such purchase or conveyance of the said lands and premises, and shall be paid and recoverable and charged and chargeable upon the said lands and premises, and against the purchaser, his heirs, appointees, or assigns, in like manner as the said original rent reserved in and by such deed of conveyance, and subject to the same regulations; and the several clauses and provisions hereof shall in every such case apply as fully and effectually to any such revised and new annual rent, to all intents and purposes, as if such revised and new annual rent were the annual rent originally reserved upon such purchase in and by the deed or deeds of conveyance of the said lands and premises as aforesaid: Provided always, That the said rent so reserved by such original deed of conveyance shall continue to be used as the standard, by reference to which,
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Together with the original price of wheat or oats, the rent is from time to time to be varied as aforesaid: Provided also, That in case any such archbishop or bishop or other ecclesiastical person, tenant, assignee, or owner of such lands and premises purchased as aforesaid, who would respectively be entitled to receive or liable to pay such revised or new annual rent as aforesaid, shall be dissatisfied with or dispute the amount of the average price of corn so ascertained as aforesaid, or the amount of any such revised and new annual rent ascertained as aforesaid, it shall be lawful for such archbishop or bishop, or other ecclesiastical person, tenant, assignee, or owner of such lands and premises, within one calendar month after being served with such notice as aforesaid, to apply by petition to such court in such manner and under and subject to such regulations and provisions as herein-after mentioned with respect to disputes as to the amount of any purchase money, or any contribution thereto, or in respect thereof, to be paid by any tenant, and such court may vary the amount of such revised and new annual rent as the case may require; and if the amount of such revised and new annual rent shall be varied by the said court, upon such petition, from the amount thereof ascertained by the said commissioners, then the amount thereof so ascertained and adjudged by the said court shall be the annual rent of the said lands and premises for such period as aforesaid; and subject to the provisions and regulations aforesaid as to such revised and new annual rent, and shall be inserted in such certificate to be registered and enrolled as aforesaid, instead of the revised and new annual rent ascertained by the said commissioners as aforesaid, and stand in the place of the same to all intents and purposes; provided that any party or person so petitioning, and failing in such petition, shall pay all the costs in relation thereto.

CXLI. That it shall and may be lawful for the said commissioners under this act to deduct and be paid, out of the amount of such purchase money paid for the purchase of the fee simple and inheritance of and in such lands and premises, such sum or sums of money as shall be necessary for defraying the costs or expenses necessarily or properly incurred by the said commissioners, or by such archbishop or bishop or other ecclesiastical person, in and about or in respect of any such purchase and conveyance of the fee simple and inheritance of and in the said lands and premises; and upon the production of a certificate, signed on behalf of the said commissioners, specifying the amount of such costs and expenses incurred by such archbishop or bishop or other ecclesiastical person, or the said commissioners, it shall and may be lawful for the said governors and directors of the said bank of Ireland into whose hands the said purchase money shall have been paid as aforesaid, and they are hereby directed, immediately thereupon, without further order or inquiry, to pay out of such purchase money to the said commissioners, for defraying all such costs and expenses, the amount so specified in such certificate; which payment and certificate shall be received and allowed to such governors and directors of the said bank of Ireland, in the account of such purchase money, as a sufficient discharge and acquittance for the amount thereof.

CXLIV. That in all cases of applications for the purchase of perpetuities under this act, the applicant shall deposit or secure in such manner as the said ecclesiastical commissioners shall appoint such sum of money as the said commissioners shall think necessary to defray the expenses which the said commissioners may incur in ascertaining the terms of the purchase for which such application shall be made; and in case such applicant shall decline completing such purchase, such expenses as aforesaid shall be deducted from and out of the money so deposited or secured, and the surplus, if any, refunded to such applicant; and in case such applicant shall complete such purchase, the whole sum so deposited or secured shall be refunded, subject nevertheless to such award as any arbitrators appointed under this act shall make in respect of the expenses of such arbitration.

Expenses of bishops and commissioners to be deducted from purchase money.

On application for purchase of perpetuities, applicant to deposit a sum to defray expenses of ascertaining terms, and if he decline the purchase, the expenses to be deducted therefrom.
CXLV. That for the purpose of ascertaining the respective amount of purchase money to be paid by any such tenant or lessee as aforesaid for the purchase of the fee simple and inheritance of and in any such lands and premises as aforesaid, the said commissioners appointed under this act shall inquire and ascertain, by the issuing of a commission, with the like powers and authorities and subject to the like regulations as any other commission to be issued under this act, or by such other ways and means as to them shall seem fit, the full improved yearly value of the said lands and premises, such full and improved annual value to be taken and estimated according to the usual and accustomed mode of ascertaining and estimating the same by the archbishop or bishop or other ecclesiastical corporation sole in whose diocese or dignity or promotion such lands and premises shall be respectively situate, and shall estimate and compute, according to the best of their knowledge, skill, and ability, the value of the fee simple and inheritance in such lands and premises, subject to the annual rent to be reserved and made payable thereout by the deed of conveyance to be executed in manner herein-before appointed; and having estimated and computed the value of such fee simple and inheritance, subject to such rent, the said commissioners shall deduct therefrom four pounds per centum on the amount thereof, and ascertain and declare the amount of such value so reduced; and the said commissioners shall also estimate and compute the value of the interest in such lands and premises possessed by such tenant or tenants, lessee or lessees, under his, her, or their then subsisting lease, and shall determine and declare the difference between the value reduced by such per centage as aforesaid of such fee simple and inheritance, subject to the rent aforesaid, and the value of the interest possessed under such lease, which difference shall be the amount of purchase money to be paid by such tenant or tenants, lessee or lessees, for the perpetuity to be acquired under this act; and the said commissioners shall insert such amount in the certificate of the terms of such purchase to be by them granted to such tenant or lessee as herein-before provided: Provided always, That in case any such tenant or lessee shall be dissatisfied with the amount of purchase money adjudged payable in manner aforesaid by the said commissioners, the matter shall be referred to three arbitrators, one to be appointed by the said commissioners, another by such tenant or lessee, and the third by the two arbitrators appointed as aforesaid, within ten days after notice in writing to be given by such commissioners, tenant, or lessee for that purpose; and in case of the death or incapacity, or refusal to act of any or either of the said arbitrators, another shall be appointed in his stead by the party by whom or in whose behalf he was so appointed, or by the said two arbitrators appointed by the parties, as the case may be, within ten days next after notice thereof; and the said arbitrators, or any two of them, shall and are hereby authorized and empowered, by actual survey or valuation, or by the examination of witnesses upon oath (which oath the said arbitrators are hereby empowered to administer), and by such other ways and means as they shall think proper, to compute, estimate, and determine, in like manner as the said commissioners are herein-before directed, the amount of purchase money payable for the perpetuity to be acquired under this act, and to make their award therein by writing under their hands and seals, or under the hands and seals of any two of them; and such award shall be binding upon the said commissioners, and they shall amend accordingly the certificate of the terms of the purchase to be by them granted to such tenant or lessee, or grant a new certificate in lieu thereof; and the expenses of such arbitration shall be borne by the said commissioners, or by the said tenant or tenants or lessee or lessees, as such arbitrators shall direct.

CXLVI. That the said annual rent so reserved and made payable by Remedies for such tenant or lessee or grantee out of or in respect of any such recovery of reverts and premises, in any such deed or deeds of conveyance thereof as aforesaid, and every such revised and new annual rent as aforesaid, shall
be recovered and recoverable by any such archbishop or bishop or other ecclesiastical person, and his successors, or by the said commissioners and their successors, as the case may be, by all or any of the ways, means, or remedies which, according to any law or statute now in force in Ireland or hereafter to be made, is or are shall be provided for the recovery of any rent service upon any lease for life or for years executed by any landlord or person seised in fee simple, and subject to all the like rules and regulations by statute or otherwise, any law, usage, or custom to the contrary notwithstanding: Provided always, That if in any action of ejectment to be brought on account of the nonpayment of any such annual rent, pursuant to the statutes in force in Ireland as to nonpayment of rent, judgment shall be had and given for the plaintiff in such action, and execution shall have been executed, and such tenant, lessee, or grantee who shall have so purchased the fee simple and inheritance as aforesaid of and in such lands and premises, his assignee or assignees, or the person or persons who shall be then entitled to his estate or interest therein, shall not, within six months from the time of such execution executed, do such act or acts or take such proceedings as are or shall be by law necessary for the redemption of the said lands and premises from the said judgment and execution, pursuant to the said statutes, then and in every such case it shall and may be lawful for any tenant, under-tenant, or owner of any derivative lease, estate, or interest in the said lands and premises, who shall have contributed to the purchase of the fee simple and inheritance as aforesaid, his assignee or assignees, within nine months after such execution executed, to do such act or acts or take such proceedings for the redemption of the said lands and premises from the said judgment and execution, and for obtaining relief in respect of the said lands and premises from the said judgment and execution, and for obtaining relief in respect of the same, as under the said recited statutes any mortgagee of a lease might do or take for the redemption of the said lease, or his estate or interest therein, from any judgment and execution in any action of ejectment for nonpayment of rent, pursuant to the said statutes, and for obtaining relief in respect of the same, and with the like effect to all intents and purposes; and after such redemption the sum or sums of money so paid or advanced for or on account of such redemption, and the costs thereof, shall be and be deemed a lien and charge upon such estate or interest of such tenant or person so failing or neglecting to pay the same, or to take such proceedings for such redemption as aforesaid, and shall be payable, with interest, to such person who shall have so paid or advanced such sum or sums or obtained such redemption, or the same shall be recoverable by him (at his election) from such person so failing or neglecting as aforesaid, in and by any action of debt.

CXLVII. That it shall and may be lawful for any owner, his heirs, appointees, or assigns, at any time after the passing of this act, upon a division of the lands or premises held by him or them, either by sale or otherwise (except by lease or demise at rack rent), to make an application in writing to any archbishop or bishop or other ecclesiastical person under whom he or they shall then hold the said lands or premises, or to the commissioners under this act in case the said lands and premises shall have been vested in and transferred to the said commissioners, signifying the desire of such applicant that the yearly rent or rents then charged or to be charged on the said lands and premises by such deed of conveyance as aforesaid shall be divided and apportioned upon parts of the said lands and premises only; and thereupon in each and every such case such archbishop or bishop or other ecclesiastical person, or the said commissioners, as the case may be, shall and he or they is and are hereby authorized and required to divide or apportion the whole or any part of the said yearly rent or rents as aforesaid in such manner and proportions as by such application may be required, regard being had to the security of the several parts or proportions of the said yearly rent or rents; and in case of any disagreement in respect of such apportionment, then the same shall be made by one or more valuers, to be in
all cases nominated by the said commissioners; and the expence of such apportionment shall be in all cases defrayed by the party applying for the same; and such archbishop or bishop or other ecclesiastical person, or the said commissioners, or, in case of such disagreement as aforesaid, such valuator or valuators, shall declare what parts and proportions of the said yearly rent or rents respectively shall in future be severally charged upon any part or parts of the said lands and premises, and shall state the names and denominations, the number of acres, and the metes and bounds of each portion, and the amount of rent to be reserved and made payable out of each such portion respectively; and after every such apportionment the yearly rents or sums so apportioned shall be reserved and be made and be payable in such parts and proportions, and chargeable only upon such proportions of the said lands and premises as shall be so declared to be liable to the payment thereof respectively; and in case the said apportionment shall be made before the execution of a conveyance of the fee simple and inheritance, pursuant to this act, then and in every such case it shall and may be lawful for such archbishop or bishop, or for the said commissioners, to execute separate conveyances, in the manner herein-before directed for executing conveyances, of each such part or proportion of the said lands and premises, subject only to the proportionate rent payable in respect thereof; and in case a conveyance shall have been made or executed by such archbishop or bishop, or the said commissioners, of the said lands and premises, then and in every such case the said archbishop or bishop, or the said commissioners, shall execute, under his or their respective seal, a certificate setting forth the said apportionment, and the amount of the rent to be charged or chargeable upon each portion of the said lands and premises, and shall cause the same to be registered in the registry of the diocese wherein the said lands and premises shall be situate, and also to be enrolled in the rolls office of the high court of chancery along with and annexed to the enrolment of the deed of conveyance of such lands and premises as aforesaid; and after such registry and enrolment of such certificate the said lands and premises shall thenceforward stand and be charged and chargeable with the said yearly rent or sums in such parts and proportions only and in such manner as shall be specified in such certificate; and a copy of such enrolment, duly compared and attested, shall be conclusive evidence of the amount of rent with which each respective portion of the said lands and premises stands charged and chargeable.

CXLVIII. That immediately upon the execution of such deed of conveyance as aforesaid of the said lands and premises, under the provisions of this act, the said lands and premises in the said deed of conveyance mentioned, and the estates or interests thereby so granted, shall thereupon respectively go to and be vested in, settled upon, and enjoyed by the same person or persons, for the like estate, estates, or interests, and to and upon the same uses, trusts, intents, and purposes respectively, (or as near thereto as the nature of each case and the difference of interest will admit,) as the said lands and premises stood settled or limited to, for, or upon, or such of them as at the time of making such conveyance shall be existing undetermined and capable of taking effect: Provided always, That the execution of such deed of conveyance as aforesaid shall operate as and be and be deemed to be, to all intents and purposes, a surrender of all and every the then previously subsisting term or terms of years, estate, or interest in the said lands and premises derived from or under such archbishop or bishop or other ecclesiastical person, or the said commissioners, as the case may be; and the same and every of them shall thenceforth cease, determine, and be for ever extinguished.

CXLIIX. That whenever any such tenant or lessee who shall have purchased and acquired as aforesaid the fee simple and inheritance of quiring perp-
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tenants when bound by tories quotes covenant.

Contribution of inferior tenants, how ascertained.

Fine for renewal to be ascertained according to average price of wheat or oats.

Persons having derivative estates shall contribute towards purchase money.

asiastical person, or the said commissioners appointed under this act, shall, by virtue of any lease, covenant, or contract theretofore made entered into, be bound to renew to any other person or persons any lease of any such lands and premises, either as often as such archbishop, or bishop or other ecclesiastical person respectively shall renew the lease of such lands and premises to him such immediate superior tenant or in any other manner, then and in every such case the conveyance of the fee simple as aforesaid of and in the said lands and premises as aforesaid to such immediate and superior tenant (or the payment from time to time of the annual rent out of the said lands and premises to the said archbishop or bishop or other ecclesiastical person, or to the said commissioners respectively,) shall (so long as the said estate or interest thereby granted shall continue) in all courts of law and equity and to all intents and purposes whatsoever, as to such under tenant or inferior tenant, or person or persons having any such derivative estate or interest, and being entitled to the benefit of such covenant or contract for renewal, and as to all other derivative estates or interests in the said lands and premises dependent upon such covenant, contract, or agreement for renewal, be and be deemed, taken, and construed to be renewal by such archbishop or bishop or other ecclesiastical person, or otherwise, from time to time of the lease of such immediate or superior tenant, for the purposes of and within the true intent and meaning of such covenant, contract, or agreement for renewal aforesaid.

CL. That when the fine to be paid upon the execution of any such renewal as before mentioned shall have been, by such covenant, contract, or agreement for renewal, agreed to be a certain or ascertainable proportion of or dependent upon the amount of the renewal fine to be paid by the immediate superior tenant of such lands to such archbishop or bishop or other ecclesiastical person as aforesaid, then and in such case, upon and after the completion of such purchase of the fee simple of and in the said lands and premises as aforesaid, the amount of such proportion of such renewal fine payable by such under or inferior tenant shall be ascertained by reference to the amount of the average renewal fine payable previously to the said purchase, as appearing in the certificate of the said commissioners appointed under this act, registered in the registry of the diocese, and enrolled in the rolls of the court of chancery aforesaid, ascertaining the amount of the average renewal fine payable by the immediate superior tenant of the said lands previously to such purchase and sale of the fee simple and inheritance therein aforesaid, and in no other manner whatsoever.

CL I. Provided always, That such fine to be paid upon the execution of any such renewal as aforesaid shall be subject to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of seven years, according to the provisions herein before contained, such variation to be applied for and ascertained in the like manner, and subject to like regulations, so far as the same are applicable, as herein-before provided in respect of the variation of the rents to be reserved under this act.

CL II. And whereas such purchase of the fee simple and inheritance of and in such lands by such immediate superior tenant of such archbishop or bishop or other ecclesiastical person, or the said commissioners, will, pursuant to the provisions hereof, entitle to the benefit of persons having derivative estates or interests in the said lands by virtue of leases containing covenants or contracts for renewal, and it is just that all persons having such derivative interests and claiming the benefit of the provisions of this act should contribute to the expense of such purchase; be it therefore enacted, That whenever any such tenant of such lands, holding the same immediately from and under such archbishop or bishop or other ecclesiastical person, or the said commissioners, shall have purchased the fee simple and inheritance as aforesaid.
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of and in the said lands and premises at a certain rate of purchase money as aforesaid, pursuant to the provisions of this act, and shall, after completing such purchase, be bound, under the provisions of this act, or otherwise, to renew any lease or leases of any of the said lands and premises to any under or inferior tenant, or any other person or persons, all and every such person and persons having any derivative estate or interest in the said lands and premises immediately or mediately from, through, or under such immediate superior tenant who shall have made such purchase as aforesaid, shall respectively contribute towards the amount of the purchase money thereof, or towards reimbursing and paying of a proportion of the same, each to his own next immediate landlord, according to the value of their respective interests, in manner following; that is to say, it shall and may be lawful for such immediate superior tenant who shall have made such purchase as aforesaid, his executors and administrators, by notice in writing, to call upon and require all and every such his under or inferior tenant or tenants, or persons holding immediately from or under him, as shall be entitled to any estate or interest in any of such lands and premises by virtue of any lease or contract containing any covenant or agreement for renewal of such estate or interest, to contribute respectively towards such purchase money in proportion to the value of his or their respective estate or interest in the said lands and premises, or any of them; and in like manner it shall and may be lawful for any such under or inferior tenant or person holding the said lands and premises, or any of them, upon being served with such notice requiring from him such contribution as aforesaid, by notice in writing to call upon and require all and every under or inferior tenant, or person or persons holding immediately from or under him respectively any of such lands and premises, by virtue of any lease or contract containing any covenant or agreement for renewal, to contribute, in proportion to the value of his or their respective interest, towards such sum of money to be paid as such contribution as aforesaid by such his or their next immediate landlord; and so in like manner every under or inferior tenant of or person holding any of such lands and premises, upon being so called upon for any such contribution as aforesaid, may and is hereby empowered, by service of a notice in writing, to require a contribution in like manner from any tenant or person holding under him or them respectively under by virtue of any lease or contract containing any covenant or agreement for renewal.

CLI. That it shall and may be lawful for any such immediate superior tenant of the said lands under such archbishop or bishop or other ecclesiastical persons, or the said commissioners, as the case may be, or for any under or inferior tenant or other person as aforesaid having or claiming any derivative estate or interest in any of the said lands and premises immediately or mediately from, through, or under such superior tenant, under or by virtue of any lease or contract containing a covenant or agreement for renewal, in case any dispute or difference shall arise between them or any of them respectively as to the sum of money to be paid by any such inferior tenant to any such his next immediate landlord or the person from whom he holds the said lands, or any of them, as and for a contribution towards such purchase money as aforesaid, or towards reimbursing to such his next immediate landlord or person from whom he holds as aforesaid a proportion of the sums of money paid or payable by such his next immediate landlord as and for a contribution in respect of such purchase as aforesaid, or in case during the period of six calendar months from the service of any such notice as last aforesaid there shall be an omission or neglect by any of such parties or persons to agree with respect to any such contribution, or in case within such time no agreement shall be made with respect to the same, or in case any such dispute shall arise respecting any mortgage or sale of any land or premises for raising any contribution money or part thereof, or respecting the variation of any fine, as hereinafter provided, according to the price of wheat or oats, or respecting the

Disputes between superior tenants and others, how to be determined
reservation of any additional and increased annual rent to be reserved in lieu or stead of any contribution under the provisions herein-after contained, in any of such cases to present a petition to the high court of chancery or court of exchequer in Ireland, stating the premises respectively as the case may be, and praying the proper or necessary relief in relation to the said matters; whereupon it shall and may be lawful for such court, without requiring proof of any notice of such petition being given to or served upon any person or persons, to make an order referring the matter of such petition to one of the masters of the court of chancery, or to the chief remembrancer of the court of exchequer, as the case may be, directing such master or chief remembrancer to inquire and report concerning the said matters or any of them, as such court shall direct; and thereupon it shall and may be lawful for the said master or chief remembrancer, as the case may be, to summon before him any of the said parties, or any person or persons, and to examine him or them, upon oath, respecting any of the matters so referred to him, and upon appearance of, or proof of service of notice of such petition and order upon, any such person or persons to be affected by such petition, to inquire and make his report concerning the said matters so referred to him, as in other cases of references to any such master or chief remembrancer under the orders of such respective courts; to which report of such master or chief remembrancer it shall be lawful for any of the said parties to the said petition or to be affected by it to take an exception or exceptions as in other cases of exceptions taken to any reports of such master or chief remembrancer; and upon the hearing of such report when not excepted to, or upon the hearing of such exceptions to such report when any such shall have been taken thereto, it shall and may be lawful for such court to make such order for the payment of such sum or sums of money by such person or persons as shall be found to be chargeable with the same by such report, or of such sum or sums of money by such person or persons as, upon exceptions taken to such report, the said court shall deem to be properly chargeable with the same, to be paid within three calendar months from the time of service of such order of the said court, in such manner as such court shall think fit, or such other order as the said court shall think fit; and such order of such court shall be final and conclusive, and without any appeal therefrom; and the said court may order the costs of any such proceedings in relation to the said petition to be paid by or to any of the said parties respectively, as the said court shall think fit, which said order or orders shall and may be served either in the manner herein-after provided, or in such other manner as the said court shall think fit to direct: Provided always, That it shall and may be lawful for any such immediate superior tenant of such lands and premises, if he shall so think fit, to make all the tenants or persons having or claiming any derivative estate or interest in the said lands, whether immediately or mediately from, through, or under him by virtue of any covenant for renewal, parties to any such petition, for the purpose of having all the sums of money payable by or chargeable upon all and every of such persons in respect of any such contribution simultaneously ascertained.

Persons having derivative estates, and failing pay to contribution, shall forfeit right of renewal.

CLIV. That if any such person or persons having or claiming any such derivate estate or interest in such lands and premises by virtue of any lease or contract containing any such covenant or agreement for renewal, having been served with any such notice calling on him or them for any such contribution as aforesaid, shall by writing decline or refuse to take or accept a renewal of such estate or interest, subject to the provisions of this act, or who being so served with any such order of such court as aforesaid shall neglect or refuse to comply with the terms of such order for or during the period of three calendar months from the time of the service of such order as aforesaid, every such person so declining or refusing to take or accept such renewal as aforesaid, or neglecting or refusing to comply with such order as aforesaid, his or
their heirs, executors, administrators, and assigns, and all other persons claiming under him, or claiming any benefit or interest under any such respective lease or contract containing such covenant or agreement for renewal, shall for ever thereafter be barred of and from all right, benefit, and advantage, in law or equity, in, of, and from such covenant or agreement for renewal, or to obtain any new lease of the said lands and premises respectively; and every such person or persons, his or their heirs, executors, administrators, and assigns, and all persons claiming any benefit of such respective covenant or agreement for renewal, shall be thenceforth for ever barred from all relief in any court of law or equity in respect of any such covenant or agreement for renewal: Provided always, that any such order of any such court as aforesaid shall and may be enforced by any of the ways or means by which any order pronounced by such court in any suit in equity upon a bill filed may be enforced, save only as against any person or persons who, being entitled to any such derivative estate or interest as aforesaid, shall have, by notice in writing, declined or refused to take or accept any renewal of such estate or interest.

CLV. That whenever it shall happen that any immediate and superior tenant of such lands, or any other tenant or person having any derivative estate or interest in such lands and premises immediately or mediately from, through, or under any such immediate superior tenant of such lands, (other than and except tenants at rack rent for years, or from year to year, or at will, shall be unable or unwilling to pay or advance such sum or sums of money as shall be ascertained, agreed, or adjudged as aforesaid to be payable by any such person or persons respectively for or on account of such purchase money or contribution in respect of such purchase money as aforesaid, it shall and may be lawful for any of such persons, in lieu of paying or advancing any such sum or sums of money respectively, or the whole amount thereof respectively, to grant to the person or persons respectively entitled to receive any such sum or sums of money, or to any other person or persons who shall be willing to advance such sum or sums of money, a mortgage of the said lands and premises so held or possessed by him or them respectively, or of their respective estate or interest therein, (subject nevertheless to such annual rent as aforesaid, and to any head rent payable thereout,) for securing the payment of such sum or sums of money so to be paid by him or them respectively, with interest thereon at the rate of five pounds by the one hundred pounds sterling for a year, or for securing the payment of so much of such sum or sums of money as shall not be paid or advanced; or (for the purpose of paying and satisfying such sum or sums of money, or raising money to pay and satisfy the same,) to sell and convey to such person or persons respectively entitled to receive such sum or sums of money, or to any other person or persons who shall be willing to advance such sum or sums of money upon the purchase thereof, and to their respective heirs, executors, administrators, and assigns, such part or parts of such lands and premises belonging to them respectively, or his or their respective estate or interest therein, (subject to such annual rent as aforesaid, and to any head rent payable thereout,) as shall be equivalent in value to such sum or sums of money so to be paid, or to such portion thereof as shall not be paid or advanced; and any such mortgage, sale, or conveyance of any such lands and premises, or of any estate or interest therein, granted, made, or executed in manner and for the purposes aforesaid, and when the money (if any) raised thereby shall have been applied to the purposes aforesaid, shall (subject always to such annual rent as aforesaid, and to any such head rent as aforesaid,) have priority and precedence in law and equity, as against such granting and executing party, and all persons claiming the same estate or interest, or claiming, from, through, or under or after him, over all other charges and incumbrances or estates affecting the said lands and premises so mortgaged, sold, or conveyed, or affecting the estate and interest therein of the person or
persons so granting such mortgage or executing such sale or conveyance; and if any such mortgage, sale, or conveyance shall be made for the purposes aforesaid by any such immediate and superior tenant or such lands, in lieu of payment of such purchase money as aforesaid the same shall be made or executed to or to the use of his Majesty, his heirs and successors, or to any commissioners or persons by them appointed, to the use of his Majesty, his heirs and successors provided always, That the title of any such lands and premises, when so mortgaged, sold, or conveyed to his Majesty, his heirs or successors shall not be impeached by reason of any defect therein whatsoever provided also, That if any such mortgage, sale, or conveyance as herein before mentioned shall have been made or executed to the person or persons respectively entitled to receive any such contribution in respect of any such purchase money as aforesaid, the granting, making, and executing the same shall be deemed a sufficient compliance with any order of any such court for payment of any such contribution by the person or persons making or executing such mortgage, sale, or conveyance as aforesaid, anything herein contained to the contrary notwithstanding.

CLVI. That whenever any under or inferior tenant, or person or persons having or holding any derivative estate or interest immediately or mediate from, through, or under any such immediate and superior tenant of the said lands, by virtue of a lease or instrument containing a covenant or agreement for renewal, shall be unable or unwilling to pay or advance either the whole or a certain portion of such sum of money as shall be agreed or ascertained or adjudged as aforesaid to be payable by him or them respectively for such contribution in respect of such purchase as aforesaid, it shall and may be lawful for the tenant or tenants, owner or owners of such derivative estate or interest, at his or their election, (in lieu of paying or advancing such sum or sums of money for such contribution, and in lieu of mortgaging or selling a portion of such lands and premises, or his estate or interest therein as aforesaid,) to bind himself, his heirs, executors, administrators, and assigns, to pay for such lands and premises so held by him, to his next immediate landlord, or to the person or persons from or under whom he immediately holds the same, an additional annual rent over and above the annual rent to be otherwise reserved, payable by him or them for or in respect of the said lands and premises, such additional annual rent to be equal in amount to the annual legal interest, at the rate of six pounds per centum for a year, of such principal sum of money as shall be so ascertained or agreed or adjudged to be paid by such tenant or owner of such derivative estate or interest for or in respect of such contribution as aforesaid, or of such part of such principal sum as shall not have been paid or advanced; and in such case it shall and may be lawful for such tenant or owner of such derivative estate or interest to give to his next immediate landlord, or the person or persons from or under whom he immediately holds the said lands and premises, a notice in writing, stating such his election to pay such additional annual rent as aforesaid, in lieu of paying or advancing the amount of such contribution money or a certain portion thereof.

CLVII. Provided always, That from the time of giving such notice as last aforesaid the said lands and premises or estate or interest so held by such under or inferior tenant or owner of such derivate estate or interest, and such under or inferior tenant or owner thereof, his heirs, executors, administrators, and assigns, shall be thenceforth, during the continuance of such estate or interest, or any renewal thereof, save as herein-after mentioned, charged and chargeable with such additional annual rent, over and above any other annual rent payable by him or them to such his or their next immediate landlord, or to the person or persons from or under whom he or they shall hold the said lands and premises, such additional annual rent to be paid at the same times, in the same manner, and to such and the same persons, and to
be recoverable by all the ways, means, and remedies, and subject to the same rules and regulations, as if the same were part of and added to such annual rent as aforesaid before payable, and had been made payable and reserved in and by the deed or instrument of renewal executed or to be executed as aforesaid to such under or inferior tenant or owner as aforesaid; the first gale of such additional rent to be paid on the first gale day for payment of such other rent next after the giving of such notice; provided that the making of such election, and the giving of such notice, and the payment of such additional rent by such under or inferior tenant or owner of such derivative estate or interest, shall be deemed and taken to be a sufficient compliance with any order as herein-before mentioned to be made by the court of chancery or court of exchequer for the payment of such contribution money as aforesaid by such tenant or owner of such derivative estate or interest: Provided also, That it shall and may be lawful for such under or inferior tenant or owner of such derivative estate or interest, having served such notice as last aforesaid, and being liable to the payment of such last-mentioned additional rent, to redeem the whole or any portion of such additional rent, by paying at any time thereafter to such his next immediate landlord of the said lands and premises, his executors or administrators, or assigns, the whole or any portion of such contribution money payable in respect of such derivative estate or interest, in manner following; (that is to say,) that from such time when the whole or a portion of such contribution money shall be so paid as last aforesaid, the whole or so much of such additional rent as shall be equivalent to the interest of such sum of money so paid, at the rate of six pounds per centum for a year, shall cease and determine; and the owner of such derivative estate or interest, and his assigns, and such lands and premises so held by him or them, shall from the time of such payment cease to be liable to the payment of the whole or of such portion of the said additional rent, as the case may be.

CLVIII. That if any person, who by reason of being possessed of an estate or interest in such lands, shall become liable to pay any part of the purchase money required for the purchase of the fee simple and limited interest in such lands and premises, or such contribution money in respect of such purchase as aforesaid, and shall have paid or advanced the same or such portion thereof as he was liable to pay as aforesaid, shall, by virtue of any deed, will, instrument, contract, or otherwise, be seised or possessed of or entitled to only a limited interest as tenant for life, or other like limited interest, in such lands and premises, or in such estate or interest therein, the executors and administrators of any such tenant for life or person having such like limited interest, having so paid or advanced any such purchase money or contribution money in respect of such purchase, shall after his death, as against all persons claiming any charge, incumbrance, or estate in or upon such derivative estate or interest, be the first incumbrancer or incumbrancers upon, and have the first charge or lien upon, such estate or interest in such lands and premises, (saving always such annual rent as aforesaid payable to such archbishop or bishop or other ecclesiastical persons, or the said commissioners, or other head rent payable out of the same,) for the amount of such sum of money so paid by him, together with legal interest thereon from the time of the decease of such tenant for life or person having such like limited interest: Provided nevertheless, That if any part of such principal sum of money so paid and advanced by such person shall be repaid or refunded to such person having such limited interest, his executors or administrators, by any under or inferior tenant of the said lands and premises, by way of contribution in respect of any such purchase under the provisions thereof, such charge, lien, or incumbrance shall be reduced by the amount of the sum so refunded or repaid as aforesaid.

CLIX. That for the purpose of raising such purchase money or contribution money in respect of such purchase as aforesaid, it shall and cases of inca-
Religion and Ecclesiastical Authority.

No. IV.
3 & 4 W. 4,
c. 37.

may be lawful for all bodies politic, corporate, and collegiate, corporations aggregate or sole, and all guilds, fraternities, and brotherhoods, whether corporate or not corporate, and all trustees for charities or other public purposes, and all joint stock companies, who are or shall be possessed of any estate or interest in any such lands or premises belonging to the see or other spiritual promotion or dignity of any archbishop or bishop, or other ecclesiastical persons, and also for any committee or curator of any idiot or lunatic, or of any person non compos mentis, and for any guardian of any infant, or for any person authorized to act for any incapacitated person, (which idiot, lunatic, non compos mentis, infant, or incapacitated person shall be possessed of or entitled to any estate or interest in any of the said lands and premises,) in the same manner as such persons might have done if not under incapacity, and also for all trustees of any such lands and premises on behalf of the persons for whom they shall be trustees, and also for all persons having a limited interest in possession in any of such lands and premises as tenants for life, or such like limited estate, to contract or agree respectively as to the amount of any purchase money or contribution money in respect of such purchase to be paid as herein-before mentioned in respect of any such respective lands and premises, and to apply to or appear before any of the said courts as parties to any such petition or proceedings as herein-before mentioned, and to comply with and perform the orders of any of the said courts respecting any such contribution money or other matters; and (for the purpose of performing any such order, or for raising any such purchase money or contribution money, or for doing or performing such other matters or things as shall in such respective cases be necessary or proper under the provisions of this act) also to make or execute any such sale or mortgage of the whole or a portion of such respective lands and premises, or such respective interests or estates therein as shall be necessary or proper in each such case; and also to agree for or cause to be reserved or recoverable out of such respective lands and premises, or such respective estates or interests, such additional annual rent as aforesaid as may be necessary or proper under the provisions of this act, in lieu of payment of any such contribution money; and also to make, do, or execute all other matters, acts, and things necessary or proper for the due performance of any of the said respective acts, or for complying with the provisions or executing the powers hereof in any respect, as to any such lands, in the same or in like manner, as nearly as the nature of each case will admit, as fully and effectually, to all intents and purposes, and subject to all the same rules and regulations, as, under the provisions hereof, any person of full age, being solely or absolutely possessed of or entitled for his own use to any lease of any such lands, or any derivative estate or interest therein, might or could make, do, or execute the same or any of them under the provisions of this act; and that whenever in any of the provisions of this act relating to any such lands, in describing any tenant, landlord, or other person, a word importing the singular number or the masculine gender only be used, the same shall be understood to include and be applied to several persons as well as one person, and females as well as males, and to such bodies politic, corporate, or collegiate as aforesaid, and to such corporations aggregate or sole, guilds, fraternities, or brotherhoods, corporate or not corporate, trustees for charities or other public purposes, and trustees for any person or persons, as well as to individuals; and that the word "Landlord" shall extend as well to any person or persons, body corporate, politic, or collegiate, or other body of persons entitled to receive any rent out of any of such lands and premises, as to persons usually or legally designated by such word; and that the word "Tenant" shall extend as well to any person or persons, body politic, corporate, or collegiate, or other body of persons, who shall be bound to pay any rent out of any of such lands and premises, as to persons usually or legally designated by such word, unless in any of the foregoing cases there be something in the subject or context repugnant to such construction.
CLX. That while and so long as any tenant or tenants, lessee or
lessees, holding, or who shall at any time hereafter hold immediately
and under the said commissioners under this act, any lands, pre-
mises, or hereditaments heretofore belonging or which shall hereafter
belong to any bishoprick united or hereafter to be united to any other
archbishoprick or bishoprick, and which lands, premises, and heredi-
taments, or the reversion thereof, shall have been transferred to and
vested in the said commissioners by virtue of this act, shall be deirous
of holding such lands, tenements, and hereditaments by the like tenure
as the same have been theretofore holden by, and shall from time
to time, at such periods as the lease in such lands, tenements, or heredi-
taments may have been theretofore usually renewed, or ought to be re-
newed according to the customary manner of renewing the same, or
within six months thereafter, apply for a renewal of such lease, the said
commissioners under this act shall and may accept a surrender of the
then subsisting lease, and shall and are hereby required to demise anew
the lands, tenements, or hereditaments therein contained for such like
term or interest as may have been granted therein by the lease so sur-
rrendered, respecting by such new lease the annual rent or rents there-
fore reserved out of the said lands, premises, and hereditaments by the
lease so surrendered, and receiving for and in consideration of making
such new lease payment of such a fine as may be equal to the average
amount of the renewal fines theretofore paid or agreed to be paid, or
customarily paid or payable for the renewal of the lease or interest in
such lands, tenements, and hereditaments, such annual rent or rents
and average amount of such renewal fines to be ascertained by all such
and the like means as herein-before provided for ascertaining the same
in the case of applications for the purchase of perpetuities under this act.

CLXI. Provided always, That in case the value of any new lease or
interest so to be granted as aforesaid shall at any time appear to the
said commissioners to be increased or diminished in any manner what-
soever, it shall and may be lawful for the said commissioners to accept
or require such greater or lesser renewal fine or fines as in their judg-
ment may be just and reasonable with regard to such increased or dimi-
nished value: Provided nevertheless, That if any difference as to the
increase or reduction of such average renewal fine should arise between
the said commissioners and the tenant or tenants, lessee or lessees
claiming such renewal, the same shall be referred to the determination
of three arbitrators, to be appointed in manner herein-before provided
for the appointment of arbitrators to adjust differences between the said
commissioners and tenants or lessees applying for the purchase of per-
petuities under this act, and with the like powers and authorities so far
as the same are applicable; and the determination of such arbitrators
as to the amount of such increase or reduction of the said fine shall be
conclusive and binding upon all persons whomsoever; and the expense
of such arbitration shall be borne by the said commissioners, or by the
said tenant or tenants, or lessee or lessees, as such arbitrators shall
direct.

CLXII. That it shall and may be lawful for any archbishop or bishop,
or other ecclesiastical person, in any lease or demise of any lands or
premises to be made by him in right of his see or other spiritual pro-
motion, after the passing of this act, or for the said commissioners, in
any lease or demise to be made by them of any lands and premises
vested in them pursuant to the provisions of this act, to separate any
additional rent or sum reserved in consequence of the change in the
liability to the payment of composition for tithes in any lease or demise
of any such lands and premises made by him or them since the six-
teenth day of August one thousand eight hundred and thirty-two from
the former and customary annual rent or rents theretofore reserved and
payable out of such lands and premises, and to reserve such former and
customary annual rent or rents in any new lease or demise to be made
thereby or them after the passing of this act.

Archbishop, &c. in any
lease made
after passing of
this act, shall
reserve former
annual rent
only, excluding
any sum added
there to since
16th August
1832.
CLXIII. That no lease or demise of any lands and premises to be made by any archbishop or bishop, or other ecclesiastical person, after the passing of this act, or by the said commissioners of any lands and premises vested or which may hereafter be vested in them pursuant to this act, shall be deemed or taken to be a letting, setting, or demising of any lands and premises within the meaning of an act passed in the second and third years of the reign of his Majesty King William the fourth, intituled An Act to amend Three Acts, passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Composition for Tithes in Ireland, and to make such Compositions permanent, so as to entitle the lessee or tenant thereof to hold the said lands and premises free from the payment of tithes or composition for tithes.

Notices under this act, how to be served.

CLXIV. That whenever any notice required to be given by this act, or whenever any service of any order or other proceeding of any court which shall be required or be necessary for carrying into effect any of the provisions of this act, cannot be given or delivered to or cannot be effected upon the party or person or persons to or for whom such notice is directed or intended, or upon whom such service is to be effected, it shall be sufficient for the party or person obliged to give such notice or effect such service to leave such notice, or a copy of such order or proceeding, at the last or most usual place of abode of such party or person or persons to or upon whom such notice is to be given or service effected, if the same shall be within Ireland, and if the same shall not be within Ireland, then to serve such notice or such copy upon the agent or receiver of the rents of such party or person or persons, and if such agent or receiver cannot be discovered, then it shall be sufficient to publish such notice, or to give notice of such order or proceeding, by publishing notice thereof three times in the Dublin Gazette, and also to give such notice to or make such service upon any principal occupier of any of the said lands and premises respectively to which such notice, order, or proceeding shall relate.

Power for commissioners to examine on oath.

CLXV. That the said commissioners under this act shall have power and authority, and are hereby empowered and authorised, from time to time to administer an oath to any person or persons who shall at any time give them information or be examined of or concerning any matter or thing relating to the execution of this act, or any way concerning the several powers and trusts in them hereby reposed, and the due execution thereof.

Schedules to be taken as part of act.

CLXVII. That the Schedules (A.) and (B.) to this act annexed shall be deemed and taken to be part thereof as fully and entirely to all intents and purposes as if inserted herein.
### SCHEDULES (A.) PART THE FIRST.

Containing the Yearly Tax to be imposed upon all Benefices, Dignities, and other Spiritual Promotions under the Rank of Bishoprics.

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No fractional part of a pound to be subject to this per-centage.

3d
Religion and Ecclesiastical Authority.

Schedule (A.) Part the Second.
Containing the Yearly Tax to be imposed upon all Archbishoprics and Bishoprics.

<table>
<thead>
<tr>
<th>Yearly Value</th>
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<tr>
<td>Where the yearly value shall not exceed £4,000</td>
<td>£5 per centum.</td>
</tr>
<tr>
<td>Where the yearly value shall exceed £4,000 and shall not exceed £6,000</td>
<td>£7 per centum.</td>
</tr>
<tr>
<td>Where the yearly value shall exceed £6,000 and shall not exceed £8,000</td>
<td>£10 per centum.</td>
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<td>Where the yearly value shall exceed £8,000 and shall not exceed £10,000</td>
<td>£12 per centum.</td>
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<td>Where the yearly value shall exceed £10,000</td>
<td>£15 per centum.</td>
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Schedule (B.)

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<tr>
<th>Bishoprics, when and as void, to be united to other Bishoprics or Archbishoprics</th>
<th>Archbishoprics and Bishoprics to which the Bishoprics becoming void are to be united</th>
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<tbody>
<tr>
<td>1. Dromore</td>
<td>Down and Connor</td>
</tr>
<tr>
<td>2. Raphoe</td>
<td>Derry</td>
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<tr>
<td>3. Clogher</td>
<td>Armagh</td>
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<td>4. Elphin</td>
<td>Kilmore</td>
</tr>
<tr>
<td>5. Killala and Achonry</td>
<td>Tuam</td>
</tr>
<tr>
<td>6. Clonfert and Kilmacduagh</td>
<td>Killaloe and Kilkennya</td>
</tr>
<tr>
<td>7. Kildare</td>
<td>Dublin and Glandelagh</td>
</tr>
<tr>
<td>8. Ossory</td>
<td>Ferns and Leighlin</td>
</tr>
<tr>
<td>9. Waterford and Lismore</td>
<td>Cashel and Emly</td>
</tr>
<tr>
<td>10. Cork and Ross</td>
<td>Cloyne</td>
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[No. IV.] 4 & 5 W. 4, c. 41.—An Act to regulate the Appointment of Ministers to Churches in Scotland erected by voluntary Contributions. [30th July 1834.]

Whereas in many parishes in Scotland the means of public worship provided by the established church of Scotland are inadequate to the extent of the population; and it is expedient to encourage the erection of additional places of worship by voluntary contribution: Be it therefore enacted, &c. That where any church, chapel, or other place of worship in Scotland, built or acquired and endowed by voluntary contribution, shall, according to the provisions of the existing law, be erected into a parochial church, either as an additional church within a parish already provided with a parochial church, or as the church of a separate parish to be erected out of a part or parts of any existing parish or parishes, whether the same be established and erected merely quoad spiritualia by the authority of the church courts of the established church of Scotland, or also quoad tempore by authority of the lords of council and session, as commissioners of teinds, neither the king's Majesty, nor any private person, nor any body politic or corporate, having right to the patronage of the parish or parishes within which such additional churches shall be established, or out of which such new parishes shall be erected, shall have any claim, right, or title whatsoever to the patronage of such newly-established churches or newly-erected parishes; but the appointment of ministers thereto shall be made
Religion and Ecclesiastical Authority.

according to the manner and subject to the conditions which shall have been prescribed by the said church courts, subject always to such alterations as shall be made by them according to the laws of the church from time to time: Provided always, That nothing in this act contained shall extend or be construed to extend to depriving his Majesty, or others, patrons of parishes in Scotland, of their right to rights of present ministers to the existing parochial churches thereof: Provided always, That neither any part of the stipends of ministers appointed for the service of any such additional churches to be erected by voluntary contribution as aforesaid, nor any charge for the support or repairs of any such church, school house, or other building appertaining to the same, nor for the erection or support or repairs of any manse or building for the residence of such ministers, nor for the provision of any glebe for any of such ministers aforesaid, nor for the support of any schoolmaster, shall be imposed on or become chargeable on the teinds or to the heritors of any parish or magistrates of towns in which any such church as aforesaid shall be erected or endowed by voluntary contribution as aforesaid: Provided also, That nothing herein contained shall be construed to limit or affect the powers of the commissioners of teinds exercised under and according to the provisions of the act of the Scottish parliament, sixth of queen Anne, c. 9, intituled An Act for the Plantation of Kirks and Valuation of Teinds.

II. Provided always, That in every church or chapel which may be erected under the authority of this act not less than one fifth part of the sittings therein shall be at rents to be fixed by the said church courts.

III. Provided always, That this act shall not extend to any church or chapel built and endowed in any parish by the patron thereof, which shall contain every right to which he would have been legally entitled had this act never been passed into law.

IV. That if in any parish a church or chapel shall be built and endowed at the joint expense of the patron thereof and of one or more heritores therein, and of no other persons, the legal rights of the patron shall take full effect as aforesaid, unless an objection shall be transmitted in writing to the moderator of the presbytery of the bounds, and signed by such a number of the heritores as shall have contributed one fourth part of the whole sum laid out or to be expended in the said building and endowment, in which case the said church or chapel shall all within the provisions of this act.

No. V. 4 & 5 W. IV. c. 90.—An Act to Amend an Act made in the Third and Fourth Year of the reign of His present Majesty, intituled An Act to alter and amend the Laws relating to the Temporalities of the Church of Ireland.

[15th August 1834.]

WHEREAS an act was passed in the last session of parliament, intituled An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland: And whereas it is expedient to amend the 3 & 4 W. 4, said act: Be it therefore enacted, That it shall and may be lawful c. 37. for the lord lieutenant or other chief governor or governors of Ireland for the time being, and his Majesty’s privy council there, in the case of the deanery of Lismore now vacant, when they shall so think fit, at any time after the passing of this act, and in the case of any and every other ecclesiastical dignity or office under the rank of an archbishopric or bishopric, the person holding which shall not have actual cure of souls within any parish appropriated thereto, and also in the case of any and every rectory wherefof the king shall be patron, or the right of presentation or collation whereunto shall be in any archbishop, bishop, or other dignitary, or in any ecclesiastical corporation, and the rector whereof shall not have actual cure of souls therein, whencesoever after the passing of this act any such dignity, office, or rectory shall become void in any manner whatsoever, upon the recommendation of
the ecclesiastical commissioners for Ireland, signed by any instrument under their corporate seal, if the said lord lieutenant or other chief governor or governors and council shall so think fit to order and direct that the appointment to such dignity, office, or rectory shall be suspended until such lord lieutenant or other chief governor or governors and council shall think fit otherwise to direct; and in the meantime, and for and during such period as such dignity, office, or rectory shall remain vacant, all and every the tithes, glebes, lands, rents, profits, and emoluments whatsoever belonging or appertaining thereto, and all arrears of such tithes, rents, profits, and emoluments which may have accrued due since the same may have become void as afore-said, shall be vested in and received by the said ecclesiastical commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said act; and the said ecclesiastical commissioners shall have all and every the like remedies for the recovery of such tithes, glebes, rents, lands, profits, and emoluments, and all arrears thereof, as any person filling such dignity, office, or rectory might or would have, and shall be for all such intents and purposes in the place and stead of such person: Provided always, That in the case of any such suspension as afore-said it shall and may be lawful for the chapter of any diocese or cathedral church, or members thereof, to nominate and appoint some fit and proper person to perform and exercise all such acts and duties in relation to the property of any such chapter or cathedral church or otherwise as might or ought to have been or be performed or exercised by any successor in such dignity or office so suspended if such successor had been appointed; and such person so nominated and appointed shall have all such powers and authorities, and be subject to all such liabilities, in relation to the performance of such acts and powers, spiritual or other duties, as any such successor, if duly appointed, would have had or been subject to; and all the acts of the person so appointed shall be of equal force and validity as the acts of any such successor if so appointed.

II. Provided always, That if in any case it shall seem expedient to the lord lieutenant or other chief governor or governors of Ireland for the time being and his Majesty’s privy council there, to remove any such suspension and to give authority for the appointment to any office, dignity, or rectory, subject to the severance therefrom of all and every the tithes, glebes, lands, rents, profits, and emoluments whatsoever appertaining thereto, it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being and his Majesty’s privy council there, to remove such suspension accordingly, on the condition herein-before contained.

III. Provided also, That whenever any right of presentation, nomination, or appointment to any vicarage or perpetual or other curacy shall be annexed or incident to any office, dignity, or rectory, the appointment to which shall be so suspended, then and in every such case such right of presentation, nomination, or appointment shall, upon every avoidance of such vicarage or perpetual curacy which shall happen during such suspension, belong to and be exercised by the same person or persons, or body or bodies corporate, by whom the right of appointment to such office, dignity, or rectory might have been exercised in case the same had not been suspended.

IV. And whereas it is by the said recited act, amongst other things, enacted, That it shall and may be lawful for the said commissioners to settle and adjudge the proportions of crown rents, port corn rents, pensions, procurations, synods, and the salaries of the schoolmasters of the diocesan schools, which the incumbents of any parish or parishes divided or augmented pursuant to the provisions of the said recited act are respectively to pay: And whereas it is expedient that the said provision should be extended to other charges affecting such parishes; be it therefore enacted, That all duties, powers, and authorities which are imposed upon or vested in the said commissioners by virtue of the said
excited act and of this act, or of either of them, touching or concerning the settlement or adjudication of the proportions of such crown rents, port corn rents, pensions, procurations, synodals, and salaries so to be paid as aforesaid, shall extend and be applicable to the settlement and adjudication of the proportions of all other charges whatever charged upon or payable out of such divided or augmented parishes to be paid by the several incumbents thereof respectively after such division or augmentation; and such last-mentioned proportions shall be adjusted and registered in such manner as in and by the said act is directed, and shall be binding and conclusive upon the said several incumbents of such divided or augmented parish or parishes respectively, and their respective successors, any law or custom to the contrary notwithstanding.

V. And whereas the provisions of the said act for the disappropriation of parishes, or the tithes or portions of tithes and glebes thereof, from the dignities to which the same may be united or appropriated, are limited to cases in which there are vicars or curates discharging the duties of such parishes; and it is expedient to remove such limitation; be it therefore enacted, That where there shall not be any vicar or curate in any parish which, or the tithes or any portions of the tithes and glebes whereof, may be appropriated or united to any archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry, it shall and may be lawful for the said lord lieutenant or other chief governor or governors and council, if they shall so think fit, by and with the consent and approbation of the archbishop, bishop, dean, archdeacon, dignitary, prebendarry, or canon thereof, or whencesoever such archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry shall be void, to disappropriate, disunite, and divest such parish, and all tithes, portions of tithes, or glebes thereunto belonging, from and out of such archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry, and, if they shall so think fit, to order and direct that such parish, tithes or portions of tithes, or glebes, so disunited shall from thenceforward be united and annexed to any neighbouring rectory, vicarage, or perpetual curacy, as herein-after mentioned, or shall be and become for ever a separate benefice and parish: Provided nevertheless, That in the rectory, vicarage, or perpetual curacy to which such disappropriated parish tithes or portions of tithes or glebes may be united, or in the separate benefice and parish into which the said disappropriated parish, tithes or portions of tithes, or glebes may be formed, Divine Service shall be constantly and duly celebrated; and if the same shall be made a separate benefice and parish, then and in such case it shall and may be lawful for the king’s Majesty, or other person or persons, or body or bodies corporate, having the right of nomination, appointment, or presentation to such archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry, from time to time to present, collate, nominate, and appoint a clerk to be the incumbent of such parish; and such clerk when duly presented, instituted or collated, and inducted, and his successors, shall be and become bodies politic and corporate, and shall be perpetually endowed with all the tithes, portions of tithes, and glebes so belonging to such parish, and so disappropriated, disunited, and divested as aforesaid, and shall have the actual cure of souls of and within the said parish.

VI. That where under this or any other act any parish in which there shall be any perpetual curate endowed shall be disappropriated or disunited from any ecclesiastical dignity or benefice, such curate shall immediately upon such disappropriation or disunion, and by virtue thereof, be and become rector or vicar, as the case may be, of the parish so disappropriated or disunited; and such perpetual curacy shall merge in the said rectory or vicarage.

Perpetual curates of any parish disunited from benefice to become rector of such parish.

VII. That in any case in which the said lord lieutenant or other chief governor or governors of Ireland and council shall have power and authority under the provisions of the said recited act or this act, and shall any adjoining Lord lieutenant may unite to
think fit, to inappropriate, disunite, and divest any rectory, vicarage, tithes or portions of tithes, and glebes, or part or parts thereof, from and out of any archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canony, it shall and may be lawful for such lord lieuten-ant or other chief governor or governors and council, if they shall so think fit, to unite and annex to any adjoining or neighbouring rectory, vicarage or perpetual curacy as aforesaid, such rectory, vicarage, tithes, or glebes, or any part or parts or portions thereof respectively, which shall so have been inappropriate, disunited, or divested as aforesaid, together with the actual cure of souls within such rectory or vicarage, or such part or parts thereof as shall be so united or annexed respectively, or within such place or places respectively whereof the tithes or glebes shall be so united and annexed; and in such case the said lord lieutenant or other chief governor or governors and council shall direct and regulate the rotations or turns in which the right of presentation or nomination to such adjoining or neighbouring rectory, vicarage, or perpetual cure shall upon any and every future avoidance thereof belong to or be exercised by and between the king's Majesty, his heirs and successors, and by and between any other person or persons, or corpora- tion or corporations, in like manner as the said lord lieutenant or other chief governor or governors and council are authorized and empowered to do in case any rectory, vicarage, tithes or portion of tithes, or glebes or portions thereof, has or have been or shall be united to any vicarage or perpetual curacy pursuant to the provisions of the said re- cited act.

VIII. And whereas by the said act it is made lawful for the lord lieutenant or other chief governor or governors of Ireland, with the privy council there, in case of vacancy, or with the consent therein mentioned, to inappropriate, disunite, and divest any rectory, vicarage, tithes, or portions of tithes, or glebe, from any archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canony, and to unite the same to the vicarages, perpetual or other curacies of such parishes respectively, so as to form a distinct parish or benefice; be it enacted, That the said provision shall extend to parishes in towns where ministers' money is paid, whether there be any tithe or glebe belonging thereto or not; and that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, with the privy council there, in case of a vacancy, or with the consent of the dignitary, prebendary, canon, or other ecclesiastical person having the cure of souls in any such parish in right of or appointment to his said dignity, prebend, or canony, to disunite, inappropriate, and separate such parish, and the cure of souls therein, and the emoluments belonging thereto, whether consisting of glebe, tithes, ministers' money, or other payment, from the said dignity, prebend, or canony, so as to constitute such parish for ever a separate and distinct benefice, to be presented to when vacant in the like manner as the said dignity, prebend, or canony to which it was attached before such separation.

IX. Provided always, That whenever after the passing of this act any deanery, archdeaconry, dignity, prebend, or canony to which any rectory, vicarage, tithes, or glebes, or any part or parts, portion or portions thereof respectively, or ministers' money, or other payment or emolument as aforesaid, shall be appropriated or united, and not being in the gift or disposition of his Majesty, shall become void, and whenever after the passing of this act any benefice whereof the patronage or right of presentation or collation shall be in any archbishop, bishop, or other dignitary, and in which benefice Divine Worship shall not have been celebrated for the three years next preceding the first day of February one thousand eight hundred and thirty-three, shall become void, then and in either of such cases it shall not be lawful to fill up such vacancy or to appoint any successor or successors in such deanery, archdeaconry, dignity, prebend, or canony or benefice, until the expiration of one calendar month after notice in writing shall have been given.
to the said ecclesiastical commissioners by the corporation or person having the patronage or right of appointment or election thereunto, of such vacancy or avoidance having occurred; and any election, appointment, presentation, collation, institution, or induction which shall be made contrary to the true intent and meaning of the said recited act or of this act shall be null and void to all intents and purposes whatsoever; and it shall and may be lawful for the said lord lieutenant and council, and for the said ecclesiastical commissioners respectively, to exercise all powers with which they are respectively invested, in relation to such deanery, archdeaconry, dignity, prebend, or canonry or benefice, by the said recited act or this act, in such manner as if the same were absolutely void: Provided always, That the certificate of the ordinary that Divinos Service has not been celebrated in any such benefice for three years next preceding the first day of February one thousand eight hundred and thirty-three shall be conclusive evidence of such fact for all the purposes of this act and of the said recited act.

X. That it shall and may be lawful to and for the said lord lieutenant or other chief governor or governors and council, whenever they shall, by virtue of the powers in that behalf in them vested, have appropriated the temporalities or any part of the temporalities of any dignity, or shall have divided old parishes, or separated any parish or part of a parish heretofore united, to make such order as to them shall seem expedient for the extinguishing or payment of any charge or charges or of any part thereof to which such dignity or parish or benefice, or the person or persons succeeding to the same, are or may by law be liable, and to direct to whom, and by whom, and out of what funds, and in what sums and proportions, and at what time or times, such charges or any part of the same as are to be payable are thereafter to be paid, and by what means and proceedings and by and against whom the same are thereafter to be recoverable.

XI. That in cases the lord lieutenant or other chief governor or governors of Ireland shall, pursuant to the provisions of the said recited act and of this act, or of either of them, have appropriated, disunitied, or divested from any archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry any rectory, vicarage, tithes, or portions of tithes, or glebes, or part or parts thereof, and in case the person or the representatives of the person upon whose removal or death any such disappropriation, disunion, or divestiture shall have been made, shall, by virtue of any law or statute, be entitled to receive from the next successor of such person in such archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry any sum or sums of money on account of any purchase of or addition to glebes, or of any buildings or improvements, or of money paid by such person to his immediate predecessor on such accounts respectively, then and in every such case it shall and may be lawful for such lord lieutenant or other chief governor or governors and privy council to order and direct that such sum or sums of money shall be charged and chargeable in such shares and proportions as they shall think just and reasonable upon the several parishes, tithes or portions of tithes, or glebes, or part or parts thereof respectively theretofore united and appropriated to such archbishoprick, bishoprick, deaconry, archdeaconry, dignity, prebend, or canonry; and such shares and proportions shall be paid and payable by the several incumbents of such parishes respectively, or by the person or persons thereafter to be entitled to such tithes or portions of tithes, and glebes, or part or parts thereof, respectively, to such person and at such times and in such manner as the whole of such sum or sums of money would have been payable by virtue of any law or statute in force in Ireland in case such disappropriation, disunion, or divestiture had not taken place: Provided always, That it shall and may be lawful for every such incumbent or other person, or his representative, having paid any such share or proportion in manner aforesaid, to receive and recover from his next and immediate successor such part of such share and proportion at such
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XII. And whereas it is by the said recited act provided, that the said ecclesiastical commissioners shall within a certain period pay to the executors or administrators of Doctor Richard Bourke, late bishop of Waterford, all and every such sum of money as, pursuant to any statute or law in force in Ireland, could or might have been recovered by such executors or administrators against the successor of the said late bishop in case such act had not been made; and it is also by the said act further provided, that the said commissioners shall at certain periods, from and after the respective vacancies of the other bishopricks (save and except the bishopricks of Ossory and of Cork and Ross) named in the first column of the Schedule (B) to the said act annexed, or the annexation thereof to any bishoprick in the second column of the said schedule named, pay to the person or his representatives, as the case may be, by whose promotion or death such vacancy shall have been occasioned, or who shall become the bishop of any such united bishopricks, all such sums of money as would have been payable by or recoverable against any successor in such bishopricks in such first column named in case the said act had not been made; but no provision is made by the said act enabling the said ecclesiastical commissioners to recover for dilapidations suffered or committed by the said Doctor Richard Bourke, or other bishops as aforesaid; be it therefore enacted, That the said ecclesiastical commissioners shall and may recover from the representatives of the said Doctor Richard Bourke, and from the bishop of each and every bishoprick in the first column of the said schedule named (save and except the bishopricks of Ossory and of Cork and Ross aforesaid) being or becoming void or united to any other bishoprick under the provisions of the said act, or from the representatives of such bishop, all and every such sums or sum of money as the successor or successors of such bishop of Waterford, or other bishop (if such had been appointed), might or could have recovered under any law or statute in force in Ireland from the representatives of the said Doctor Richard Bourke, or from such other bishop or his representatives, for or on account of dilapidations, in case the said recited act had not been passed; and that the said ecclesiastical commissioners shall have, for ascertaining the extent of such dilapidations, and for the recovery of such money as may be due on account thereof, all such remedies as the successor or successors of any such bishop could or might have used if the said recited act had not been passed; and it shall be lawful for the said ecclesiastical commissioners to deduct from and out of any money which they are or may be liable under the provisions of the said recited act to pay to the representatives of the said Doctor Richard Bourke, or any other such bishop, his executors or administrators, such sums as are or shall be respectively payable by or recoverable from the representatives of the said Doctor Richard Bourke, or such other bishop, his executors or administrators, for or on account of such dilapidations, in like manner as the successor or successors of the said Doctor Richard Bourke, or any other such bishop, might have deducted the same under any law or statute in force in Ireland if the said recited act had not been passed.

XIII. That all such proceedings as may already have been taken by or on behalf of the said ecclesiastical commissioners for the ascertaining or recovery of any money on account of dilapidations in or upon the see house, offices, lands, or improvements of the said bishoprick of Waterford, or of any other bishoprick named in the first column of the Schedule (B) to the said recited act annexed, which may be or have become vacant or united to any other bishoprick under the provisions of the said recited act, are and shall be and be deemed to have been as valid and effectual to all intents and purposes as if the same had been taken by or on behalf of the immediate successor or successors, lawfully
appointed and invested, of the bishop by whom such dilapidations may have been committed or suffered.

XIV. That when and as the bishopricks of Ferns and Leighlin and of Cloyne respectively shall be united to the bishopricks of Ossory and of Cork and Ross, the said ecclesiastical commissioners shall and may in like manner, and by all such and the like means, recover from the persons or their representatives by whose promotion or death such vacancy shall have occurred or been occasioned, or who shall become the bishops of such united sees, all such sums as the successors in such bishopricks of Ferns and Leighlin and Cloyne respectively would have been entitled to recover for dilapidations in case this act had not been made.

XV. That whenever pursuant to the provisions of the said recited act, and with such consent as therein required, the see house of any bishoprick in the first column of the Schedule (B) to the said act annexed shall be or have been chosen to be the see house of any united bishoprick, such see house, and the offices, and the whole or a part only of the mensal or demesne lands thereto belonging, which are set out as a fair equivalent for the whole or a part only of the surrendered mensal or demesne lands belonging to the bishoprick in the second column of the Schedule (B), as the case may be, shall without any grant or conveyance whatsoever be divested out of the said ecclesiastical commissioners, and become vested in the bishop of such united bishoprick, and annexed thereto, and thereafter continue to be to all intents and purposes the see house, offices, and mensal or demesne lands of such united bishoprick.

XVI. That all lands, tenements, and all estates, terms, and interests therein, whether legal or equitable, and all benefit and right of renewal of or in the same, which at the time of the passing of the said recited act were or now are vested in the trustees and commissioners of first fruits in Ireland, shall be and the same are hereby absolutely transferred to and vested in the said ecclesiastical commissioners and their successors in like manner, and upon and for the like trusts, intents, and purposes, as the same were heretofore vested in the said trustees and commissioners of first fruits.

XVII. And whereas it is by the said act provided that upon each and every avoidance happening after the period in the said act mentioned of certain benefices to be selected from and out of the benefices belonging to each of the bishopricks mentioned in the first column of the Schedule (B,) to the said act annexed, it shall and may be lawful for the archbishop of Armagh and archbishop of Dublin to nominate and present to each such benefice one of the fellows or ex-fellows of the college of the Holy and Undivided Trinity, near Dublin, being in holy orders; provided always, that in case the said two archbishops shall not be able to agree in such nomination and appointment, or shall decide upon the person to be appointed to the said vacant benefice, the first turn therein to be exercised by the archbishop of Armagh; and if on the vacancy of any of the said benefices so selected as aforesaid, the said archbishop shall not present thereto some such fellow or ex-fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall for that turn devolve to the bishop of the diocese and be in all respects subject to the ordinary law of lapsed; And whereas it is necessary to explain and amend the said herein-before recited provision; be it therefore enacted and declared to be the meaning of the said recited provision, That upon each and every avoidance of the benefices selected as aforesaid, happening after the time in the said act mentioned, it shall and may be lawful for the said archbishop of Armagh and archbishop of Dublin to nominate and present to each such benefice one of the fellows or ex-fellows of the college of the Holy and Undivided Trinity, near Dublin, being in holy orders; and that if on the vacancy of any of the said benefices, so selected as aforesaid, the said
as the clause providing for liabilities
upon the bishops of Ferns and
Cloyne.

The bishops of Ferns and
Cloyne may
recover for dilapida-
tions from their predeces-sors, and
for sums paid by them from their successors.

Compensation for malicious
injuries to
churches may
be recovered
either at the
next or the
second assizes
after com-
mis.

archbishops shall not present thereto some such fellow or ex-fellow
within such period as any patron ought to present to a benefice in his
gift or presentation, then and in such case the right of presentation
or collation to such benefice shall for that turn devolve to the bishop
of the diocese, and be in all respects subject to the ordinary law of
lapse.

XVIII. And whereas it is necessary to explain and amend certain pro-
visions of the said recited act in respect of the bishopricks of Ferns and
Leighlin and Ossory, and of Cloyne and Cork and Ross; be it therefore
enacted and declared to be the meaning of the said recited act, That the
said ecclesiastical commissioners shall, by such instalments, to be made
in such manner and at such periods from and after the respective periods
when the bishoprick of Ferns and Leighlin shall become united to the
bishoprick of Ossory, and the bishoprick of Cloyne united to that of Cork
and Ross, as any successors thereto would have been respectively bound
or liable if such successors had been appointed, pay to the persons or
their representatives by whose promotion or death such vacancies shall
have occurred or been occasioned, or who shall become the bishops re-
spectively of such united bishopricks, all and every such sums or sums
of money as would have been payable by or recoverable against the se-
veral successors in the said bishoprick of Ferns and Leighlin and bishop-
rick of Cloyne respectively, in case the said act had not been passed;
and that the bishops of such united bishopricks of Ferns and Leighlin and
of Ossory shall be and become liable to the payment of all such like sum
or sums of money as any successor or successors in the said bishoprick
of Ossory would have been in case the said act had not been passed;
and the bishops of such united dioceses of Cloyne and of Cork and
Ross shall be and become liable to the payment of all such like sum or
sums of money as any successor or successors in the said bishoprick of
Cork and Ross would have been in case the said act had not been passed:
Provided that nothing herein contained shall, in the event of the now
bishops of Ossory and of Cork and of Ross becoming respectively bishops
of such united bishopricks, alter or affect the liabilities to them respect-
ively of their successors.

XIX. That if the now bishop of Ferns and Leighlin or the now bishop
of Cloyne shall become bishops respectively of such united bishopricks
respectively, they shall be entitled to recover as successors for any dilata-
ditions; and if they shall pay to the bishop of Ossory, or the bishop
of Cork and Ross, or to his or their respective representatives, as the
case may be, any sum or sums of money which would have been pay-
able by or recoverable against any successor in the said bishopricks,
then and in such case it shall and may be lawful for the bishop of either
of such united bishopricks respectively to recover from his next imme-
diate successor the whole of such sum of money so by him paid; and
such next immediate successor, and his successor or successors respec-
tively, shall and may recover, each against his successor, such propor-
tion of such sum of money as would have been recoverable in each case
respectively if such next immediate successor of the now bishop of
Ferns and Leighlin or of Cloyne had been the next immediate successor
lawfully appointed and invested of the now bishop of Ossory or of Cork
and Ross.

XX. That in case any such wanton and malicious injury or damage
as in the said recited act mentioned shall be committed in or to any
church, chapel, or other building used for religious worship according
to the usage of the united church of England and Ireland, it shall and
may be lawful for the said ecclesiastical commissioners, or any person or
persons to be by them deputed in that behalf, by writing under their
common seal, to sue for and recover satisfaction and amends, pursuant
to the provisions of the said recited act, for such wanton and malicious
injury or damage, either at such period or periods as in and by the said
recited act for that purpose provided, or at the second assizes to be held
after the commission of such injury or damage for the county in which
such church, chapel, or other building may be situate; or if in the county of Dublin, at the second presenting term; or if in the city of Dublin, at the second quarter sessions respectively after the commission of such injury, and that all powers and provisions contained in the said recited act, applicable to the suing for or recovery of such satisfaction at the next assizes, presenting term, or quarter sessions respectively, shall extend and be applicable to the suing for and recovery of such satisfaction and amends at such second assizes, presenting term, or quarter sessions respectively.

XXI. That in case any tenant or lessee, who under the provisions of the said recited act is or shall be entitled to apply and agree for, and who shall have applied and agreed for, the purchase of a perpetual estate or interest in any lands, tenements, or hereditaments, shall hold such lands, tenements, or hereditaments by lease for the term of twenty-one years, whereof less than twenty years shall be to come and unexpired, or for the term of forty years, whereof less than thirty-nine years shall be to come and unexpired, or for three lives, and all the lives named in such lease shall not be in being, then and in every such case it shall and may be lawful for every such tenant or lessee to tender to the archbishop, bishop, or other sole ecclesiastical corporation, under whom he shall hold such lands, tenements, or hereditaments, or to his or their known agent or agents, such sum or sums as he shall consider to be the true and just amount of the renewal fine or fines, and fees customarily paid or payable for or upon the renewal of such lease for such term or interest as in and by the said recited act is required; and in case such archbishop, bishop, or other sole ecclesiastical corporation, shall refuse or neglect within a reasonable time after such tender to accept such sum or sums of money and execute such renewal, then and in every such case it shall and may be lawful for the said ecclesiastical commissioners, and they are hereby authorized and required, at the requisition in writing of such tenant or lessee, to ascertain by the issuing of a commission or by such other ways and means as they shall deem fit and expedient, the amount of the renewal fines usually or customarily paid or payable on and for the renewal of such lease, and the sum which, according to the usual and accustomed mode of renewing the same, ought to be paid on the renewal thereof, up to the day upon and from which the rent to be reserved by the deed or deeds of conveyance of such lands and premises is to begin to accrue due; and such tenant or lessee shall, upon payment to the said ecclesiastical commissioners, to and for the use of such archbishop, bishop, or other sole ecclesiastical corporation respectively, of such sum so ascertained as aforesaid, and of all rents and arrears of rent due upon such lease, be entitled to have a conveyance executed of the fee simple and inheritance of and in the said lands, tenements, and hereditaments, in like manner as if such lease had been fully renewed for such term of years or lives respectively as in and by the said recited act is required: Provided always, That no tenant or lessee holding any lands or premises by lease for the term of twenty-one years or of forty years, whereof less than one year shall have expired, shall be entitled to have any deeds of conveyance of such lands and premises made or granted to him or her by virtue of the said recited act and of this act, or of either of them, unless, in addition to all rent and arrears of rent due upon and reserved by such lease, he or she shall have paid and satisfied to the archbishop, bishop, or other ecclesiastical person under whom he or she shall hold the said lands and premises, or to the said ecclesiastical commissioners, a proportional part of the fine or fines and fees usually and customarily paid and payable for and upon the renewal of such lease, up to and for such day upon and from which the rent to be reserved in and by such deed of conveyance is to begin to accrue due.

XXII. That whenever upon any application for the purchase of the fee simple and inheritance in any lands under the provisions of the said recited act or this act, or for the renewal of any lease, or the making a
new lease or demise of any lands held under the said ecclesiastical commissioners, such commissioners may be authorized and required to ascertain the amount of any fine or fines and fees theretofore paid or agreed to be paid or customarily paid or payable for renewal of such lease, and that such commissioners shall find that the fine or fines and fees paid during any such period as in the said act mentioned, or agreed to be paid or payable for the renewal of such lease, have been greatly inadequate as compared with the fine or fines and fees usually paid according to the custom of the same diocese or other spiritual promotion for or upon the renewal of leases or interests in other lands within such diocese or other spiritual promotion held by like tenure and demise, and that such commissioners shall have reasonable cause to conclude that such inadequacy arose out of any favour or community of interest between the lessor and lessee, then and in such case the matter shall be referred to three arbitrators, to be appointed in manner by the said recited act provided for the appointment of arbitrators to adjust differences between the said commissioners and parties applying for the purchase of perpetuities under the said act; and the expense of such arbitration shall be borne by the said commissioners, or by the other party, or by both, in such proportions as such arbitrators shall direct; and if such arbitrators shall decide that the fine or fines and fees aforesaid were not greatly inadequate, or that such inadequacy did not arise out of any favour or community of interest between the lessor and lessee, the said commissioners shall proceed to make their calculation as by the said act required upon such fine or fines and fees so paid or agreed to be paid or payable, and in all respects as if no inadequacy had been alleged to exist; but if the said arbitrators shall decide that such fine or fines and fees were greatly inadequate, and that such inadequacy arose out of any favour or community of interest between the lessor and lessee, then and in such case the said arbitrators, or any two of them, shall and are hereby authorized and empowered to inquire and ascertain, by actual survey and valuation, or by the examination of witnesses upon oath (which oath the said arbitrators are hereby authorized to administer), or by such other ways and means as they shall deem fit and expedient, the yearly value of the lands, tenements, and hereditaments, the tenant or lessee whereof shall so have applied for such renewal or purchase, and the fine or fines and fees which ought reasonably to have been paid for the renewal of such lease or interest in such lands in proportion to the yearly value thereof, according to the custom of the same diocese or other spiritual promotion, upon the renewal of leases or interests in other lands and tenements situate within the same respectively, and held upon the like tenure and demise; and the determination of such arbitrators, as to the amount of such fine or fines and fees, shall be conclusive and binding upon all persons whomsoever, and the fine or fines and fees so ascertainment shall be deemed and taken to be for all purposes of the said recited act and of this act the renewal fine or fines and fees respectively theretofore paid, agreed to be paid or payable, or which ought to have been paid upon the renewal of the said lease or interest in such lands, tenements, and hereditaments, the tenant or lessee whereof shall so have applied for such renewal or purchase as aforesaid.

XXIII. That every commission to be issued by the ecclesiastical commissioners for the purposes of this act shall issue in the same manner, and shall be subject to the like rules and regulations, and shall have and exercise the like powers, as in and by the said recited act is provided with respect to commissions directed to be issued for inquiring into the value of ecclesiastical benefices.

XXIV. And whereas it is by the said recited act amongst other things enacted, That upon such notification in writing being given by any such tenant or lessee as therein mentioned, that he is ready and willing to purchase the fee simple and inheritance of and in any lands, premises, or hereditaments held by him by virtue of such lease or contract as
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therein mentioned immediately from and under any archbishoprick, bishoprick, or other spiritual promotion or dignity pursuant to the provisions of the said recited act, it shall and may be lawful for the said ecclesiastical commissioners, and they are thereby authorized and required, to ascertain the amount of the sum or sums of money theretofore paid or agreed to be paid as and for the fine or fines and fees for renewal of any such lease or interest of and in the said lands and premises in case of leases for lives for and during such period as shall include the three last previous occasions of such renewal; and it is in and by the said recited act further enacted, That in the case of leases for lives the said commissioners under the said recited act shall compute the yearly average of the renewal fines and fees in such manner as to them shall seem just with reference to the average duration of lives and beneficial interest; be it enacted, That from and after the passing of this act the said recited provisions, so far as the same relate to the purchase of perpetual estates or interests in any lands, premises, or hereditaments held by virtue of any lease or leases for lives, be and the same are hereby repealed.

XXV. That in every case in which any tenant or lessee who under the provisions of the said recited act shall be entitled to apply and agree and shall have applied for the purchase of a perpetual estate or interest in any lands, premises, or hereditaments shall hold such lands, premises, or hereditaments under or by virtue of any lease for lives it shall and may be lawful to and for the said ecclesiastical commissioners to ascertain by calculation a term for years of equal value to the subsisting interest or term for lives then in being under such lease, and thereupon to compute and ascertain in such manner as to them shall seem just with reference to the custom of the archbishoprick, bishoprick, or other spiritual promotion in which such lands, tenements, and hereditaments shall be situate, the annual sum or sums of money which ought to be paid or payable as and for the fine or fines and fees for renewal of a lease of the said lands, premises, and hereditaments held for such a term of years aforesaid; which sum or sums so ascertained, together with and in addition to the annual rent or rents theretofore reserved and payable out of the said lands and premises under and by virtue of such lease for lives, shall be the amount of the annual rent to be reserved and made payable in and by the deed of conveyance of the said lands and premises, to be executed pursuant to the provisions of the said recited act and of this act or of either of them, subject, however, to such variation, according to the price of wheat or oats, as in and by the said recited act and this act provided; and such amount or sum so ascertained shall in all cases of leases for lives be inserted in any certificate to be given, granted, registered, or enrolled pursuant to the provisions of the said recited act, instead of the average renewal fine theretofore paid or payable on the several occasions of renewing any such lease for lives.

XXVI. And whereas under and by virtue of the said recited act it is enacted that it shall and may be lawful for the said commissioners, out of the said funds therein mentioned, to defray all such incidental charges and expenses as shall become necessary in the execution of the several powers and trusts by the said act, or any act thereafter to be passed, reposed in them: And whereas it is expedient that the sum to be paid for costs to the solicitor or attorney employed by the said commissioners should be limited in amount; be it therefore enacted, That no sum shall be paid by said commissioners to any attorney or solicitor as and for costs, charges, or expenses unless the amount of such payment shall first have been approved of by the lords of the treasury: Provided always, That no sum exceeding one thousand pounds shall be allowed in any one year by the said lords of the treasury as and for the costs, charges, or expenses of any such attorney or solicitor; and before any such sum shall be allowed by the said lords commissioners of the treasury on such account as aforesaid, the particulars of all such costs, charges, and expenses shall be laid before them.
XXVII. That it shall and may be lawful for the said ecclesiastical commissioners, with the consent and approbation of the lords commissioners of his Majesty's treasury, to bestow and apply out of any surplus or balance which may arise in any year, after due provision made for the several objects and purposes to which the funds accruing to the said ecclesiastical commissioners under the provisions of the said act of the last session of parliament are primarily applicable, such sums as they shall think proper for and to such charitable purposes as the bishops of the several bishoprics, the temporalities whereof may now be or hereafter become vested in the said ecclesiastical commissioners, may have usually subscribed or contributed towards.

XXVIII. And whereas it is expeditient that provision should be made for facilitating the execution of the deed or deeds of conveyance of lands and premises to be purchased pursuant to the said recited act, where such lands and premises are or shall be held under any archbishop, bishop, or other sole ecclesiastical corporation; be it therefore enacted, That from and after the passing of this act, so much of the said recited act shall be repealed as provides that if such lands so to be purchased shall, at the time of such purchase, belong to or be held under any archbishop or bishop, or other ecclesiastical person, then and in such case, on the production by tenant or lessee, as therein mentioned, to the said archbishop, bishop, or other ecclesiastical person, of such notice or certificate, and of such receipt of the cashier or cashiers of the bank of Ireland as therein mentioned, such archbishop, bishop, or other ecclesiastical person shall and he and they is and are hereby required and directed to execute, seal, and deliver a deed of conveyance of the fee simple and inheritance of the said lands and premises to such tenant or lessee, when the same shall be tendered for execution, subject to such annual rent as therein mentioned; and that if such archbishop, bishop, or other ecclesiastical person shall, on the production of such notice or certificate and receipt as aforesaid, refuse or neglect to execute such deed of conveyance, when tendered for execution as aforesaid, for the space of two calendar months after such tender shall have been made as aforesaid, then, upon such proof being made to the said commissioners by affidavit to be sworn before such persons as therein mentioned, (which affidavit they are thereby respectively empowered to administer,) or upon oath of a credible witness to be examined by the said commissioners, it shall and may be lawful for the said commissioners and they are thereby empowered and required to execute, seal, and deliver the said deed or deeds of conveyance in the name of and on behalf of the said archbishop or bishop or other ecclesiastical person so refusing or neglecting to execute the same as aforesaid, and to affix the corporate seal of the said commissioners to such deed or deeds, and to certify the cause of their so executing the same by writing at the foot of or on the back of the said deed or deeds; and that such execution of the said deed or deeds by the said commissioners shall be as valid and effectual to all intents and purposes whatsoever as if the said deed or deeds had been duly executed by the said archbishop or bishop or other ecclesiastical person, in pursuance of the said recited act; and so much and such parts of the said recited act is and are hereby repealed accordingly.

XXIX. That in case any lands, premises, or hereditaments, purchased or to be purchased pursuant to the provisions of the said recited act and of this act or either of them, shall at the time of such purchase be held under any archbishop, bishop, or other ecclesiastical person, it shall and may be lawful for the said ecclesiastical commissioners, on production to them of the receipt of the cashier or cashiers of the bank of Ireland for the amount of the purchase money ascertained and payable in respect of such lands, premises, or hereditaments, pursuant to the said recited act and of this act, to execute, seal, and deliver, in the name and in behalf of such archbishop, bishop, or other ecclesiastical person, a deed of conveyance of the fee simple and inheritance of the said lands, premises, and hereditaments, to the tenant or lessee thereof.
unto and to the use of such tenant or lessee, his heirs and assigns, or as he or they shall appoint, subject to such annual rent as in and by the said recited act is provided; and the said ecclesiastical commissioners shall affix to such deed or deeds of conveyance their corporate seal, and shall give at the foot or on the back of such deed or deeds respectively a certificate or certificates, which shall be conclusive evidence of the truth of the matter thereby certified, that such deed or deeds has or have been executed pursuant to the provisions of the said recited act and of this act; and such deed or deeds shall be in like form, and shall, when so executed, be as valid and effectual to all intents and purposes as if the same had been duly executed pursuant to the said recited act by such archbishop, bishop, or other ecclesiastical person, in case this act had not been passed: Provided always, That the said ecclesiastical commissioners shall, one calendar month at least before the execution of such conveyance, notify, by such notice in writing as in and by the said recited act for that purpose is directed, to the archbishop, bishop, or other ecclesiastical person under whom the said lands and premises are or shall be held as aforesaid, the amount of the annual rent to be thereupon reserved and payable out of the said lands and premises, and of the purchase money to be paid for the conveyance thereof, pursuant to the provisions of the said recited act.

XXX. And whereas in many cases the lands, tenements, and hereditaments held under leases from archbishops, bishops, or other ecclesiastical corporations sole in Ireland have been sub-let to under-tenants, who are entitled, under covenants or contracts, to the renewal of their leases from time to time as often as the first or immediate tenants thereof shall obtain renewals of their leases from any such archbishop, bishop, or other ecclesiastical corporation sole, and by reason of the small interest of the first or immediate tenants in such lands, tenements, and hereditaments, or for other reasons, they may not be desirous to purchase the fee simple and inheritance therein, and it is expedient that in such cases the under-tenants thereof should be authorized to purchase the same, subject to the provisions and regulations herein-after contained; be it therefore enacted, That it shall and may be lawful to and for any under-tenant, having any derivative estate or interest in any such lands, tenements, and hereditaments by virtue of any lease containing any such covenant or contract for the renewal thereof as aforesaid, either mediate or immediately through or under the first or immediate tenant thereof, to apply (in the manner prescribed by the said act in reference to first or immediate tenants) for the purchase of the fee simple and inheritance of and in the lands, tenements, and hereditaments held by such under-tenant under any such lease, giving notice, nevertheless, in writing, of such application to the first or immediate tenant of such lands, tenements, and hereditaments, and to all other tenants thereof (if any) intervening between such archbishop, bishop, or other ecclesiastical corporation sole and the under-tenant making such application, or to the known agent or receiver, agents or receivers of such first and other intervening tenants; and upon the receipt of such notice, or at any time within twelve calendar months thereafter, it shall be lawful as well for such first or immediate as for any other of such intervening tenants to apply in like manner for the purchase of the fee simple and inheritance of and in the same lands, tenements, and hereditaments, and the first or immediate tenant of such lands, tenements, and hereditaments is hereby empowered to contract or agree for the purchase thereof accordingly, in the manner provided by the said act, or as near thereto as circumstances will admit, notwithstanding such lands, tenements, and hereditaments shall not constitute the whole of the lands, tenements, and hereditaments held by him under any lease from any such archbishop, bishop, or other ecclesiastical corporation sole; and in case such first or immediate tenant shall neglect or omit to make application in manner by the said act directed for the purchase of the fee simple and inheritance of and in such lands, tenements, and heredita-
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...ments for the space of twelve calendar months after such notice in writing shall have been given to him, or to his known agent or receiver, it shall be lawful for the said commissioners to treat, contract, or agree with such under-tenant who may have given such notice as aforesaid, or with any intervening tenant who may have made application within the said period of twelve months, for the absolute purchase by him of the fee simple and inheritance of and in the same lands, tenements, and hereditaments, upon such and the same terms and in the same manner as in the said act is prescribed for the purchase of perpetuities by any first or immediate tenant, but subject nevertheless (in addition to the rent thereby directed to be reserved and made payable to the archbishop, bishop, or other ecclesiastical corporation sole under whom the same are immediately held) to a perpetual rent-charge, or as many perpetual rents-charge as there are tenants intervening between such archbishop, bishop, or other ecclesiastical corporation sole, and the under-tenant entering into such contract for purchase, such rent-charge or rents-charge to be ascertained in manner herein-after mentioned, and to be issuing out of the same lands, tenements, and hereditaments, and to be reserved and made payable to such intervening tenant or tenants, his or their heirs and assigns for ever: Provided always, That in case more than one of such under-tenants shall make application for such purchase, the application of the under-tenant holding directly under such first or immediate tenant shall be preferred to that of the one next below, and so on according to priority of holding down to the under-tenant so giving notice as aforesaid; and the said commissioners shall convey the said lands, tenements, and hereditaments, so contracted to be purchased, to the purchaser thereof accordingly, in the manner and under the regulations by the said act provided in relation to the purchases thereby authorized to be made, subject nevertheless to the additional perpetual rent-charge or rents-charge herein-before mentioned; and immediately upon the execution of such conveyance the reversion or respective reversion shall vested in such intervening tenant or tenants shall, so far only as respects such lands, tenements, and hereditaments, be absolutely merged and extinguished in the freehold and inheritance thereby conveyed to such purchaser, and the said perpetual rent-charge or rents-charge, and the estate or interest therein, shall be considered as a substitute or substitutes for the rent and reversion so merged and extinguished as aforesaid.

XXXI. Provided always, That the amount of the perpetual rent-charge so to be reserved and made payable to every such intervening tenant shall be equal to the net annual income or profit rent for the time being derived by him from the lands, tenements, and hereditaments so purchased by such under-tenant as aforesaid, such net annual income or profit rent to be ascertained by deducting the amount or proportional amount of the annual rents, fines, and other outgoings and expenses payable by such intervening tenant in respect of such lands, tenements, and hereditaments from the amount or proportional amount of the annual rents, fines, and other outgoings and expenses payable to him in respect of such lands, tenements, and hereditaments by the under-tenant holding the same directly under him; and for the purpose of ascertaining the said several particulars the said commissioners shall have all such powers and authorities, and shall take all such measures, as are respectively given to and directed to be taken by them for the purpose of ascertaining the several particulars directed to be inquired into by the said act; and every such perpetual rent-charge shall be payable by equal half-yearly payments on the first day of May and the first day of November in each year, and shall berecoverable by all the ways and means used for the recovery of rents in Ireland.

XXXII. Provided always, That where any such intervening tenant shall not be absolutely entitled to the leasehold interest under the lease by virtue of which he holds, then and in every such case, notwithstanding the reservation of the said perpetual rent-charge to such intervening tenant...
tenant, his heirs and assigns for ever, the same shall nevertheless enure to such uses, and upon and for such trusts, intents, and purposes, as will best correspond with the uses, trusts, intents, and purposes which for the time being shall be subsisting concerning the said leasehold interest, or would be subsisting concerning the same if such leasehold interest were still in existence, or as near thereto as the difference in the nature of the interests respectively will permit: Provided always, That every such perpetual rent-charge shall be subject to such or the like provisions for apportionment in the event of a division of the lands, tenements, and hereditaments for the time being subject thereto, or to any part thereof, as are in the said act provided in relation to the new rents to be reserved under the said act, such apportionment to be applied for and ascertained in the manner and subject to the regulations prescribed by the said act, so far as the same are respectively applicable, or as near thereto as circumstances will admit.

XXXIII. And for the prevention of doubts as to the consequences of the purchase of the fee simple and inheritance in lands, under the provisions of the said recited act and this act, by any immediate or mesne tenant, be it hereby declared and enacted to be the intent and meaning of the said act and this act, That any such immediate or mesne tenant shall, notwithstanding his acquisition of the fee simple and inheritance in such lands, and the merger of any previously subsisting term, estate, or interest therein, have all such and the like remedies, by distress, re-entry, action, or otherwise, for the recovery of the rents and duties reserved in any under-lease by him theretofore made, which he might or would have had in case he had not so acquired such fee simple and inheritance, and as would have been incident to his reversion in such previously subsisting term, estate, or interest.

XXXIV. And whereas such purchase of the fee simple and inheritance of and in such lands, tenements, and hereditaments by any such under-tenant will be beneficial to the first and all other tenants thereof intervening between such archbishop, bishop, or other ecclesiastical corporation sole and the under-tenant or under-tenants making such purchase; be it therefore enacted, That whenever such under-tenant of any lands, tenements, and hereditaments shall have contracted for the purchase of the fee simple and inheritance thereof in manner aforesaid, the said commissioners are hereby required to ascertain whether and what proportion of the purchase money on any such purchase ought to be contributed by such first and other intervening tenants thereof aforesaid; and when the said commissioners shall have ascertained the proportion or respective proportions of the purchase money to be contributed by such first and other intervening tenants as aforesaid respectively, it shall and may be lawful to and for the under-tenant so contracting to purchase as aforesaid, his heirs, executors, or administrators, by notice in writing to be given to such first and other intervening tenant or tenants, or his or their known agent or receiver, agents or receivers, to call upon and require such first and other intervening tenant or tenants to contribute his or their said proportion or respective proportions of such purchase money accordingly; and in case any such first or other intervening tenant shall refuse or neglect to contribute such his proportion of the said purchase money for the space of six calendar months after such notice shall have been given to him or his known agent or receiver, then and in such case the said commissioners shall make a corresponding deduction from the said perpetual rent-charge so directed to be reserved to him as aforesaid, such deduction to be equal to six pounds per centum per annum on the proportion of the said purchase money which he shall be so required to contribute as aforesaid; and the said commissioners shall cause the amount of every rent-charge so reduced to be inserted in or indorsed upon the conveyance of the said lands, tenements, and hereditaments to such under-
tenant accordingly; and such reduced perpetual rent-charge shall thenceforth for ever be payable in lieu of the rent-charge herein-before directed to be reserved to such intervening tenant respectively, his heirs or assigns, as aforesaid: Provided always, That in case any such tenant or lessee shall be dissatisfied with the amount of the rent-charge or proportion of the purchase money adjudged payable in manner aforesaid to or by him, the matter shall be referred to three arbitrators, one to be appointed by the tenant to whom the same is adjudged to be payable, and the other by the tenant proposing to purchase as aforesaid, and the third by the two arbitrators so appointed as aforesaid, in manner provided in the said act for the appointment of arbitrators to adjust differences between the said commissioners and tenants or lessees applying for the purchase of perpetuities under that act, and with the like powers and authorities, so far as the same are applicable; and the determination of such arbitrators as to the amount of such rent charge or proportion of such purchase money shall be conclusive and binding upon all persons whomsoever, and the expulsion of such arbitration shall be borne by such party as the arbitrators shall direct.

XXXV. That in case the lands, tenements, and hereditaments proposed to be purchased by any such first or immediate tenant or by any under-tenant respectively, as the case may be, shall be and constitute part only of the lands, tenements, and hereditaments held under lease from any archbishop, bishop, or other ecclesiastical corporation sole, or under any intermediate lease, it shall and may be lawful to and for the said commissioners to ascertain the annual payment which ought according to the provisions of the said act to have been reserved upon the conveyance of the fee simple and inheritance in the whole of the lands held under such archbishop, bishop, or other ecclesiastical corporation sole in Ireland by such lease in case the whole of the said lands had been proposed to be purchased, and having ascertained the amount thereof the said ecclesiastical commissioners shall apportion the amount of the annual payment to be reserved to such archbishop, bishop, or other ecclesiastical corporation sole for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said commissioners shall in like manner ascertain the net annual income derived by each of the intervening tenants from the lands, tenements, and hereditaments held by him or them respectively under their respective leases, and shall apportion with reference thereto the amount of the annual rent-charge to be reserved to each of such intervening tenants for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said commissioners shall in like manner ascertain and apportion, with reference to the annual rents reserved and made payable under and by virtue of such leases respectively, the annual payments to be thenceforth made to such archbishop, bishop, or other ecclesiastical corporation sole, and to such intervening tenants or tenant respectively, for and in respect of the residue and remainder of the lands, tenements, and hereditaments included in the same leases respectively; and the said commissioners shall convey the fee simple and inheritance of and in the said lands, tenements, and hereditaments so proposed to be purchased to the purchaser thereof, subject only to such annual payment as shall be so apportioned to be reserved in respect of the lands, tenements, and hereditaments so proposed to be purchased (and in the case of a purchase by an under-tenant), to the aforesaid perpetual rent-charge or rents-charge to the intervening tenant or tenants, and to make all such other apportionments as the circumstances of the case shall in their judgment require; all which apportionments shall be conclusive and binding on all parties, and the payments so apportioned on the residue and remainder of the lands not purchased shall alone be recoverable in lieu of the whole rents previously reserved by existing leases, and exactly as if such apportioned rents had been the reserved
religion for and in respect of such residue and remainder of the lands not
purchased.

XXXVI. That the provisions herein contained applicable to lands,
tenements, and hereditaments held under any archbishop, bishop, or
other ecclesiastical corporation sole in Ireland shall extend and be ap-
plied to all lands, tenements, and hereditaments now held or hereafter
to be held under the commissioners in the said act named, by reason of
the suppression of the sees therein mentioned; and in all cases in which
any purchase shall be made of lands, tenements, and hereditaments held
under the said commissioners, being part only of the lands, tenements,
and hereditaments included in one lease, the said commissioners shall
ascertain what portion of the fine theretofore payable for the renewal of
such lease should be paid for or in respect of the lands not included in
such purchase, and in case any difference shall arise in regard thereto
the same shall be decided by arbitrators in the manner in the said act
provided for deciding questions between the commissioners and tenants
and lessees applying for the purchase of perpetuities, and the sum so
ascertained shall be thenceforth deemed and taken to be the amount of
fine payable for renewal of such lands, tenements, and hereditaments;
and the said commissioners shall thenceforth from time to time grant
renewed leases of such lands, tenements, and hereditaments, on pay-
ment of the amount so ascertained in manner in the said act provided
for the entire lease, subject nevertheless to be varied in such manner
and under the circumstances in the said act mentioned: Provided that
the payments to be reserved to the archbishop, bishop, or other ecclesi-
astical corporation sole in Ireland shall in all cases be deemed prior in
order of charge to the rent-charges hereby authorized to be granted;
and where in any case there shall be more than one rent-charge reserved
for and in respect of the same lands, by virtue and in pursuance hereof,
the said commissioners shall state in the conveyance to be executed upon
any such purchase the order and priority of the same charges, which
shall be according to the priority of the several tenants at the date of
such purchase, and in case at any time thereafter any of the said rents-
charge shall be in arrear the same shall have priority and be paid in
the order so ascertained.

XXXVII. Provided always, That when and so often as any tenant or
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sub-tenant shall have purchased the fee and inheritance of part of the tenant shall
lands, tenements, and hereditaments included in any lease from any such
archbishop, bishop, or other ecclesiastical corporation sole in Ireland, or
the said ecclesiastical commissioners, or in any intermediate lease, any
lease to be thereafter granted by any such archbishop, bishop, or other
ecclesiastical corporation sole, or the said ecclesiastical commissioners,
or by any intervening tenant or tenants, as the case may be, of the
residue and remainder of the same lands, tenements, and hereditaments,
reserving only the proportion of the rent payable for or in respect of
such residue and remainder, to be ascertained as aforesaid, shall be as
valid in all respects in reference to the lands included in such lease as a
lease of the entirety at the entire rent would have been, and in all
respects have the same operation, as far as the lands, tenements, and
hereditaments comprised therein are concerned, as if a lease of the
entirety had been made, and all the statutes applicable to the re-
novations of the whole lease shall apply to such renewals of the part only;
any law, custom, or statute to the contrary in anywise notwithstanding.

XXXVIII. Provided always, That before the execution of any con-
voyance to any under-tenant or under-tenants under the provisions of
this act, he or they shall prove to the satisfaction of the said ecclesi-
astical commissioners that the notice or notices required by this act have
been duly given; and that after the expiration of one year from the com-
pletion of any purchase by any under-tenant or under-tenants, under
the provisions of this act, the same shall not afterwards be impeached.

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ority of rent
charges.
or called in question by reason of any such notice or notices not having been given as aforesaid, nor by reason of any imperfection in any such notice or notices.

XXXIX. That all the provisions in the said recited act contained, in relation to the purchases thereby authorized, and to the consequences thereof, as well with reference to the parties immediately interested, and their rights and liabilities, as to those having derivative and other interests, and their rights and liabilities, in all other respects whatsoever, shall, so far as the nature of the case will admit, extend and be applicable to the purchases by this act authorized to be made, and to the consequences thereof.

XL. And whereas it is by the said recited act amongst other things enacted, that the officiating curate or minister officiating as curate of every parish, union, chancel, or perpetual curacy in Ireland, and the dean and chapter or chapter of every such cathedral and parochial church or cathedral used as a parish church in Ireland, shall, on or before the first day of June in each and every year succeeding the year one thousand eight hundred and thirty-three, prepare or cause to be prepared such estimate containing such items and particulars as are in the said act mentioned, and that such estimate shall be transmitted by such person or persons whose duty it is to prepare the same to the ordinary of the diocese on or before the first day of July in each and every year succeeding the said year one thousand eight hundred and thirty-three; and it is by the said recited act further enacted, that the said ecclesiastical commissioners shall pay or cause to be paid on the first day of September in each year, for the maintenance of all and every the person or persons who at the passing of the said act was or were, or should thereafter be appointed clerk or clerks of such parish, union, or chancel, or chapel of ease, as therein mentioned, certain salaries, or to grant certain allowances in the said act mentioned: And whereas it is expedient that the respective periods for preparing and transmitting such estimate and for paying such sums as aforesaid should be left to the discretion of the said ecclesiastical commissioners; be it therefore enacted, That the said estimates shall be prepared and transmitted at such convenient times, and shall be made and calculated for such period, commencing on such day and ending on such day in each year, as the said ecclesiastical commissioners shall from time to time think fit to direct and signify by writing under their corporate seal to the person or persons whose duty it may be from time to time to prepare and transmit the same; and that such payments on account of salaries or maintenance to clerks heretofore or hereafter to be appointed shall be made at such convenient time in each year as the said commissioners shall appoint and direct; any thing in the said recited act contained to the contrary hereof notwithstanding.

XLI. And whereas it was by the said recited act provided, That all rates or assessments upon any parish, union, chancel, or place, or the inhabitants thereof, or any of them, for certain purposes in the said act mentioned, and all proceedings for the making, assessing, apportioning, or levying the same, should from and after the commencement of the said act wholly cease and determine, and that every rate, assessment, or apportionment for any church purpose whatsoever should be and be deemed to be by all courts of justice totally void as to so much thereof as provides for the church purposes, or any of them, in such act mentioned; and it was also by the said act provided, that in all parishes and places where by virtue of any law, statute, or custom provision may have been theretofofore made by vestry or other assessment for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of Divine Worship, or attendant or sexton, such provision by vestry or other assessment should from and after the passing of the said act wholly cease and determine, and future provision for such church and other
purposes was made by the said act from and after the commencement thereof: And whereas it is necessary, by reason of the said enactments, that provision should be made for the purposes aforesaid for the period of the year one thousand eight hundred and thirty-three intervening between the commencement of the said act and the Easter week next preceding, and also for all such charges and expenses incurred previous to the commencement of the said act as would or ought to have been defrayed by vestry assessment in case the said act had not been made; be it therefore enacted, That so much of the said recited act as disables any vestry called or holden in or for any parish, union, chapelry, or place, or any person or persons, from making, assessing, apploting, or levying any rate or assessment for any of the purposes in the said act mentioned, and so much of the said act as authorizes and requires the said ecclesiastical commissioners to issue and pay the sums required for the several matters and things by such act directed to be included in the estimates to be annually transmitted to the said commissioners, or as authorized the said commissioners to make provision for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of Divine Worship, or attendant or sexton, in lieu of any provision by vestry assessment or otherwise theretofore made for such purposes by any law, statute, or custom, shall take effect and be deemed to have taken effect from the commencement of the Easter week in the said year one thousand eight hundred and thirty-three, and that any such rate or assessment made in such week, or at any time after and previous to the commencement of the said act, shall be utterly null and void in so far as respects any of the church purposes in the said act mentioned, but no further; and that supplementary estimates for the said period intervening between Easter week in the said year one thousand eight hundred and thirty-three and the commencement of the said act shall with all convenient speed be prepared, certified, and transmitted to the said commissioners in manner and form by the said act prescribed in respect of the annual estimates to be transmitted to the said commissioners.

XLII. And whereas it was by the said recited act provided, That certain parts of an act made in the parliament of the united kingdom in the seventh year of his late Majesty king George the fourth, 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, should be and the same were thereby repealed, but doubts and difficulties have arisen as to the mode of obtaining relief against such rates and assessments as have been rendered illegal by such repeal, by reason of the recognizances, notices, and other formalities made necessary by the said act of the seventh year of his late Majesty king George the fourth in order to constitute an effectual appeal against any assessment or apportionment under the said last-mentioned act, and it is expedient to obviate all such doubts and difficulties, and to facilitate the trial of every such appeal upon the merits; be it therefore enacted, That it shall not be necessary for any person who shall appeal to the justices of the peace at the general or quarter sessions of the peace to enter into any recognizance whatsoever, either by himself or with any security or securities, but that the justices before whom such appeal shall come on to be tried shall, upon proof that notice of appeal against rates rendered illegal by 7 G. 4, c. 72, has been given, may proceed to hear the same without recognizances having been entered into.

Upon proof that notice of appeal against rates rendered illegal by 7 G. 4, c. 72, has been given, justices may proceed to hear the same without recognizances having been entered into.

XLIII. That at every vestry to be hereafter at any time called or Every parishioner held in any parish, union, or chapelry, for the purpose of making any other to vote at
Religion and Ecclesiastical Authority. [Part V.  

No. V. 4 & 5 W. 4.  c. 90.  

—vestries without distinction.  

Commissioners enabled to ascertain the amount of existing charges on parishes for purposes for which vestry assessments are now prohibited, and to pay them off.  

XXLV. That it shall be lawful for the said ecclesiastical commissioners to inquire into and ascertain the amount of all such sums as may have been, at or previous to Easter week in the said year one thousand eight hundred and thirty-three, charged or chargeable upon any parish, union, or chapelry, for or on account of any balance of account, costs, damages, or expenses due to any churchwarden, or to any clerk or sexton for his maintenance, and also the amount of any arrears of vestry cess accruing due and not collected for the years one thousand eight hundred and thirty-one or one thousand eight hundred and thirty-two with which any churchwarden may have been charged in his account, and which he may have paid and cannot recover, and also the amount of all sums which any churchwarden or person may have paid or for which he may be liable on behalf of any parish, union, or chapelry, for any purpose now executed, and for which a vestry assessment may have been made in the year one thousand eight hundred and thirty-one or one thousand eight hundred and thirty-two or one thousand eight hundred and thirty-three, not exceeding the arrears due upon such assessment; and the said commissioners, having satisfied themselves of the amount of all such sums as aforesaid, shall, in such manner and to such extent, and subject to such regulations as they in their discretion shall think just and necessary, pay the said sums to the persons respectively entitled thereto.  

Commissioners of public works in Ireland may lend the ecclesiastical commissioners a sum not exceeding 100,000l.  

XXLV. And whereas it is necessary, in order to enable the said ecclesiastical commissioners to provide for the purposes heretofore defrayed by vestry assessment according to the provisions of the said recited act and this act, that such commissioners should be empowered to borrow a sum of money by way of mortgage or loan on the credit of the funds accruing to them under the provisions of the said act; be it therefore enacted, That it shall and may be lawful for the commissioners acting under and in execution of an act made in the second and third years of the reign of his present Majesty, intituled An Act for the Extension and Promotion of Public Works in Ireland, by and with the consent and approbation of the lords commissioners of His Majesty's treasury, to lend and advance to the said ecclesiastical commissioners such sum or sums of money, not exceeding in the whole one hundred thousand pounds, as they shall think proper, to be repaid to the said commissioners for the extension and promotion of public works in Ireland in such manner and at such times, with interest for the same, at and after such rate, not exceeding four pounds per centum per annum on the sum or sums so advanced, as the said commissioners of the treasury shall direct and require; and all sums so lent and advanced shall, with the interest from time to time accruing due thereon, be and the same are hereby charged upon all and every the rents, issues, and profits of all lands, tenements, or hereditaments, and the annual tax and the proceeds thereof, and all and every sum or sums of money, or securities for money, vested in or which shall accrue to the said ecclesiastical commissioners and their successors under and by virtue of the said act, and all interest, dividends, profits, and proceeds thereof; and the said ecclesiastical commissioners are hereby authorized and required to pay such sums of money, and such interest from time to time accruing due thereon, when and as the same shall become due and payable respectively, pursuant to the order and direction of the said commissioners of the treasury, from and out of the produce of the said rents, issues, and profits, and the said tax, and the other funds vested in or accruing to such ecclesiastical commissioners under the said act, prior and in preference to any other application thereof.
XLVII. That the said recited act of the last session of parliament for altering and amending the laws relating to the temporalities of the church in Ireland shall continue in full force and effect, save and except so far as the same is expressly repealed or altered by this present act and that the said recited act and this act shall be construed together as one act to all intents and purposes whatsoever.

full force save as altered by this act, and both acts to be construed together.

[No. VI.] 5 & 6 W. IV. c. 30.—An Act for Protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices, without cure of Souls, and for Preventing the lapse thereof during the pending inquiries respecting the state of the Established Church of England and Wales. [21st August 1835.]

[Inserted ante, vol. I., p. 12.]
PART V.
CLASS II.

TREASON AND OTHER OFFENCES AFFECTING THE STATE

[No. I.] 3 & 4 W. IV. c. 4.—An Act for the more effectual suppression of Local Disturbances and Dangerous Associations in Ireland.

[No. II.] 4 & 5 W. IV. c. 38.—An Act to continue under certain Modifications to the First day of August, 1835, an Act of the Third Year of his present Majesty, for the more effectual suppression of Local Disturbances and Dangerous Associations in Ireland.

[No. III.] 4 & 5 W. IV. c. 48.—An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in Ireland.

[31st August 1835.]

WHEREAS heinous and systematic outrages and disturbances of the peace have from time to time prevailed in several parts of Ireland, and it is expedient to provide for the speedy and effectual prosecution and suppression of such offences; be it therefore enacted, &c., That it shall and may be lawful to and for the lord lieutenant of Ireland, by and with the concurrence of his Majesty's privy council in Ireland, from time to time, as occasion shall require, to order and direct that an extraordinary court of general sessions of the peace shall be holden in and for any county in Ireland, at such place or places therein, and at such time or times, as such lord lieutenant and council may deem proper; and such lord lieutenant shall thereupon nominate and appoint one of his Majesty's serjeants or counsel to preside at any such sessions or any adjournment thereof, and act as chairman thereof; and such serjeant or counsel, so long as he shall continue to hold the said office, shall, without further appointment or commission, have all the powers of a justice of the peace, and be to all intents and purposes a justice of the peace in, of, and for the county in which such extraordinary court of sessions of the peace shall be holden, and shall receive such sum, not exceeding ten guineas for each day during which he shall be so engaged as to such lord lieutenant shall seem fit.

II. That each such court shall have and exercise all rights, powers, jurisdictions, privileges, authorities, functions, and capacities appertaining, incident, or belonging to any court of oyer and terminer and general gaol delivery, or to any court of general quarter sessions of the peace, provided that no person shall be indicted or tried before such court for any offence rendering the person convicted thereof liable to the punishment of death; and that every justice of the peace, coroner, clerk of the crown, and clerk of the peace, and other person who may have any recognizance, information, inquisition, examination, deposition, or other document which would have been returnable to the next court of oyer and terminer and general gaol delivery or general or quarter sessions for the same county, shall return the same to the said extraordinary court holden in pursuance of such order and direction, if relating
Class II.] Treason and other Offences affecting the State.

To any offence or matter cognizable by such court; and that all sheriffs, clerks of the crown and of the peace, constables, and other officers, bound to attend at any sessions of the peace or assizes, shall be in like manner bound to attend at such courts to be holden under the provisions of this act, and obey the orders thereof. Sheriffs and other officers shall be bound to attend.

III. That all prosecutors, traversers, offenders, witnesses, and others, who shall be bound by recognizance or otherwise to appear at any ordinary sessions of the peace or assizes, or other court of criminal jurisdiction for such county, shall, upon being duly served ten days previous to the holding of such extraordinary court of sessions with a notice or summons on behalf of his Majesty, either personally, or by leaving the same at his, her, or their usual or last place of abode, attend at such extraordinary court of sessions, and prosecute, abide trial, appear, or give evidence at the same, in like manner as any such person would be bound to do at any court specified in any such recognizance, or at which such person would be otherwise bound to appear; and in case of default of any such person in that behalf, such person, and every surety for him, shall be liable as for a breach of such recognizances in like manner as if the condition thereof had been violated by a like default with respect to the court specified therein; but if the person bound in such recognizance shall appear at such extraordinary court to be holden under this act, and shall prosecute, abide trial, give evidence, or be ready to give evidence before the grand jury and upon the trial, as the case may be, then the said recognizances shall be discharged in like manner as if the condition thereof had been fulfilled according to the terms thereof.

IV. Provided always, That the clerk of the peace for the county in which any such extraordinary court of sessions shall be directed to be holden under the authority of this act shall cause the time and place appointed for holding the same to be notified in the usual manner of notifying the holding of general or quarter sessions, or adjournments thereof, or otherwise as the said lord lieutenant shall direct; and that the necessary and proper expenses to be thereby incurred shall be raised by presentment of the grand jury at the assizes of the county, in like manner as the other expenses incurred in the discharge of the necessary and accustomed duties of such clerk of the peace are defrayed.

V. That each such extraordinary court of sessions shall continue to sit, and shall adjourn from time to time and place to place as convenience may require, until such day as shall be specified for the termination thereof in and by a like order to be made by the said lord lieutenant of Ireland in council; and that for the purposes of each such session, and during the continuance thereof, such precepts, writs, warrants, processes, and other means for enforcing the attendance thereat of grand jurors, petty jurors, witnesses, traversers, offenders, and other persons, shall and may be issued and returned, and juries impannelled, in like manner as in ordinary cases of proceeding at any court of criminal jurisdiction:

Provided always, That the names of the persons returned to serve on the grand jury at any such session shall be taken from the

"Special Jurors List" of such county.

VI. That no traverse in prox. shall be received or allowed at any such court, but that every person charged with any offence thereat shall plead forthwith, and the trial be directly proceeded upon, unless the court shall, upon sufficient matter disclosed by affidavit, think fit in its discretion to postpone such trial according to the course of any court of oyer and terminer, general gaol delivery, or general or quarter sessions, either to any subsequent sitting or adjournment of such extraordinary court, or to any other court of oyer and terminer and general gaol delivery, or general or quarter sessions of the peace, or adjournment thereof, for the same county.

VII. That no proceeding of or at any extraordinary court of general sessions holden under the authority of this act shall, before trial and judgment, be removed into his Majesty's court of king's bench by writ of certiorari or otherwise.
Treason and other Offences Affecting the State. [Part V.

VIII. That any person not duly authorised by law to keep fire-arms who shall be found, between sunset and sunrise, with fire-arms or other offensive weapons in his possession, in any place save his own dwelling house, or any person not duly authorised by law to keep fire-arms who shall be found, at any hour of the day or night, with any loaded or concealed fire-arms or offensive weapon, within any county in which any court holden under this act shall be then acting, shall be deemed to be guilty of a misdemeanor.

IX. And whereas infractions of the law and violations of the public peace are frequently contrived and committed by nocturnal assemblies of disorderly persons, and it is desirable to provide under proper regulations some check to such meetings; be it therefore enacted, That if the grand jury impannelled at any such sessions to be holden under this act shall make a presentment to the court that a necessity exists for taking measures to suppress nocturnal meetings, such presentment shall be transmitted by the chairman to the said lord lieutenant, together with the opinion of the court thereon; and it shall and may be thereupon lawful for the said lord lieutenant, with the advice of his Majesty's privy council, to authorize and direct such court to issue a notice, enjoining the inhabitants of such county, or any part thereof, or of any adjacent county to be specified therein, to be and remain within their respective lodgings and habitations at all hours between one hour after sunset and sunrise, from and after such day as shall be named and specified therein for that purpose, and warning them that all persons who may be found abroad or absent from their respective habitations during such hours, save upon some lawful and proper occasion, will be liable to be punished as guilty of an offence under the provisions of this act; and such notice shall be printed and posted on some conspicuous place in each town and village within each barony or half barony of such county, or if the same be a county of a city or town, on the principal places for posting notices within the same.

X. That any male person who shall be between one hour after sunset and sunrise, at any time after the day specified in any such notice, abroad in any field, road, or elsewhere out of his habitation or lodging, within any county or district specified in such notice, save upon some lawful and proper occasion, shall be deemed to be guilty of a misdemeanor; and that any magistrate or constable of police who shall find any person so abroad, within such hours and within such county or district, shall, at his discretion, have power and authority to apprehend such person; and he shall be committed and detained until trial, unless held to bail by some person thereto authorized.

XI. That at any time after the day named and specified in such notice it shall be lawful for the court at any such session to issue a warrant, signed by the chairman thereof, and countersigned by the clerk of the peace, and directed to one or more magistrate or magistrates, chief constable or chief constables of police, authorising him or them, at any time from one hour after sunset until sunrise, to demand and require that any or every person being an inhabitant or inmate of any house or building within the county or district specified in such notice shall come forth and show himself or themselves; and if any such person shall not so come forth and show himself within ten minutes after he shall be so required he shall be deemed to be then absent, and shall be certified in writing to be so to the said court by the person or persons by whom he may have been so required to appear; and every owner of any house within such district shall, within twenty-four hours after he shall have been required by any magistrate or chief constable so to do, deliver to such magistrate or chief constable a list of the names of every inmate or inhabitant in his house; and every such owner who shall neglect or refuse so to do shall forfeit for every such neglect or refusal a sum not exceeding ten shillings, on conviction before a magistrate in a summary manner for such neglect or refusal, and in default of payment, on demand, of the sum so forfeited, may be
imprisoned for any term not exceeding one week; and the amount of
the sum so forfeited shall and may be levied by a sale of his goods and
chattels in case he shall not suffer such imprisonment.

XII. Provided always, That no such warrant as aforesaid shall be
executed or proceeded upon in any county out of the ordinary jurisdic-
tion of such court, unless the same shall be endorsed by one or more of
the magistrates of such adjacent county.

XIII. That it shall be lawful for the court to which such certificate
shall be returned to summon and require all persons thereby certified
to have been absent from their respective dwellings to appear before
such court, and for such court to examine such persons or any other
person who may be produced before them upon oath as to such absence
and the cause thereof; and if it shall be proved that any such person
was duly required to appear by the person or persons so authorized as
aforesaid, and if any such person so summoned shall not appear before
such court, or if, upon such examination, the non-compliance of such
person with the demand of the person or persons so authorized as aforesaid
shall not be explained to the satisfaction of such court, or if it
shall appear to such court that such person was so absent from his
dwelling as aforesaid without some lawful and proper cause or occasion,
such person shall be deemed to be guilty of an offence within this act,
and the court shall have power to convict him summarily thereof, and,
in case of a first offence, to commit him to such place of confinement
within the county as such court shall think proper for any period not
exceeding one month, or to impose upon him a fine not exceeding one
pound, or both, and for any subsequent offence to award a like imprison-
ment for a period not exceeding three months, or to impose a fine not
exceeding five pounds, or both, and also to order that the party con-
victed shall give security for his good behaviour for twelve calendar
months, or in default thereof be liable to an additional imprisonment
for any term not exceeding one month.

XIV. That any person who shall knowingly give false information
to any person authorized by such warrant, or shall obstruct any
person acting thereunder in the execution thereof, after notification
of the object and nature thereof, shall be deemed to be guilty of a mis-
demeanor.

XV. That it shall and may be lawful for the lord lieutenant of Ire-
land, by his warrant, to direct to be issued, out of the produce of the
consolidated fund arising in Ireland, such sums of money as may be
necessary for the remuneration of any of his Majesty's serjeants or
counsel appointed under the authority of this act; and that on the pro-
duction to the grand jury at the assizes of any county of the certificate
of the chief or under-secretary of the said lieutenant of the amount
of the money so advanced and issued in respect of the remuneration of such
serjeant or counsel so employed within the same county, such grand
jury shall present the same to be levied off the county at large, and such
money, when levied, shall be paid to the collector of excise of the dis-

Construction of terms.

XVII. That this act shall continue and be in force for five years from Duration of
and after the passing thereof, and no longer; and may be altered or re-
pealed during this present session of parliament.
PART V.
CLASS III.

OFFENCES RELATING TO COIN AND BULLION.

2 W. IV. c. 34.—An Act for consolidating and amending the Laws against Offences relating to the Coin.

[23rd May 1832.]

WHEREAS the offence of counterfeiting the coin, as well as certain other offences relating to the coin, are now by virtue of several statutes punishable with death: And whereas it is expedient to abolish the punishment of death in all such cases, and to repeal the several statutes against offences relating to the coin, in order that the provisions thereof may be amended and consolidated into one act; be it therefore enacted, &c. That the following statutes and parts of statutes made in the parliament of England, that is to say, the statutes concerning money, commonly cited as of the twentieth year of the reign of king Edward the first, and respectively intituled Statuum de Moneta, Statuum de Moneta parvum, and Articulis de Moneta; and a statute made in the twenty-seventh year of the same reign, intituled Statuum de falsa Moneta; and a statute made in the ninth year of the reign of king Edward the third, commonly intituled The Statute of Money; and the statute made in the seventeenth year of the same reign; and so much of a statute made in the eighteenth year of the same reign as relates to false money; and so much of a statute made in the twenty-fifth year of the same reign as relates to counterfeiting the king’s money, and to bringing false money into this realm; and so much of the same statute as relates to taking profit by exchange of gold and silver, and to the impairing the money of gold and silver; and so much of a statute made in the twenty-seventh year of the same reign, intituled Ordinatio Stapularum, as relates to the forfeiture of false money; and so much of a statute made in the third year of the reign of king Henry the fifth as relates to clipping, washing, and filing of the money of the land, and to the persons who shall have power to hear, determine, or inquire of the counterfeiting and of the bringing of false money into the realm, and of clipping, washing, and every other falsity of the said money; and an act passed in the nineteenth year of the reign of king Henry the seventh, intituled Pro reformatione Pecuniarum; and an act passed in the fifth and sixth years of the reign of king Edward the sixth, intituled An Act touching the Exchange of Gold and Silver; and an act passed in the first year of the reign of queen Mary, intituled An Act against counterfeiting of strange Coins being current within this Realm, or of the Queen’s Highness’ Sign Manual, Signet, or Privy Seal; and an act passed in the first and second years of the reign of king Philip and queen Mary, intituled An Act for the Punishment of bringing in of counterfeit Coins of Foreign Realms being current within this Realm; and an act passed in the fifth year of the reign of queen Elizabeth, intituled An Act against clipping, washing, rounding, or filing of Coins; and an act passed in the fourteenth year of the same reign, intituled An Act against the forgying and counterfeiting of Foreign Coin being not current within this Realm; and an act passed in the eighteenth year of the same reign, intituled An Act against the diminishing and impairing of the Queen’s Majesty’s Coin, and other Coins lawfully current within this Realm; and so much of an act passed in the sixth and seventh years of the reign of king William the third, intituled An Act to prevent counterfeiting and clipping the Coin of this Kingdom, as relates to any person who shall exchange, lend, sell, borrow, buy, receive, or pay any broad silver money, or silver money unclipped, for more than
the same was coined for or ought by law to go for, or who shall buy or sell or knowingly have in his custody or possession any clippings or filings of the current coin, and so much of the said act as relates to the discovery of any offences touching the coin of the realm; and an act passed in the eighth and ninth years of the same reign, intituled 8 & 9 W. 3. An Act for the better preventing the counterfeiting the current Coin of this Kingdom: and an act passed in the ninth and tenth years of the same reign, intituled An Act for the better preventing the counterfeiting, clipping, and other diminishing the Coin of this Kingdom: and so much of an act passed in the first year of the reign of 1 Ann, st. 1, queen Anne, intituled An Act for continuing the Act made in the Eighth Year of His late Majesty's Reign, for better preventing the counterfeiting the current Coin of this Kingdom, as relates to continuing the said last-mentioned act, and to the periods for commencing prosecutions for certain offences against the said last-mentioned act; and the following acts and parts of acts passed in the parliament of Great Britain; that is to say, so much of an act passed in the seventh year of the reign of queen Anne, intituled An Act for continuing the former Act for the Encouragement of the Coinage, and to encourage the bringing Foreign Coins, and British or Foreign Plate to be coined, and for making Provision for the Mints in Scotland, and for the prosecuting Offences concerning the Coin in England, as relates to the expences of prosecuting offences in counterfeiting, diminishing, or otherwise concerning the current coins of Great Britain, in that part thereof called England; and so much of an act passed in the same year, intituled 7 Ann, c. 24, ss. 1 & 2. An Act for making perpetual an Act for the better preventing the counterfeiting the current Coin of this Kingdom, as also an Act for giving like Remedy upon Promissory Notes as is used upon Bills of Exchange, and for the better Payment of Inland Bills of Exchange, and also for continuing several Acts made in the Fourth and Fifth Years of Her Majesty's Reign, for preventing Frauds committed by Bankrupts, as relates to making perpetual the act of the eighth year of the reign of king William the third therein mentioned, and to the period for commencing prosecutions for certain offences against the said act of king William; and an act passed in the fifteenth year of the reign of king George the second, intituled 15 G. 2, c. 28. An Act for the more effectual preventing the counterfeiting of the current Coin of this Kingdom, and the uttering or paying false or counterfeit Coin; and an act passed in the eleventh year of the reign of king George the third, intituled 11 G. 3, c. 40. An Act for the more effectually preventing the counterfeiting the Copper Coin of this Realm; and an act passed in the thirteenth year of the same reign, intituled An Act for the better preventing the counterfeiting, clipping, and other diminishing the Gold Coin in this Kingdom; and so much of an act passed in the thirty-seventh year of the same reign, intituled An Act to prevent the counterfeiting any Copper Coin in this Realm made or to be made current by Proclamation, or any Foreign Gold or Silver Coin, and to prevent the bringing into this Realm or uttering any counterfeit Foreign Gold or Silver Coin, as relates to copper money; and certain parts of the following acts passed in the parliament of the united kingdom of Great Britain and Ireland; that is to say, so much of an act passed in the fifty-sixth year of the reign of king George the third, intituled 3 G. 4. An Act to provide for a new Silver Coinage, and to regulate the Currency of the Gold and Silver Coin of this Realm, as relates to any person who shall receive or pay for any gold coin any more or less than the true value which such gold coin shall by its denomination import, or who shall utter or receive any gold coin at any greater or less rate or value than the same shall be current for as therein mentioned; and so much of an act passed in the third year of the reign of king George the fourth, intituled 7 G. 4, c. 9. An Act to provide for the more effectual Punishment of certain Offences, by Imprisonment with hard Labour, as relates to any person convicted of being an utterer of counterfeit money; and so much of an act passed in the seventh year of the same reign, intituled An Act to provide for the more effectual Punishment of certain
Offences relating to Coin and Bullion. [Part V.

2 W. 4, c. 34. Offences in Ireland, by Imprisonment with hard Labour, as relates to any person convicted of being an utterer of counterfeit money; and the following acts passed in the parliament of Scotland; that is to say, an act passed in the sixth parliament of king James the second of Scotland, concerning money and false coin; and an act passed in the fifth parliament of king James the third of Scotland, concerning black money of other realms, and counterfeits of the king's black money; and an act passed in the eighth parliament of the said king James the third, ordaining, that neither silver nor gold coin be molten or put to the fire without licence of the king; and an act passed in the seventh parliament of king James the fifth of Scotland, intituled Thicking the Crown of Wecht; and another act passed in the same seventh parliament, intituled Of them that counterfeit the King's Money; and an act passed in the ninth parliament of queen Mary of Scotland, intituled Anentis the carrying and having of Gold and Silver forth of the Realm; and another act passed in the same ninth parliament, intituled Anentis the Hamebringing of False Cuisie, and using of the samyn within this Realm, and als anentis Forgers and Markers thereof within the samyn; and an act of the parliament of Scotland, passed in the first parliament of king James the sixth of Scotland, intituled Anent Cusie; and another act of the parliament of Scotland, passed in the same first parliament, intituled Anent fals Cusie; and an act of the parliament of Scotland, made in the first parliament of king William the third, intituled Act against false coining and clipping of Money; and the following acts and parts of acts passed in the parliament of Ireland; that is to say, an act passed in the third year of the reign of king Edward the fourth, intituled An Act against Clipped Money; and an act passed in the twenty-eighth year of the reign of queen Elizabeth, intituled An Act against forging and counterfeiting of Foreign Coin; and an act passed in the eighth year of the reign of queen Anne, intituled An Act for the better preventing the counterfeiting the current Coin of this Kingdom; and so much of an act passed in the fourth year of the reign of king George the first, intituled An Act for continuing, revising, and amending several Statutes made in this Kingdom heretofore temporary, as relates to the said last-mentioned act of queen Anne; and an act passed in the twenty-third and twenty-fourth years of the reign of king George the third, intituled An Act for more effectually preventing the counterfeiting of the current Coin of this Kingdom, and the uttering or paying of false or counterfeit Coin; and an act passed in the twenty-sixth year of the same reign, intituled An Act to prevent the Practice of fraudulently buying and selling of light Coin in this Kingdom; shall be and continue in force until and throughout the last day of April in the year of our Lord one thousand eight hundred and thirty-two, and shall from and after that day be repealed, except so far as any of the said acts may repeal the whole or any part of any other acts, or may be in force in any part of his Majesty's dominions out of the united kingdom, and except as to offences and other matters committed or done before or upon the said last day of April, which shall be dealt with and punished as if this act had not been passed: Provided always, That if any person shall, after the commencement of this act, be convicted of any offence against any of the said acts committed before or upon the said last day of April, and such offence shall have been punishable with death by virtue of any of the said acts, in every such case the person convicted of such offence shall not suffer the punishment of death, but shall in lieu thereof 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, for any term not exceeding four years.

II. That this act shall commence and take effect on the first day of May in the year of our Lord one thousand eight hundred and thirty-two.

III. That if any person shall falsely make or counterfeit any coin resembling, or apparently intended to resemble or pass for, any of the
king’s current gold or silver coin, every such offender shall, in England and Ireland, be guilty of felony; and in Scotland of a high crime and offence, 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 every such offence shall be deemed to be complete although the coin so made or counterfeited shall not be in a fit state to be uttered, or the counterfeiting thereof shall not be finished or perfected.

VI. That if any person shall geld or silver, or shall, with any wash or materials capable of producing the colour of gold or of silver, wash, colour, or case over, any coin whatsoever resembling or apparently intended to resemble or pass for any of the king’s current gold or silver coin, or if any person shall geld or silver, or shall, with any wash or materials capable of producing the colour of gold or of silver, wash, colour, or case over, any piece of silver or copper or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined, into false and counterfeit coin resembling or apparently intended to resemble or pass for any of the king’s current gold or silver coin; or if any person shall geld, or shall, with any wash or materials capable of producing the colour of gold, wash, colour, or case over, any of the king’s current silver coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any of the king’s current gold coin; or if any person shall geld or silver, or shall, with any wash or materials capable of producing the colour of gold or of silver, wash, colour, or case over, any of the king’s current copper coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any of the king’s current gold or silver coin; every such offender shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, 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.

VII. That if any person shall tend, utter, or put off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king’s current gold or silver coin, knowing the same to be false or counterfeit; every such offender shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, 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.

VIII. That if any person shall tend, utter, or put off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king’s current gold or silver coin, knowing the same to be false or counterfeit, every such offender shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and
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2 W. 4, c. 34.

Uttering, accompanied by possession of other counterfeit coin, or followed by a second uttering, imprisonment.

Every second offence of uttering, after a previous conviction, shall be felony; transportation for life, &c.

Having three or more pieces of counterfeit gold or silver coin in possession, &c. with intent, &c.; imprisonment.

Second offence, felony and transportation.

What shall be sufficient evidence of a conviction for a previous offence against this act.

offence, and, being convicted thereof, shall be imprisoned for any term not exceeding one year; and if any person shall tender, utter, or put off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king’s current gold or silver coin, knowing the same to be false or counterfeit, and such person shall, at the time of such tendering, uttering, or putting off, have in his possession, besides the false or counterfeit coin so tendered, uttered, or put off, one or more piece or pieces of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king’s current gold or silver coin, or shall, either on the day of such tendering, uttering, or putting off, or within the space of ten days then next ensuing, tender, utter, or put off any more or other false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king’s current gold or silver coin, knowing the same to be false or counterfeit, every such offender shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and, being convicted thereof, shall be imprisoned for any term not exceeding two years; and if any person who shall have been convicted of any of the misdemeanors, or crimes and offences, herein-before mentioned, shall afterwards commit any of the said misdemeanors, or crimes and offences, such person shall, in England and Ireland, be deemed guilty of felony, and in Scotland of a high crime and offence, 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.

VIII. That if any person shall have in his custody or possession three or more pieces of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king’s current gold or silver coin, knowing the same to be false or counterfeit, and with intent to utter or put off the same, every such offender shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding three years; and if any person so convicted shall afterwards commit the like misdemeanor, or crime and offence, such person shall, in England and Ireland, be deemed guilty of felony, and in Scotland of a high crime and offence, 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.

IX. That where any person shall have been convicted of any offence against this act shall afterwards be indicted for any offence against this act committed subsequent to such conviction, a copy of the previous indictment and conviction, purporting to be signed and certified as a true copy 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, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the previous indictment and conviction, without proof of the signature or official character of the person appearing to have signed and certified the same; and for every such copy a fee of six shillings and eight-pence, and no more shall be demanded or taken; and if any such clerk, officer, or deputy shall certify or utter as true any false copy of any indictment or conviction for any offence against this act, knowing the same to be false, or if any person other than such clerk, officer, or deputy shall sign or certify any copy of any such indictment or conviction, as such clerk, officer, or deputy, or shall utter any copy thereof with a false or counterfeit signature thereto, knowing the same to be false or counterfeit, every such offender shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, 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 for any term not exceeding two years.
X. That if any person shall knowingly, and without lawful authority (the proof of which authority shall lie on the party accused), make or mend, or begin or proceed to make or mend, or buy or sell, or shall, knowingly and without lawful excuse (the proof of which excuse shall lie on the party accused), have in his custody or possession, any puncheon, counter-puncheon, matrix, stamp, die, pattern, mould, or mould in or upon which there shall be made or impressed, or which will make or impress, or which shall be intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any of the king's current gold or silver coin, or any part or parts of both or either of such sides; or if any person shall, without lawful authority (the proof whereof shall lie on the party accused), make or mend, or begin or proceed to make or mend, or buy or sell, or shall, without lawful excuse (the proof whereof shall lie on the party accused), have in his custody or possession any edger, edging tool, collar, instrument, or engine adapted and intended for the marking of coin round the edges with letters, graining, or other marks or figures apparently resembling those on the edges of any of the king's current gold or silver coin, such person knowing the same to be so adapted and intended as aforesaid; or if any person shall, without lawful authority, to be proved as aforesaid, make or mend, or begin or proceed to make or mend, or buy or sell, or shall, without lawful excuse, to be proved as aforesaid, have in his custody or possession, any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance round blanks out of gold, silver, or other metal, such person knowing such press to be a press for coinage, or knowing such engine to have been used or to be intended to be used for or in order to the counterfeiting of any of the king's current gold or silver coin; every such offender shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life for or for any term not less than seven years, or to be imprisoned for any term not exceeding four years (1).

XI. That if any person shall, without lawful authority, the proof Conveying whereof shall lie upon the party accused, knowingly convey out of any of his Majesty's mints any puncheon, counter-puncheon, matrix, stamp, die, pattern, mould, edger, edging tool, collar, instrument, press, or engine used or employed in or about the coinage of coin, or any useful part of any of the several matters aforesaid, or any coin, bullion, metal or mixture of metals, every such offender shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life for or for any term not less than seven years, or to be imprisoned for any term not exceeding four years.

XII. That if any person shall falsely make or counterfeit any coin resembling, or apparently intended to resemble or pass for, any of the king's current copper coin; or if any person shall knowingly, and without lawful authority (the proof of which authority shall lie on the party accused), make or mend, or begin or proceed to make or mend, or buy or sell, or shall knowingly, and without lawful excuse (the proof of which excuse shall lie on the party accused), have in his custody or possession any instrument, tool, or engine adapted and intended for the counterfeiting of any of the king's current copper coin; or if any person shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king's current copper coin, at or for a lower rate or value than the same by its denomination imports

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(1) The provisions of this clause are new, and are a substitution for the words "not of common use in any trade" in the former statute, which gave rise to great difficulty. See Rex v. Moore, 2 C. and P., 235.
Offences relating to Coin and Bullion. [Part V.

2 W. 4, c. 34. or was coined or counterfeited for; every such offender shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years; and if any person shall tender, utter, or put off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king's current copper coin, knowing the same to be false or counterfeit, or shall have in his custody or possession three or more pieces of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king's current copper coin, knowing the same to be false or counterfeit, and with intent to utter or put off the same, every such offender shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding one year.

XIII. That where any gold or silver coin shall be tendered to any person, who shall suspect any piece or pieces thereof to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, or deface such piece or pieces; and if any piece so cut, broken, or defaced shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same shall be of due weight, and appear to be lawful coin, the person cutting, breaking, or defacing the same is hereby required to receive the same at the rate it was coined for; and if any dispute shall arise, whether the piece so cut, broken, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by any justice of the peace, who is hereby empowered to examine upon oath as well the parties as any other person, in order to the decision of such dispute; and the tellers at the receipt of his Majesty's exchequer, and their deputies and clerks, and the receivers general of every branch of his Majesty's revenue, are hereby required to cut, break, or deface, or cause to be cut, broken, or defaced, every piece of counterfeit or unlawfully-diminished gold or silver coin which shall be tendered to them in payment of any part of his Majesty's revenue.

XIV. That if any person shall find or discover in any place whatever, or in the possession of any person having the same without lawful excuse, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king's current gold, silver, or copper coin, or any instrument, tool, or engine whatsoever adapted and intended for the counterfeiting of any such coin, it shall be lawful for the person so finding or discovering and he is hereby required to seize the same, and to carry the same forthwith before some justice of the peace; and where it shall be proved, on the oath of a credible witness before any justice of the peace, that there is reasonable cause to suspect that any person has been concerned in counterfeiting the king's current, gold, silver, or copper coin, or has in his custody or possession any such counterfeit coin, or any instrument, tool, or engine whatsoever adapted and intended for the counterfeiting of any such coin, it shall be lawful for such justice, by warrant under his hand, to cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such counterfeit coin, or any such instrument, tool, or engine, shall be found in any place so searched, to cause the same to be seized and carried forthwith before the said justice, or some other justice of the peace; and wherever any such counterfeit coin, or any such instrument, tool, or engine as aforesaid, shall in any case whatever be seized and carried before a justice of the peace, he shall cause the same to be secured, for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this act; and all counterfeit coin, and all instruments, tools, and engines adapted and
intended for the counterfeiting of coin, after they shall have been produced in evidence; or where they shall have been seized, and shall not be required to be produced in evidence, shall forthwith be delivered up to the officers of His Majesty's mint, or to their solicitor, or to any person authorized by them or him to receive the same.

XV. That where two or more persons, acting in concert in different counties or jurisdictions, shall commit any offence against this act, all or any of the said offenders may be dealt with, indicted, tried, and punished, and their offence laid and charged to have been committed, in any one of the said counties or jurisdictions, in the same manner as if the offence had been actually and wholly committed within such one county or jurisdiction: Provided always, That crimes and offences against this act committed in Scotland shall be proceeded against and tried in Scotland in such manner and form as crimes and offences generally have been heretofore tried in that country.

XVI. That no person against whom any bill of indictment shall be found at any assizes or sessions of the peace, for any misdemeanor against this act, shall be entitled to traverse the same to any subsequent assizes or sessions, but the court before which the bill of indictment shall be returned as found shall forthwith proceed to try the person against whom the same is found, unless such person or the prosecutor shall show good cause, to be allowed by the court, for the postponement of the trial: Provided always, That the rights and liabilities of persons indicted under this act in Scotland, so far as relates to the postponement or time of trial, shall remain and be dealt with in the same manner as in the cases of all other persons indicted for crime in that country.

XVII. That where, upon the trial of any person charged with any offence against this act, it shall be necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any moneyer or other officer of his Majesty's mint, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

XVIII. 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 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 in so far as relates to Scotland, every person who shall become accessory after the fact to any of the offences to which the punishment of transportation is by this act attached, shall on conviction be liable to be imprisoned for any term not exceeding two years; the general law of Scotland as to accession, or art and part, being in all other respects to regulate the punishments to be awarded under this act.

XIX. 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, with or without 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, as to the court in its discretion shall seem meet.

XX. That where any offence punishable under this act shall be committed within the jurisdiction of the admiralty, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other offence committed within that jurisdiction.

XXI. That where "the King's current Gold or Silver Coin," or "the King's current Copper Coin," shall be mentioned in any part of this act, the same shall be deemed to include and denote any gold or silver coin or any copper coin respectively coined in any of his Majesty's mints, and lawfully current in any part of his Majesty's dominions whether within the United Kingdom or otherwise; and that any of the
king's current coin which shall have been girt, silvered, washed-coloured, orcased over, or in any manner altered so as to resemble, or be apparently intended to resemble or pass for, any of the king's current coin of a higher denomination, shall be deemed and taken to be counterfeit coin within the intent and meaning of those parts of this act wherein mention is made of "False or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the king's current gold or silver coin;" and that where the having any matter in the custody or possession of any person is in this act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or benefit, or for that of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this act.

XXII. 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, in England or Ireland, be laid and tried in the county where the fact was committed, and shall, in England, Ireland, or Scotland, 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 or defender one calendar month at least before the commencement of the action; and in any such action, brought in England or Ireland, 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 in Scotland the defender may insist on all relevant defences; and no plaintiff or pursuer 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 or defender; and if, in England or Ireland, 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, or if in Scotland the verdict shall be for the defendant, or if the pursuer shall abandon the action, or the court shall dismiss it as irrelevant or improperly laid, in every such case the defendant or defender shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant or defender hath by law in other cases; and though a verdict shall be given for the plaintiff or pursuer in any such action, such plaintiff or pursuer shall not have costs against the defendant or defender, unless the judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.
PART V.

CLASS V.

RAPE, POLYGAMY, FORCIBLE MARRIAGE, &c.

[There has been no recent enactment upon the subject of this class.]

PART V.

CLASS VI.

RIOTS AND OFFENCES ATTENDED WITH MALICE OR VIOLENCE.

[No. I.] 1 & 2 W. IV. c. 44.—An Act to amend an Act passed in the Parliament of Ireland, in the Fifteenth and Sixteenth Years of the Reign of His Majesty King George the Third, intituled An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned. [15th October 1831.]

WHEREAS by an act passed in the parliament of Ireland, in the 15 & 16 G. 3, fifteenth and sixteenth years of the reign of his late Majesty king (1.) George the third, intituled An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned, certain offences therein mentioned are made punishable with death: And whereas it is expedient to mitigate the severity of said act, and to make certain amendments therein: Be it therefore enacted, &c. That so much of said recited act passed in the fifteenth and sixteenth years of the reign of his late Majesty king George the third as enacts that if any person or persons rising or assembling in manner therein-before mentioned, or in any other manner whatsoever, should, either by day or by night, wilfully or maliciously shoot at, maim, or disfigure any person or persons in any dwelling house or other place, or should knowingly send any letter, with or without any fictitious name or names thereto subscribed, demanding any money, fire-arms, ammunition, or other thing or things, or threatening to injure the persons or property of any of his Majesty’s subjects; or if any person or persons should, by gift, promise, or threats, procure any of his Majesty’s subjects to join in any of the aforesaid offences, or should unlawfully compel, or by force, threats, or menaces attempt to compel, any of his Majesty’s subjects to quit his, her, or their habitation, farm, possession, place of abode, or lawful employment, all and every person and persons so offending, being thereof lawfully convicted, should be adjudged guilty of felony, and suffer death; and also so much of said act as enacts that if any person or persons should, at any time after sunset and before sunrise, or before the hour of six in the forenoon though the sun should be arisen, mali-
Riots and Offences attended with Malice or Violence. [Part V.

No. I. 1 & 2 W. 4, c. 44.

ciously assault, or in any manner whatsoever maliciously injure, the habitation, property, goods, or chattels of any other person or persons, or should forcibly and maliciously break into his, her, or their house, barn, or outhouse, or should maliciously cause any door to be opened by threats or menaces, or should forcibly take or carry away any horse, gelding, mare, or mule, or any gun, sword, or other offensive weapon, or any money or goods or chattels, without the consent of the owner, or should cause the same or any of the same to be delivered to them by threats or menaces, all and every person or persons so offending, being thereof lawfully convicted, should be adjudged guilty of felony, and suffer death; and so much of said act as enacts that all and every person or persons who should, from and after the first day of March one thousand seven hundred and seventy-six, assist, abet, or succour any person or persons to commit any of the offences therein aforesaid, or should wilfully or knowingly conceal any person or persons who had committed any of the offences aforesaid (for which sentence of death as in cases of felony might be awarded), every person or persons so aiding, assisting, abetting, succouring, or concealing such person or persons should, on being thereof lawfully convicted, be adjudged guilty of felony, and suffer death; and so much of said act as enacts that it should be lawful for any justice of the peace or others therein mentioned, from time to time, as well by night as by day, to search for, seize, and carry away, or cause to be searched for, seized, and carried away, all arms and ammunition whatsoever belonging to or being in the custody or possession of any papist or reputed papist, not duly licensed to keep and carry the same, or in the hands or possession of any person or persons in trust for them or any of them, and for that purpose to enter into any dwelling house, outhouse, office, field, or other place belonging to such papist or reputed papist, and into the dwelling house, outhouse, office, field, or other place belonging to any other person whatsoever, where he or they should have reasonable cause to suspect any such arms or ammunition should be concealed, and such arms and ammunition so taken and seized should by the person or persons so seizing and taking the same be preserved for the use of his Majesty, his heirs and successors, to be disposed of as he or they should think fit, unless it should appear that the same were forcibly taken and carried away from some of his Majesty's subjects in manner therein-before mentioned, in which case such arms and ammunition should be delivered to the person or persons from whom the same were so forcibly taken; and in case any such justice or justices of the peace, or other chief magistrate as aforesaid, after such search made, should have cause to suspect that any arms or ammunition remained concealed and not seized as aforesaid, he and they was and were thereby required to cause such person and persons whom he or they should suspect to have concealed the same to be brought before him and them, and to be examined upon oath concerning the same; and so much of said act as enacts that every such person or persons who, upon demand or search made for such arms and ammunition as aforesaid, should refuse to deliver up the same, and also to declare and manifest to the justice or justices of the peace, mayors, sheriffs, or other chief magistrates, what arms or ammunition he, she, or they, or any other to his, her, or their knowledge, or with his, her, or their privity, had, or should hinder or disturb the delivery thereof to the said justices as therein; and every person and persons who should refuse to make discovery, upon his or their oath, to be administered by such justice or justices of the peace or other chief magistrates aforesaid, concerning the premises aforesaid, on being summoned as therein mentioned, should, without reasonable cause, neglect or refuse to appear to be examined as therein, every person or persons so offending, being thereof lawfully convicted, should be punished by fine, imprisonment, pillory, or whipping; and so much of said act as enacts that every person or persons who should by force or violence break open any gaol or prison with intent to rescue and enlarge him,
her, or themselves, or any other prisoner or prisoners therein confined on account of any offence, though the same be not capital, all and every person or persons found guilty thereof should suffer death, and may be tried before the trial or attainder of the person or persons so enlarged; and so much of said recited act as enacts, that every person who shall rescue any person committed by a justice of the peace for treason, felony, or any of the offences therein punishable with death, from a constable or any person legally authorized for that purpose, before the person or persons so committed should be lodged in gaol, being found guilty thereof, should suffer death; shall be and the same, save and except as to offences committed before the passing of this act, is and are hereby repealed.

II. That if any person or persons, rising or assembling in the manner mentioned in the said recited act of the fifteenth and sixteenth years of his late Majesty king George the third, or in any other manner whatsoever, shall unlawfully compel, or by force, threats, or menaces attempt to compel, any of his Majesty's subjects to quit his, her, or their dwelling, habitation, farm, possession, place of abode, service, or lawful employment, or shall maliciously assault or injure the dwelling house, place of abode, or habitation of any other person or persons, or shall break into his, her, or their house, habitation, barn, or out-house, or cause any door to be opened by threats or menaces, or shall maliciously injure the lands, goods or chattels, or property, real or personal, of any other person or persons; or take or carry away any horse, gelding, mare, or mule, or any gun, sword, or other weapon, or any money or goods or chattels whatsoever, without the consent of the owner, or shall cause the same or any of the same to be delivered to him or them by threats or menaces; or shall in any manner whatsoever maliciously dig up, turn up, pull up, cut down, prostrate, level, demolish, or injure the lands or crops growing or severed, or the walls, paling, hedges, or other fences, or the cattle, goods, or chattels, of any other person or persons; all and every person and persons so offending, being thereof lawfully convicted, shall be liable to be transported beyond the seas for the term of his natural life, or for the term of seven or fourteen years, or be imprisoned with or without hard labour 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 think fit, in addition to such imprisonment.

III. That if any person or persons shall knowingly print, write, post, publish, circulate, send, or deliver, or cause or procure to be printed, written, posted, published, circulated, sent, or delivered, any notice, letter, or message exciting or tending to excite any riot, tumultuous or unlawful meeting or assembly, or unlawful combination or confederacy, or threatening any violence, injury, or damage, upon any condition or in any event, or otherwise, to the person, or property, real or personal, of any person whatever, or demanding any money, arms, weapons or weapon, ammunition, or other matter or thing whatsoever, or directing or requiring any person to do or not to do any act, or to quit the service or employment of any person, or to set or to give out any land, every person so offending shall be liable to be transported beyond the seas for the term of seven years, or to be imprisoned, with or without hard labour, 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 think fit, in addition to such imprisonment.

IV. That from and after the passing of this act, every person or persons who shall by force or violence break open any gaol, prison, or transportation bridewell, with an intention to rescue and enlarge him, her, or themselves, or any other prisoner or prisoners therein confined on account of any offence, though the same be not capital, all and every person or persons who shall commit such offence, and shall be found guilty thereof, shall be transported beyond the seas for the term of his natural life, or for the term of seven or fourteen years, or be imprisoned, with or without hard labour, for any term not exceeding three years, and, if
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a male, be once, twice, or thrice publicly or privately whipped, if the court shall think fit, in addition to such imprisonment, and shall and may be tried before the trial of the person or persons so enlarged, any law or statute to the contrary in anywise notwithstanding.

V. That every person who shall rescue any person committed by a justice of the peace, on a mittimus, for treason, felony, or any of the offences herein-before mentioned, punishable with transportation, from a constable or any person legally authorized for that purpose, before the person or persons so committed shall be lodged in gaol, shall, on being found guilty thereof, be transported beyond the seas for the term of his natural life, or for the term of seven or fourteen years, or be imprisoned, with or without hard labour, for any term not exceeding three years, and, if a male, be once, twice, or thrice publicly or privately whipped, if the court shall think fit, in addition to such imprisonment.

VI. That all and every person and persons who shall assist, abet, or succour any person or persons to commit any of the offences mentioned in this act, for which sentence of transportation may be awarded, or shall knowingly excite, encourage, or promote, or shall solicit, ask, or require, any person or persons whatsoever, or shall endeavour to compel or induce any person or persons, to join in the commission of any offence mentioned in this act, for which sentence of transportation may be awarded, shall be liable to be transported beyond the seas for the term of seven years, or be imprisoned, with or without hard labour, 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 think fit, in addition to such imprisonment.

VII. That it shall and may be lawful for the court, if such court shall so think fit, after sentencing any person to be transported or imprisoned as aforesaid, immediately on such sentence to order and cause such person so sentenced to be transmitted out of the county, county of a city, or county of a town wherein the conviction shall take place, to any of his Majesty's gaols, prisons, or hulks, or other places of confinement, in any part of Great Britain or Ireland, there to remain till he or they shall be transported, or to be imprisoned therein, according to the adjudication of the court.

VIII. And whereas doubts have arisen whether the courts of oyer and terminer or gaol delivery, or the courts of quarter sessions, and other courts having jurisdiction in criminal cases, in Ireland, have power to fine persons who refuse or decline to obey the summons of such court to attend as witnesses; be it declared and enacted, That it shall and may be lawful for every court in Ireland having by law jurisdiction over criminal offences, upon proof being made of the service, either personally or at the residence of the person or persons required to attend, of any summons to appear and give evidence in such court touching any offence, to impose upon the person so served, in case of his or her disobeying such summons, such fine or fines as the court shall in its discretion think proper, and to direct that the same shall be levied and raised in manner herein-after mentioned.

IX. That it shall and may be lawful to and for the judge, assistant barrister, or recorder presiding at any court of assize, gaol delivery, sessions, or other court as aforesaid, immediately on any recognizance being estreated, or any juror or witness fined, to forthwith order the clerk of the crown, clerk of the peace, town clerk, or other officer of such court, to issue his warrant to the sheriff or sheriffs of any county or county of a town or county of a city, commanding him or them forthwith to levy the amount for which such recognizance shall be estreated or fine imposed on the body and goods of the person or persons against whom such warrant shall issue, as is usual in the recovery of forfeited recognizances; and that the sum so to be levied shall, after deducting thereout the sum of sixpence per pound, and no more, on the money actually levied and received by such sheriff or sheriffs, be forthwith paid to the treasurer or other officer of the infirmary of the county, county of a city, town, or place wherein such court shall be held, for
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the use of such infirmary, in case there shall be any such infirmary established within or for such county, county of a 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 court shall by its order for that purpose direct; and every such clerk of the crown, clerk of the peace, town clerk, or other officer of such court shall keep an account, in a book to be provided for that purpose, of the amount of every such forfeited recognizance and fine, specifying the place and time and order whereby such recognizance was forfeited or fine imposed, and the name or names of the person or persons on whom such forfeiture or fine was imposed, and shall, within fourteen days next after such recognizance shall be forfeited or fine imposed, transmit an abstract from said book 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; and that every such book shall at all seasonable times be open to the inspection of such treasurer or other officer, for the purpose of ascertaining what sums of money may be due and payable under this act; and that such clerk of the crown, clerk of the peace, town clerk, or other officer shall, at each spring and summer assizes in every year, post and affix on the door of the court house or place in which the assizes shall be holden, a true copy of so much of such book as contains all the recognizances or fines forfeited and imposed since the first day of the preceding assizes, to be then and there kept, posted, and affixed during the whole of such assizes, and shall, within fourteen days after the conclusion of such assizes, cause a true abstract to be inserted in some one public newspaper published or circulated within such county, city, or town; and if any clerk of the crown, clerk of the peace, town clerk, or other officer shall omit or neglect to keep such account as aforesaid, or to post or publish the same in manner required by this act, or if any such account or abstract shall in any particular be untrue or deficient, or if any sheriff or sheriffs shall neglect or omit to pay over to such treasurer or other proper officer the amount levied by him or them within ten days after he shall levy the same, every such clerk of the crown, clerk of the peace, town clerk, or other officer, or sheriff or sheriffs, shall for every such offence, neglect, or omission, 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, plaint, or information, in which no protection or essoined or wager of law, nor more than one imparlance, shall be allowed.

X. That this act shall commence and take effect immediately on the passing thereof; and that it shall extend only to that part of the united kingdom called Ireland.

[No. II.] 3 & 3 W. IV. c. 118.—An Act to restrain for Five Years, in certain Cases, Party Processions in Ireland.

[16th August 1832.]

WHEREAS great numbers of persons belonging to different religious denominations, and distinguished respectively by various emblems expressive of party feelings and differences, are in the practice of meeting and marching in procession in Ireland, upon certain festivals and anniversaries and other occasions, and such processions are calculated to create and perpetuate animosities, and have been found to occasion frequent and sanguinary conflicts between different classes of his Majesty's subjects; for prevention whereof, and in order to guard against the recurrence of the tumults, riots, and disorders arising out of such processions, be it enacted, &c., That from and after the commencement of this act any body of persons who shall meet and parade together, or what processions shall be unlawful.
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join in procession, for the purpose of celebrating or commemorating any festival, anniversary, or political event relating to or connected with any religious or other distinctions or differences between any classes of his Majesty's subjects, or of demonstrating any such religious or other distinction or difference, and who shall bear, wear, or have amongst them any fire-arms or other offensive weapons, or any banner, emblem, flag, or symbol the display whereof may be calculated or tend to provoke animosity between his Majesty's subjects of different religious persuasions, or who shall be accompanied by any music of a like nature or tendency, shall be and be deemed an unlawful assembly, and every person present thereat shall be and be deemed to be guilty of a misdemeanor, and shall upon conviction thereof be liable to be punished accordingly.

II. That any justice or justices of the peace shall and may proceed, with such assistance as shall be necessary, to the place where any procession or meeting of persons hereby declared to be unlawful shall be held or take place, and such justice or one of such justices, or some other person by their or his order, shall then and there read or repeat aloud to the persons so assembled a command or notice to disperse in the words or to the effect following; (that is to say,)

"OUR sovereign lord the king chargeth and commandeth all persons being here assembled immediately to disperse themselves, and peaceably to depart, upon the pains contained in the act made in the year of the reign of king William the fourth, to restrain, in certain cases, party processions in Ireland."

III. That the persons so met and assembled together shall forthwith disperse and depart; and in case any one or more of the persons so met or assembled together as aforesaid shall not disperse and depart within the space of one quarter of an hour from the time of such notice or command being given, it shall be lawful for the same justice or justices who shall have read such command or notice, or any other justice or justices of the peace, to cause the person or persons so refusing or neglecting to disperse or depart to be apprehended, by a warrant for that purpose, to be signed by him or them; and such offender or offenders shall thereupon be proceeded against in a summary way for such offence before any two justices of the peace before whom he or they may be brought; and such justices are hereby authorized to hear and determine the said complaint; and every person, being convicted thereof on the oath of one or more credible witness or witnesses, shall be committed to any one of his Majesty's common gaols or prisons in Ireland for the term of one calendar month, and for a second or any subsequent offence against the provisions of this act for the term of three calendar months.

IV. That this act shall extend only to that part of the united kingdom of Great Britain and Ireland called Ireland, and to be and continue and remain in force for five years from the passing thereof, and thenceforth until the end of the then next session of parliament, and no longer.
PART V.
CLASS VII.

LARCENY, [BURGLARY,] ROBBERY, ASSAULT, WITH INTENT TO ROB, CHILD STEALING, [SACRILEGE.]

[No. 1.] 2 & 3 W. IV. c. 62.—An Act for abolishing the Punishment of Death in certain Cases, and substituting a lesser Punishment in lieu thereof. [11th July 1832.]

WHEREAS by an act passed in the seventh and eighth years of the reign of king George the fourth, intitled An Act for consolidating 7 & 8 G. 4, and amending the Laws in England relative to Larceny, and other Offences connected therewith, it is amongst other things enacted, That if any person 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 suffer death as a felon; and it is also by the said act enacted, That if any person shall steal any horse, mare, gelding, colt, or filly, or any bull, cow, ox, heifer, or calf, or any ram, ewe, sheep, or lamb, or shall wilfully kill any of such cattle with intent to steal the carcass 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: And whereas by an act passed in the ninth year of the same reign, intitled An Act for consolidating and amending the Laws in Ireland relative to Larceny, and other Offences connected therewith, it is amongst other things enacted, That if any person 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 suffer death as a felon; and it is also by the said last-mentioned act 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 carcass 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: And whereas it is expedient that a lesser punishment than that of death should be provided for the several offences herein-before specified: be it therefore enacted, &c., That so much of each of the said acts as inflicts the punishment of death upon persons convicted of any of the felonies herein-before specified shall be and the same is hereby repealed; and that from and after the passing of this act every person convicted of any of the felonies herein-before specified, or of counselling, aiding, or abetting the commission thereof, shall be transported beyond the seas for life.

II. That neither the governor or lieutenant governor of any island, colony, or settlement, or any other person, shall give any pardon or ticket of leave to any person sentenced to transportation, or who shall receive a pardon on condition of transportation, or any order or permission to suspend or remit the labour of any such person, except in cases of illness, until such person, if transported for seven years, shall have served four; if transported for fourteen years, shall have served six; or if transported for life, shall have served eight years of labour; and that no such person shall be capable of acquiring or holding any property, or of bringing any action for the recovery of any property, until after such person shall have duly obtained a pardon from the governor or lieutenant governor of the colony or settlement in which he or she shall have been confined: Provided that nothing herein contained shall in any manner affect his Majesty's royal prerogative of mercy.
[No. II.] 3 & 4 W. IV. c. 44.—An Act to repeal so much of two acts of the Seventh and Eighth Years and the Ninth Year of King George the Fourth as inflicts the Punishment of Death upon Persons breaking, entering, and stealing in a Dwelling House; also for giving Power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other Cases. [14th August 1833.]

WHEREAS by two several acts respectively passed in the seventh and eighth years of the reign of king George the fourth and in the ninth year of the same reign, the first of the said acts intituled An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith; and the second of the said acts intituled An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith; it is amongst other things by each of the said acts 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, every such offender being convicted thereof shall suffer death as a felon: And whereas by each of the said acts it is further enacted, That in the case of every felony punishable under the said respective acts 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 the said respective acts punishable: And whereas it is expedient that a lesser punishment than that of death should be provided for the several offences herein-before 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 so much of each of the said two recited acts as inflicts the punishment of death on persons convicted of any of the felonies herein-before specified shall, from and after the first day of January one thousand eight hundred and thirty-four, be and the same is hereby repealed.

II. That from and after the first of January one thousand eight hundred and thirty-four every person who shall be convicted of any of the felonies herein-before specified, as principals or accessories before the fact, shall be liable to be transported beyond the seas for life, or for any term not less than seven years, as the court before whom any such person shall be convicted shall adjudge, and, previously to transportation, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, or to be confined in the penitentiary for any term not exceeding four years, or shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction for any term not exceeding four years nor less than one year.

III. That all persons punishable by transportation for life under an act passed in the second and third years of the reign of his present Majesty, relating to the stealing in dwelling-houses and other offences, intituled An Act for abolishing the Punishment of Death in certain Cases, and substituting a lesser Punishment in lieu thereof, and all persons punishable by transportation for life under an act passed in the same years, intituled An Act for abolishing the Punishment of Death in certain Cases of Forgery, shall be liable, previously to their being transported, in case the court before whom such persons shall be convicted shall think fit, to be imprisoned, with or without hard labour, in the common gaol or house of correction, or to be confined in the penitentiary, for any term not exceeding four years nor less than one year.
[No. III.] 5 & 6 W. IV. c. 34.—An Act to amend Two clerical Errors contained in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith. [25th August 1835.]

WHEREAS an act was passed in the ninth year of the reign of his late Majesty King George the fourth, intituled An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith: And whereas the said act contains a proviso in the words following; that is to say, "Provided always, That if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall by reason thereof be entitled to be acquitted of such misdemeanor:" And whereas the word "not" has by a clerical error been omitted between the words "shall" and "by" in the said proviso: Be it enacted, &c. That the said herein-before recited proviso of the said act of parliament shall be deemed, construed, and taken to have such and the same effect, to all intents and purposes whatsoever, as if the said word "not" had been originally inserted between the words "shall" and "by."

II. And whereas in another clause of the said recited act the words following are contained; that is to say, "And to 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, or valuable security, or other property whatsoever, shall be indicted for any offence by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative;" And whereas the word "such" has by a clerical error been omitted between the words "any" and "offence" in the said clause: Be it enacted, That the herein-before recited clause of the said act of parliament shall be deemed, construed, and taken to have such and the same effect to all intents and purposes whatsoever as if the said word "such" had been originally inserted between the said words "any" and "offence."

[No. IV.] 5 & 6 W. IV. c. 61.—An Act for abolishing Capital Punishments in cases of Letter Stealing and Sacrilege.

[See post, Part V. Class XIV.]
OFFENCES RELATING TO STOLEN GOODS.

[There has been no act since the 7 and 8 G. 4, c. 29 (see Evans's Statutes, Part V. Class VII.), relating to the receiving of stolen goods.]

PART V.
CLASS IX.

EMBEZZLEMENTS BY AGENTS AND PUBLIC OFFICERS.

[No. 1.] 2 W 4, c. 4. An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty.

[13th February 1832.]

WHEREAS by an act passed in the fiftieth year of the reign of his late Majesty king George the third, intituled An Act for more effectually preventing the Embezzlement of Money or Securities for Money, belonging to the Public, by any Collector, Receiver, or other Person entrusted with the Receipt, Care, or Management thereof, it is enacted, That if any person or persons to whom any money or securities for money shall be issued for public services shall embezzle such money, or in any manner fraudulently apply the same to his own use or benefit, or for any purpose whatever except for public services, every such person so offending, and being thereof duly convicted according to law in any part of the united kingdom, shall be adjudged guilty of a misdemeanor, and shall be sentenced to be transported beyond the sea, or to receive such other punishment as may by law be inflicted on persons guilty of misdemeanors, and as the court before which such offenders may be tried and convicted shall adjudge: And whereas it is expedient that further provision should be made with regard to embezzlements by persons employed in the public service of his Majesty: Be it therefore enacted, &c.

That so much of the said act as is herein-before recited shall be and the same is hereby repealed, except as to any offences against the same committed before the passing of this act, which offences shall be dealt with and punished as if this act had not been passed; and that from and after the passing of this act, if any person employed in the public service of his Majesty, and entrusted by virtue of such employment, with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle the same, or any part thereof, or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit, or for any purpose whatsoever except for the public service, every such offender shall be deemed to have stolen the same, and shall in England and Ireland be deemed guilty of felony, and in Scotland of a high crime and offence, and on being thereof convicted in due form of law 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, as to the court shall seem meet, for any term not exceeding three years.

II. That every tally, order, 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 Ireland, or of any foreign state, or to any share or
interest in any fund of any body corporate, company, or society, or to any deposit in any savings bank, and every debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, and every warrant or order for the delivery or transfer of any goods or valuable thing, shall throughout this act be deemed for every purpose to be included under and denoted by the words "valuable security;" and that if any person so employed and entrusted as aforesaid shall embezzle or fraudulently apply or dispose of any such valuable security as aforesaid, he shall be deemed to have stolen the same within the intent and meaning of this act, and shall be punishable thereby in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which such security may relate, or with the money due on such security or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in such security.

III. That it shall be lawful to charge in the indictment to be preferred against any offender under this act, and to proceed against him for any number of distinct acts of embezzlement or of fraudulent application or disposition as aforesaid, not exceeding three, which may have been committed by him 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 or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security; and such allegation, so far as it regards the description of the property, shall be sustained if the offender shall be proved to have 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 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 should be returned to the party delivering the same, and although such part shall have been returned accordingly.

IV. That in every such case of embezzlement or fraudulent application or disposition as aforesaid of any chattel, money, or valuable security, it shall be lawful in the order of committal by the justice of the peace before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security as aforesaid in the king's Majesty.

V. That every offender against this act may be dealt with, indicted, tried, and punished either in the county or place in which he shall have apprehended, or in the county or place where he shall have committed the offence.
PART V.
CLASS X.

EMBEZZLEMENT OF PUBLIC STORES.
[The 55 G. 3, c. 127. (See 6 Evans's Statutes, Part V. Class IX.) was the last act upon this subject.]

PART V.
CLASS XI.

FALSE PRETENCES.
[There has been no enactment relating to this head subsequent to the 7 and 8 G. 4, c. 29. See 6 Evans's Statutes, Part V. Class VII.]

PART V.
CLASS XII.

FORGERY.
[No. I.] 1 W. IV. c. 66.—An Act for reducing into One Act all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery. (1) [23d July 1830.]

WHEREAS several offences relating to forged writings, and to other forged and counterfeit matters, and to false personation, false oaths, false entries, and other false matters, are now by virtue of several statutes punishable with death: And whereas it is expedient that none of those offences shall hereafter be punishable with death, unless the same shall be made punishable with death by this act; and also that the statutes concerning such of those offences, whether punishable with death or otherwise, as may more frequently or seriously affect the interests of his Majesty or his subjects, should be amended, and consolidated into this act: Be it therefore enacted, &c., That where by any acts now in force any person falsely making, forging, counterfeiting, erasing, or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any matter whatsoever, knowing the same to be falsely made, forged, counterfeited, erased, or altered, or any person demanding or endeavouring to receive or have any thing, or to do or cause to be done any act, upon or by virtue of any matter whatsoever, knowing such matter to be falsely made, forged, counterfeited, erased, or altered, would, according to the provisions contained in any of the said acts, be guilty of felony, and liable to suffer death as a felon; or where by any acts now in force any person falsely personating another, or falsely acknowledging any thing in the name of another, or falsely representing any other person than the real party to be such real party, or wilfully making a false entry in any book,

(1) See 2 and 3 W. 4, c. 123. post.
account, or document, or in any manner wilfully falsifying any part of
any book, account, or document, or wilfully making a transfer of any
stock, annuity, or fund in the name of any person not being the owner
thereof, or knowingly taking a false oath, or knowingly making a false
affidavit or false affirmation, or demanding or receiving any money or
other thing by virtue of any probate or letters of administration, know-
ing the will on which such probate shall have been obtained to have
been false or forged, or knowing such probate or letters of administra-
tion to have been obtained by means of any false oath or false affirm-
ation, would, according to the provisions contained in any of the said
acts, be guilty of felony, and liable to suffer death as a felon: or where
by any acts now in force any person making or using, or knowingly
having in his custody or possession, any frame, mould, or instrument
for the making of paper, with certain words visible in the substance
thereof, or any person making such paper, or causing certain words to
appear visible in the substance of any paper, would, according to the
provisions contained in any of the said acts, be guilty of felony, and
liable to suffer death as a felon; then, and in each of the several cases
aforesaid, if any person shall, after the commencement of this act, be
convicted of any such felony as is herein-before mentioned, or of aiding,
abetting, counselling, or procuring the commission thereof, such person
shall not suffer death for the same, unless the same shall be made
punishable with death by this act; and if the same shall not be made
punishable with death by this act, in such case every person who shall,
after the commencement of this act, be convicted of any such felony, or
of aiding, abetting, counselling, or procuring the commission 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 im-
prisoned for any term not exceeding four years nor less than two years:
Provided always, That nothing herein contained shall affect or alter any
acts relating to the coin of this realm, or to any coin of any other realm
lawfully current within this realm.

II. That if any person shall forge or counterfeit, or shall utter know-
ing the same to be forged or counterfeited, the great seal of the united
kingdom, his Majesty's privy seal, any privy signet of his Majesty, his
Majesty's royal sign manual, any of his Majesty's seals appointed by
the twenty-fourth article of the union to be kept, used, and continued
in Scotland, the great seal of Ireland, or the privy seal of Ireland, every
such offender shall be guilty of high treason, and shall suffer death
accordingly: Provided always, That nothing contained in an act passed
in the seventh year of the reign of king William the third, intituled
An Act for regulating of Trials in Cases of Treason and Misprison of
Treason, or in an act passed in the seventh year of the reign of queen
Anne, intituled An Act for improving the Union of the Two Kingdoms,
shall extend to any indictment, or to any proceedings thereupon, for any
of the treasons herein-before mentioned.

III. That if any person shall forge or alter, or shall offer, utter, dis-
pose of, or put off, knowing the same to be forged or altered, any exche-
quer bill or exchequer debenture, or any indorsement on or assignment
of any exchequer bill or exchequer debenture, or any bond under the
common seal of the united company of merchants of England trading to
the East Indies, commonly called an East India bond, or any in-
dorsement on or assignment of any East India bond, or any note
or bill of exchange of the governor and company of the bank of
England, commonly called a bank note, a bank bill of exchange, or a
bank post bill, or any indorsement on or assignment of any bank note,
bank bill of exchange, or bank post bill, or any will, testament, codicil,
or testamentary writing, or any bill of exchange or any promissory note
for the 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 undertaking, warrant, or
order for the payment of money, (1) with intent, in any of the cases aforesaid, to defraud any person whatsoever, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

IV. That where by any act now in force any person is made liable to the punishment of death for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in such act by any especial name or description, and such instrument or writing, however designated, is in law a will, testament, codicil, or testamentary writing, or a bill of exchange or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, or order for the payment of money, within the true intent and meaning of this act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this act, and punished with death accordingly.

V. That if any person shall wilfully make any false entry in, or wilfully alter any word or figure in, any of the books of account kept by the governor and company of the bank of England, or by the governor and company of merchants of Great Britain trading to the South Seas and other parts of America, and for encouraging the fishery, commonly called the South Sea company, in which books the accounts of the owners of any stock, annuities, or other public funds which now are or hereafter may be transferrable at the bank of England or at the South Sea House shall be entered and kept, or shall in any manner wilfully falsify the accounts of such owners in any of the said books, with intent in any of the cases aforesaid to defraud any person whatsoever; or if any person shall wilfully make any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferrable at the bank of England or at the South Sea House, in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud any person whatsoever; every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

VI. That if any person shall forge or alter, or shall utter knowing the same to be forged or altered, any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferrable at the bank of England or at the South Sea house, or of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter or act of parliament, or shall forge or alter, or shall utter knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock as is herein-before mentioned, or to receive any dividend payable in respect of any such share or interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the several cases aforesaid to defraud any person whatsoever; or if any person shall falsely and deceitfully personate any owner of any such share, interest or dividend as aforesaid, and thereby transfer any share or interest belonging to such owner, or thereby receive any money due to such owner as if such person were the true and lawful owner; every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

(1) It is not any offence within this clause to forge an indorsement upon a “warrant or order for the payment of money.” Neither if a party write upon the back of a bill of exchange “Received for A. B.” and sign his own name, is he guilty of forging a receipt within the provisions of the tenth section of this act. Rex v. Arcott, 6 C. and P., 408.
VII. That if any person shall falsely and deceitfully personate any owner of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferrable at the bank of England or at the South Sea house, or any owner of any share or interest of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter or act of parliament, or any owner of any dividend payable in respect of any such share or interest as aforesaid, and shall thereby endeavour to transfer any share or interest belonging to any such owner, or thereby endeavour to receive any money due to any such owner as if such offender were the true and lawful owner, 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 nor less than two years.

VIII. That if any person shall forge the name or handwriting of any person as or purporting to be a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock as is hereinbefore mentioned, or to receive any dividend payable in respect of any such share or interest, or shall utter any such power of attorney or other authority, with the name or handwriting of any person forged thereon as an attesting witness, knowing the same to be forged, 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 nor less than one year.

IX. That if any clerk, officer, or servant of, or other person employed or intrusted by, the governor and company of the bank of England, or the governor and company of merchants commonly called the South Sea company, shall knowingly make out or deliver any dividend warrant for a greater or less amount than the person or persons on whose behalf such dividend warrant shall be made out or are entitled to, with intent to defraud any person whatsoever, 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 nor less than one year.

X. That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, bond, or writing obligatory, or any court roll or copy of any court roll relating to any copyhold or customary estate, or any acquittance or receipt either for money or goods, or for any note, bill, or other security for payment of money, or any warrant, order, or request for the delivery or transfer of goods, or for the delivery of any note, bill, or other security for payment of money, with intent to defraud any person whatsoever, 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 or less than two years.

XI. That if any person shall, before any court, judge, or other person lawfully authorised to take any recognizance or bail, acknowledge any recognizance or bail in the name of any other person not privy or consenting to the same, whether such recognizance or bail in either case be or be not filed; or if any person shall, in the name of any other person not privy or consenting to the same, acknowledge any fine, recovery, cognovit actionem, or judgment, or any deed to be enrolled; 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 nor less than two years.

Forgeries, 

Forging the attestation to any power of attorney for transfer of stock, &c.

Clerks of the bank wilfully making out dividend warrants for a greater or less sum than what is really due; transportation for seven years, &c.

Forging a deed, bond, receipt for money or goods, or an accountable order for delivery of goods, transportation for life, &c.

Fraudulently acknowledging any recognizance, bail, fine, recovery, or judgment, in the name of another; transportation for life, &c.
XII. That if any person shall, without lawful excuse, the proof whereof shall lie upon the party accused, purchase or receive from any other person, or have in his custody or possession, any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same respectively to be forged, every such offender shall be guilty of felony, and, being convicted thereof, shall be transported beyond the seas for the term of fourteen years.

XIII. That if any person shall, without the authority of the governor and company of the bank of England, to be proved by the party accused, make or use, or shall, without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession, any frame, mould, or instrument for the making of paper with the words “Bank of England” visible in the substance of the paper, or for the making of paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount, expressed in a word or words in roman letters, visible in the substance of the paper; or if any person shall, without such authority, to be proved as aforesaid, manufacture, use, sell, expose to sale, utter, or dispose of, or shall, without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession, any paper whatsoever with the words “Bank of England” visible in the substance of the paper, or any paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount, expressed in a word or words in roman letters, appearing visible in the substance of the paper; or if any person, without such authority, to be proved as aforesaid, shall, by any art or contrivance, cause the words “Bank of England” to appear visible in the substance of any paper, or cause the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill, in a word or words in roman letters, to appear visible in the substance of the paper whereon the same shall be written or printed; every such offender shall be guilty of felony, and, being convicted thereof, shall be transported beyond the seas for the term of fourteen years.

XIV. Provided always, That nothing herein contained shall prevent any person from issuing any bill of exchange or promissory note having the amount thereof expressed in guineas, or in a numerical figure or figures denoting the amount thereof in pounds sterling appearing visible in the substance of the paper upon which the same shall be written or printed, nor shall prevent any person from making, using, or selling any paper having waving or curved lines, or any other devices in the nature of watermarks, visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved laying wire lines or bar lines or the watermarks of the paper used by the governor and company of the bank of England.

XV. That if any person shall engrave or in anywise make upon any plate whatever, or upon any wood, stone, or other material, any promissory note or bill of exchange, or blank promissory note or blank bill of exchange, or part of a promissory note or bill of exchange, purporting to be a bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a bank note, bank bill of exchange, or bank post bill, without the authority of the governor and company of the bank of England, to be proved by the party accused; or if any person shall use such plate, wood, stone, or other material, or any other instrument or device, for the making or printing any bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a bank note, bank bill of exchange, or bank post bill, without such authority, to be proved as aforesaid; or if any
person shall, without lawful excuse, the proof whereof shall lie on the party accused, knowingly have in his custody or possession any such plate, wood, stone, or other material, or any such instrument or device; or if any person shall, without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off any paper upon which any blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a bank note, bank bill of exchange, or bank post bill, shall be made or printed; or if any person shall, without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession any such paper; every such offender shall be guilty of felony, and, being convicted thereof, shall be transported beyond the seas for the term of fourteen years.

XVI. That if any person shall engrave or in anywise make upon any plate whatever, or upon any wood, stone, or other material, any word, number, figure, character, or ornament, the impression taken from which shall resemble, or apparently be intended to resemble, any part of a bank note, bank bill of exchange, or bank post bill, without the authority of the governor and company of the bank of England, to be proved by the party accused; or if any person shall use any such plate, wood, stone, or other material, or any other instrument or device, for the making upon any paper or other material the impression of any word, number, figure, character, or ornament which shall resemble, or apparently be intended to resemble, any part of a bank note, bank bill of exchange, or bank post bill, without such authority, to be proved as aforesaid; or if any person shall, without lawful excuse, the proof whereof shall lie on the party accused, knowingly have in his custody or possession any such plate, wood, stone, or other material, or any such instrument or device; or if any person shall, without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off any paper or other material upon which there shall be an impression of any such matter as aforesaid; or if any person shall, without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession any paper or other material upon which there shall be an impression of any such matter as aforesaid; every such offender shall be guilty of felony, and, being convicted thereof, shall be transported beyond the seas for the term of fourteen years.

XVII. That if any person shall make or use any frame, mould, or instrument for the manufacture of paper, with the name or firm of any incorporated bankers or body corporate, or company carrying on the business of manufacturing paper, with the name or firm of any incorporated bankers or body corporate, or company, the proof of which authority shall lie on the party accused; or if any person shall, without lawful excuse, the proof whereof shall lie on the party accused, knowingly have in his custody or possession any such frame, mould, or instrument; or if any person shall, without such authority, to be proved as aforesaid, manufacture, use, sell, expose to sale, utter, or dispose of, or shall, without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession, any paper in the substance of which the name or firm of any incorporated bankers or body corporate, or company carrying on the business of bankers shall appear visible; or if any person shall, without such authority, to be proved as aforesaid, cause the name or firm of any incorporated bankers or body corporate, or company carrying on the business of bankers to appear visible in the substance of the paper upon which the same shall be written or printed; 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 any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years nor less than one year.

XVIII. That if any person shall engrave or in anywise make upon any plate whatever, or upon any wood, stone, or other material, any bill Engraving on any plate, &c. any word, number, or ornament resembling any part of a bank note, &c., or using or having any such plate, &c., or uttering or having any paper on which there shall be an impression of any word, number, &c.; transportation for 14 years.
of exchange or promissory note for the payment of money, or any part of any bill of exchange or promissory note for the payment of money, purporting to be the bill or note, or part of the bill or note, of any person or persons, body corporate, or company carrying on the business of bankers, (other than and except the bank of England,) without the authority of such person or persons, body corporate, or company, the proof of which authority shall lie on the party accused; or if any person shall engrave or make upon any plate whatever, or upon any wood, stone, or other material, any word or words resembling, or apparently intended to resemble, any subscription subjoined to any bill of exchange or promissory note for the payment of money issued by any such person or persons, body corporate, or company carrying on the business of bankers, without such authority, to be proved as aforesaid; or if any person shall, without such authority, to be proved as aforesaid, use, or shall, without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession, any plate, wood, stone, or other material upon which any such bill or note, or part thereof, or any word or words resembling, or apparently intended to resemble, such subscription, shall be engraved or made; or if any person shall, without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off, or shall, without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession any paper upon which any part of such bill or note, or any word or words resembling, or apparently intended to resemble, any such subscription, shall be made or printed; 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 any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years nor less than one year.

XIV. That if any person shall engrave or in anywise make upon any plate whatever, or upon any wood, stone, or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking, or order for payment of money, in whatever language or languages the same may be expressed, and whether the same shall or shall not be or be intended to be under seal, purporting to be the bill, note, undertaking, or order, or part of the bill, note, undertaking, or order, of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate, or body of the like nature, constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country, not under the dominion of his Majesty, without the authority of such foreign prince or state, minister or officer, body corporate or body of the like nature, person or company of persons, the proof of which authority shall lie on the party accused; or if any person shall, without such authority, to be proved as aforesaid, use, or shall, without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession, any plate, stone, wood, or other material upon which any such foreign bill, note, undertaking, or order, or any part thereof, shall be engraved or made; or if any person shall, without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off, or shall, without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession, any paper upon which any part of such foreign bill, note, undertaking, or order shall be made or printed; 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 any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years nor less than one year.

XX. That if any person shall knowingly and wilfully insert, or cause or permit to be inserted, in any register of baptisms, marriages, or burials, which hath been or shall be made or kept by the
ractor, vicar, curate, or officiating minister of any parish, district parish, or chapelry in England, any false entry of any matter relating to any baptism, marriage, or burial, or who shall forge or alter in any such register any entry of any matter relating to any baptism, marriage, or burial; or shall utter any writing as and for a copy of an entry in any such register of any matter relating to any baptism, marriage, or burial, knowing such writing to be false, forged, or altered; or if any person shall utter any entry in any such register of any matter relating to any baptism, marriage, or burial, knowing such entry to be false, forged, or altered, or shall utter any copy of such entry, knowing such entry to be false, forged, or altered, or shall willfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any such register or any part thereof; or shall forge or alter, or shall utter knowing the same to be forged or altered, any licence of marriage; 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 nor less than two years.

XXI. Provided always, That no rector, vicar, curate, or officiating minister of any parish, district parish, or chapelry, who shall discover any error in the form or substance of the entry in the register of any baptism, marriage, or burial respectively by him solemnized, shall be liable to any of the penalties herein mentioned if he shall, within one calendar month after the discovery of such error, in the presence of the parent or parents of the child baptised, or of the parties married, or in the presence of two persons who shall have attended at any burial, or in the case of the death or absence of the respective parties aforesaid, then in the presence of the churchwardens or chapelwardens, correct the entry which shall have been found erroneous, according to the truth of the case, by entry in the margin of the register wherein such erroneous entry shall have been made, without any alteration or obliteration of the original entry, and shall sign such entry in the margin, and add to such signature the day of the month and year when such correction shall be made; and such correction and signature shall be attested by the parties in whose presence the same are directed to be made as aforesaid:

Provided also, that in the copy of the register which shall be transmitted to the registrar of the diocese, the said rector, vicar, curate, or officiating minister shall certify the corrections so made by him as aforesaid.

XXII. And whereas copies of the registers of baptisms, marriages, and burials, such copies being signed and verified by the written declaration of the rector, vicar, curate, or officiating minister of every parish, district parish, and chapelry in England where the ceremonies of baptism, marriage, and burial may lawfully be performed, are directed by law to be made and transmitted to the registrar of the diocese within which such parish, district parish, or chapelry may be situated; be it therefore enacted, That if any person shall knowingly and wilfully insert, or cause or permit to be inserted, in any copy of any register so directed to be transmitted as aforesaid, any false entry of any matter relating to any baptism, marriage, or burial, or shall forge or alter, or shall utter knowing the same to be forged or altered, any copy of any register so directed to be transmitted as aforesaid, or shall knowingly and wilfully sign or verify any copy of any register so directed to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, 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 nor less than one year.

XXIII. And whereas by an act passed in the fifth year of the reign of The punish- queen Elizabeth, intituled An Act against Forgers of false Deeds and Writings, it is, amongst other things, provided, that every person convicted of any of the offences first enumerated in that act shall pay to they hav
the party grieved his double costs and damages, and shall forfeit to the
crown the whole issues of his lands and tenements during his life, and
shall also suffer imprisonment during his life: And whereas there are
certain acts by which persons convicted of certain offences, mentioned
in those acts, are subjected to the same pains and penalties as are imposed
by the said act of queen Elizabeth for the offences first enumerated
in that act: And whereas the said act of Elizabeth is herein-after
repealed; and it is expedient to substitute other punishments in lieu of
the punishments of that act, so far as the same have been adopted by
any other acts; be it therefore enacted, That every person who shall
after the commencement of this act be convicted of any offence which
is now subjected, by any act or acts, to the same pains and penalties as
are imposed by the said act of queen Elizabeth for any of the offences
first enumerated in that act, shall be guilty of felony, and shall, in lieu
of such pains and penalties, 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 nor less than one year.

XXIV. That if any person shall commit any offence against this act,
or shall commit any offence of forging or altering any matter whatso-
ever, or of offering, uttering, disposing of, or putting off any matter
whatever, knowing the same to be forged or altered, whether the
offence in any such case shall be indictable at common law or by virtue
of any statute or statutes made or to be made, the offence of every such
offender may be dealt with, indicted, tried, and punished, and laid and
charged to have been committed, in any county or place in which he
shall be apprehended or be in custody, as if his offence had been actually
committed in that county or place; and every accessory before or after
the fact to any such offence, if the same be a felony, and every person
aiding, abetting, or counselling the commission of any such offence, if
the same be a misdemeanor, may be dealt with, indicted, tried, and
punished, and his offence laid and charged to have been committed in
any county or place in which the principal offender may be tried.

XXV. 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.

XXVI. That where any person shall be convicted of any offence pu-
nishable under this act, for which imprisonment may be awarded, it
shall be lawful for the court to sentence the offender to be imprisoned,
with or without 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, as to the
court in its discretion shall seem meet.

XXVII. That where any offence punishable under this act shall be
committed within the jurisdiction of the Admiralty, the same shall be
dealt with, inquired of, tried, and determined in the same manner as
any other offence committed within that jurisdiction.

XXVIII. That where the having any matter in the custody or pos-
session of any person is in this act expressed to be an offence, if any
person shall have any such matter in his personal custody or possession,
or shall knowingly and wilfully have any such matter in any dwelling-
house or other building, lodging, apartment, field, or other place, open
or enclosed, whether belonging to or occupied by himself or not, and
whether such matter shall be so bad for his own use or for the use or
benefit of another, every such person shall be deemed and taken to have
such matter in his custody or possession within the meaning of this act;
and where the committing any offence with intent to defraud any person
whatever is made punishable by this act, in every such case the word
"Person" shall throughout this act be deemed to include his Majesty or any foreign prince or state, or any body corporate, or any company or society of persons not incorporated, or any person or number of persons whatsoever who may be intended to be defrauded by such offence, whether such body corporate, company, society, person, or number of persons whatsoever who may be intended to be defrauded by such offence, whether such body corporate, company, society, person, or number of persons shall reside or carry on business in England or elsewhere, in any place or country, whether under the dominion of his Majesty or not; and it shall be sufficient in any indictment to name one person only of such company, society, or number of persons, and to allege the offence to have been committed with intent to defraud the person so named, and another or others, as the case may be.

XXIX. That this act shall not extend to any offence committed in Scotland or Ireland.

XXX. Provided always, That where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this act expressed to be an offence, if any person shall, in that part of the united kingdom called England, forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter, in whatsoever place or country out of England, whether under the dominion of his Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language or languages the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this act, and shall be punishable thereby in the same manner as if the writing or matter had purport to be made or had been made in England; and if any person shall in England forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange or any promissory note for the payment of money, or any indorsement on 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 undertaking, warrant, or order for the payment of money, or any deed, bond, or writing obligatory for the payment of money, (whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose,) in whatever place or country out of England, whether under the dominion of his Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, deed, bond, or writing obligatory may be or may purport to be payable, and in whatever language or languages the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, or order be or be not under seal, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in England.

XXXI. That so much of a statute made in the twenty-fifth year of the reign of king Edward the third as relates to counterfeiting the king's great or privy seal, and so much of an act passed in the first year of the reign of queen Mary, intituled An Act that the counterfeiting of strange Coins being current within this Realm, the Queen's Highness' Sign Manual, Signet, or Privy Seal, be adjudged Treason, as relates to forging or counterfeiting the queen's sign manual, privy signet, or privy seal; and an act passed in the fifth year of the reign of queen Elizabeth, intituled An Act against Forgers of false Deeds and Writings; and an act passed in the twenty-first year of the reign of king James the first, intituled An Act against such as shall levy any Fine, suffer any Recovery, acknowledge any Statute, Recognisance, Bail, or Judgment in the Name of any other Person or Persons not being privy and consenting thereto; and so
much of an act passed in the fourth year of the reign of King William and Queen Mary, intituled An Act for taking Special Suits in the Court
up on Actions and Suits depending in the Courts of King’s Bench, Common
Pleas, and Exchequer at Westminster, as relates to any offence thereby
made felony; and so much of an act passed in the eighth and ninth
years of the reign of King William the third, intituled An Act for
making good the Deficiencies of several Funds therein mentioned, and for
enlarging the Capital Stock of the Bank of England, and for raising the
Public Credit, as relates to forging or counterfeiting the common seal of
the governor and company of the bank of England, or any sealed bank
bill, or any bank note, or altering or raising any indorsement on any
bank bill or note; and so much of an act passed in the seventh year
of the reign of Queen Anne, intituled An Act for improving the Union
of the Two Kingdoms, as relates to counterfeiting her Majesty’s seals,
appointed by the twenty-fourth article of the union to be kept, used,
and continued in Scotland; and so much of an act passed in the eighth
year of the reign of George the first, intituled An Act to prevent
the Mischiefs by forging Powers to transfer such Stocks or to receive such
Annuities or Dividends as are therein mentioned, or by fraudulently per
sonating the true Owners thereof; and to rectify Mistakes of the late Ma
agers for taking Subscriptions for increasing the Capital Stock of the
South Sea Company, and in the Instrument founded thereupon, as relates
to any forgery or other capital felony therein mentioned; and so much
of an act passed in the twelfth year of the same reign, intituled An Act
for better securing the Monies and Effects of the Suitors of the Court of
Chancery, and to prevent the counterfeiting of East India Bonds and In
dorsements thereon, as likewise Indorsements on South Sea Bonds, as relates
to any person who shall forge or counterfeit, or procure to be forged or
counterfeited, or wilfully act or assist in forging or counterfeiting, any
bond or obligation of the East India company, or any indorsement or
assignment thereon, or on any bond or obligation of the South Sea
company, or shall utter or publish the same knowing the same to be
forged or counterfeited; and the whole of an act passed in the second
year of the reign of George the second, 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, except so far as relates to
perjury and subornation of perjury; and an act passed in the seventh
year of the same reign, intituled An Act for the more effectual preventing
the forgying the Acceptance of Bills of Exchange, or the Numbers or Prin
cipal Sums of accountable Receipts for Notes, Bills, or other Securities for
Payment of Money, or Warrants or Orders for Payment of Money or
Delivery of Goods; and so much of an act passed in the fifteenth year
of the same reign, intituled An Act for establishing an Agreement with
the Governor and Company of the Bank of England for advancing the Sum
of One Million six hundred thousand pounds towards the Supply for the
Service of the Year One thousand seven hundred and forty-two, as relates
to any person who shall forge, counterfeit, or alter any bank note or other
matter specified in the said act, or shall knowingly offer, dispose of,
or put away such forged, counterfeit, or altered note or other matter,
or knowingly demand the money therein contained or pretended to be due
thereon, or any part thereof, as in the said act is mentioned; and
so much of an act passed in the thirty-first year of the same reign,
intituled An Act for granting to his Majesty several Rates and Duties
upon Offices and Pensions, and upon Houses, and upon Windows or Lights;
and for raising the Sum of Five Millions by Annuities and a Lottery, to be
charged on the said Rates and Duties, as relates to any forgery or other
capital felony therein mentioned; and so much of an act passed in the
fourth year of the reign of George the third, intituled An Act for
establishing an Agreement with the Governor and Company of the Bank
of England for raising certain Sums of Money towards the Supply for the
Service of the Year One thousand seven hundred and sixty-four; and for
more effectually preventing the forgery Powers to transfer such Stock or receive such Dividends or Annuiies as are therein mentioned, and the fraudulent personating the Owners thereof, as relates to any forgery or other capital felony therein mentioned; and an act passed in the thirtieth year of the same reign, intituled An Act for the more effectually preventing the forgery of the Notes or Bills of the Governor and Company of the Bank of England, and for the preventing the obtaining a false Credit by the Imitation of the Notes or Bills of the said Governor and Company; and an act passed in the eighteenth year of the same reign, intituled An Act to explain an Act passed in the Seventh Year of the Reign of His late Majesty King George the Second, intituled 'An Act for the more effectual preventing the forgery the Acceptance of Bills of Exchange, or the Numbers or Principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money or Delivery of Goods;' and so much of an act passed in the twenty-seventh year of the reign of king George the third, intituled An Act for taking and swearing affidavits to be made use of in the Court of Session of the County Palatine of Chester, and for taking of Special Bail in Actions and Suits depending in the same Court, as relates to any offence thereby made felony; and an act passed in the thirty-third year of the reign of king George the third, intituled An Act for the better preventing Forgeries and Frauds in the Transfers of the several Funds transferable at the Bank of England; and an act passed in the thirty-seventh year of the same reign, intituled An Act for the better preventing the forgery or counterfeiting the Names of Witnesses to Letters of Attorney or other Authorities, or Instruments for the Transfer of Stocks or Funds which now are, or by any Act or Acts of Parliament shall hereafter be made transferable at the Bank of England, or for the Transfer of any Part of the Capital Stock of the Governor and Company of the Bank of England, called Bank Stock, or for the Transfer of any Part of the Capital Stock, or any Stocks or funds under the Management of the South Sea Company, or for the Transfer of any Part of the Capital Stock of the East India Company, or for the Receipt of Dividends upon any of such Stocks or Funds; and an act passed in the forty-first year of the same reign, intituled An Act for the more effectually preventing the Forgery of Bank Notes, Bank Bills of Exchange, and Bank Post Bills; and an act passed in the same year, intituled An Act for the better Prevention of the Forgery of the Notes and Bills of Exchange of Persons carrying on the Business of Bankers; and so much of an act passed in the forty-third year of the same reign, intituled An Act for preventing the forgery and counterfeiting of Foreign Bills of Exchange, and of Foreign Promissory Notes and Orders for the Payment of Money; and for preventing the counterfeiting of Foreign Copper Money, as in anywise relates to any foreign bill of exchange, or foreign promissory note, undertaking, or order for the payment of money; and an act passed in the forty-fifth year of the same reign, intituled An Act to alter 45 G. 3. c. 89. and extend the Provisions of the Laws now in force for the Punishment of the Forgery of Bank Notes, Bills of Exchange, and other Securities, to every Part of Great Britain; and so much of an act passed in the forty-eighth 48 G. 3. c. 1, year of the same reign, intituled An Act for regulating the issuing and s. 9. paying off of Exchequer Bills, as relates to any forgery or other capital felony therein mentioned; and an act passed in the fifty-second year of the same reign, intituled An Act for the further Prevention of the counterfeiting of Silver Tokens issued by the Governor and Company of the Bank of England, called Dollars, and of Silver Pieces issued and circulated by the said Governor and Company, called Tokens; and for the further Prevention of Frauds practised by the Imitation of the Notes or Bills of the said Governor and Company; and so much of an act passed in the same year, intituled An Act for the better regulating and preserving of Parish and other Registers of Births, Baptisms, Marriages, and Burials in England, as relates to any felony therein mentioned; and so much of an act passed in the fourth year of the reign 4 G. 4. c. 76, of his late Majesty King George the fourth, intituled An Act for s. 29.
Forgery. [Part V.

No. I. 1 W. 4, c. 66.

amending the Laws respecting the Solemnization of Marriages in England, as relates to any person who shall knowingly and wilfully insert in the register book any false entry of any matter relating to any marriage, or shall falsely make, alter, forge, or counterfeint any such entry in the register, or any licence of marriage, or shall utter or publish as true any false, altered, forged, or counterfeint register of marriage, or a copy thereof, or any false, altered, forged, or counterfeint licence of marriage, knowing such register or licence of marriage respectively to be false, altered, forged, or counterfeint, or shall wilfully destroy any register book of marriages, or any part thereof, or shall cause or procure or assist in the commission of any of the said several offences; shall continue in force until and throughout the twentieth day of July in the present year, and shall from and after that day, as to that part of the united kindom called 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 twentieth day of July which shall be dealt with and punished as if this act had not been passed: Provided always, that if any person, who shall before or upon the said twentieth day of July have committed any offence against any of the several acts hereby repealed as aforesaid, shall after the commencement of this act be convicted of the same, and such offence shall have been made punishable with death by any of the said several acts, but shall not be made punishable with death by this act, in every such case the person convicted of such offence shall not suffer the punishment of death, but shall, in lieu thereof, 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, for any term not exceeding four years nor less than two years.

XXXII. That this act shall commence and take effect on the twenty-first day of July in the present year.

[No. II.] 2 & 3 W. 4, c. 123.—An Act for abolishing the Punishment of Death in certain cases of Forgery.

[16th August 1832.]

1 W. 4, c. 66. WHEREAS by an act passed in the first year of his present Majesty's reign, intituled An Act for reducing into One Act all such Forgeries as shall hereafter be punished with Death, and for otherwise amending the Laws relative to Forgery, it was provided, That if any person should after the commencement of that act be convicted of any forgery or other offence therein named or described, for which he would at the time of the passing of that act have been liable to the punishment of death, he should not suffer death for the same, unless the same should be made punishable with death by that act: And whereas by the law and practice now prevailing in Scotland and in Ireland the penalty of death may be awarded, in certain cases, for forgery, for uttering counterfeit instruments, and for false personation: And whereas it is expedient to abolish the punishment of death for offences of that nature, except so far as relates to wills and certain powers of attorney, as herein-after mentioned; be it therefore enacted, &c., That where any person shall after the passing of this act be convicted of any offence whatsoever for which the said act enjoins or authorizes the infliction of the punishment of death, or where any person shall after the passing of this act be convicted in Scotland or Ireland of any offence now punishable with death, which offence shall consist wholly or in part of forging or altering any writing, instrument, matter, or thing whatsoever, or of offering, uttering, or disposing of any writing, instrument, matter, or thing whatsoever, knowing the same to be forged or altered, or of falsely personating another, then and in each of the cases aforesaid the person so convicted of any such offence as aforesaid, or of procuring or aiding or
assisting in the commission thereof, shall not suffer death, or have sentence of death awarded against him, but shall be transported beyond the seas for the term of such offender’s life.

II. Provided always, That notwithstanding any thing herein-before contained this act shall not be construed to affect or alter the said recited act, or any other act or law now in force, so far as the same may authorize the punishment of death to be inflicted upon any person convicted, either in England, Scotland, or Ireland, of forging or altering, or of offering, uttering, or disposing of, knowing the same to be forged or altered, any will, testament, codicil, or testamentary writing, with intent to defraud any body corporate or person whatsoever, or of forging or altering, or of uttering, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the bank of England or South Sea house, or at the bank of Ireland, or to receive any dividend payable in respect of any such share or interest, with intent to defraud any body corporate or person whatsoever, or of procuring, aiding, or assisting in the commission of any of the said offences, but that the punishment for each and every of the said offences, and for procuring, aiding, or assisting in the commission thereof, shall continue to be the same as if this act had not been passed.

III. And in order to prevent justice from being defeated by clerical or verbal inaccuracies, be it enacted, That in all informations or indictments for forging or in any manner uttering any instrument or writing, it shall not be necessary to set forth any copy or fac-simile thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same; any law or custom to the contrary notwithstanding.

[No. III.] 3 & 4 W. IV. c. 44.—An Act to repeal so much of Two Acts of the Seventh and Eighth Years and the Ninth Year of King George the Fourth as inflicts the Punishment of Death upon Persons breaking, entering, and stealing in a Dwelling House; also for giving Power to the Judges to add to the Punishment of Transportation for Life in certain cases of Forgery, and in certain other cases.

[Inserted ante, Part V., Class VII., p. 812]

[No. IV.] 3 & 4 W. IV. c. 47.—An Act to prevent the Selling and Uttering of Forged Stamps, and to exempt from Stamp Duty Artificial Mineral Waters in Great Britain, and to allow a Drawback in the exportation of Gold and Silver Plate Manufactured in Ireland. [29th August 1833.]

[See post, Part V., Class XIV.]

[No. V.] 5 & 6 W. IV. c. 73.—An Act to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases. [9th September 1835.]

WHEREAS by an act passed in the second and third years of the reign of his present Majesty, intituled An Act for abolishing the Punishment of Death in certain Cases of Forgery, the punishment of death was commuted for that of transportation for life in all cases of forgery.
No person committed for trial for a capital offence entitled to insist on liberation on bail.

High court or circuit court of justiciary empowered to grant privilege of bail when consistent with the ends of justice.

therein mentioned: And whereas since the passing of the said act persons accused of forgery, in consequence of their crime being no longer capital, in general apply for and are admitted to bail, but very frequently abscond and avoid standing their trial, whereby the ends of justice are defeated: Be it therefore enacted, &c., That from and after the passing of this act no person or persons committed for trial in Scotland for any forgery or other offence which, prior to the passing of the before-mentioned act, was a capital offence, and the punishment of which is by the said act limited to and declared to be transportation for life, shall be entitled to insist on liberation on bail, but without prejudice to the liberation of such person or persons as heretofore on such bail as the public prosecutor may agree to.

II. Provided always, That it shall be in the power of the high court or circuit court of justiciary in Scotland respectively, on the application of any person or persons accused of any crime which by the before-mentioned act is declared to be no longer punishable with death, to admit him or them to the privilege of bail, provided it shall appear to the court to which such application is made to be consistent with the ends of justice to do so; but the bail so to be taken shall be of such amount, greater or less than the maximum fixed by the statutes applicable to Scotland now in force for crimes that are bailable, as the said court shall, under the whole circumstances of the case, think necessary for insuring the appearance for trial of the person or persons accused; any law or practice to the contrary notwithstanding.

[See also the provisions of the act for the management of the customs, 3 & 4 W. IV, with reference to the forgery of the handwriting of any receiver-general of the customs, &c.; post, Part V, Class XIV.]

PART V.

CLASS XIII.

PIRACY AND OFFENCES COMMITTED ON THE HIGH SEAS.

[The 6 G. IV, c. 59, was the last statute relating to piracy.]
PART V.
CLASS XIV.

FEELONY RELATING TO THE REVENUE.

[No. I.] 3 & 4 W. IV. c. 51.—An Act for the Management of the Customs. [28th August 1833.]

XXVII. That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or handwriting of any receiver general of the customs, or of any controller general of the customs, or of any person acting for them respectively as aforesaid, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the bank of England, on account of the receiver general of the customs; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument, or writing in form of a draft made by such receiver general or person as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person or persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of felony, and shall be transported beyond the seas for life.

No. II.] 3 & 4 W. IV. c. 53.—An Act for the Prevention of Smuggling. [28th August 1833.]

LVIII. That if any persons to the number of three or more, armed with fire-arms or other offensive weapons, shall, within the united kingdom, or within the limits of any port, harbour, or creek thereof, be assembled in order to be aiding and assisting in the illegal landing, running, or carrying away of any prohibited goods, or any goods liable to any duties which have not been paid or secured, or in rescuing or taking away any such goods as aforesaid, after seizure, from the officer of the customs or other officer authorized to seize the same, or from any person or persons employed by them or assisting them, or from the place where the same shall have been lodged by them, or in rescuing any person who shall have been apprehended for any of the offences made felony by this or any act relating to the customs, or in the preventing the apprehension of any person who shall have been guilty of such offence, or in case any persons to the number of three or more, so armed as aforesaid, shall, within the united kingdom, or within the limits of any port, harbour, or creek thereof, be so aiding or assisting, every person so offending, and every person aiding, abetting, or assisting therein, shall, being thereof convicted, be adjudged guilty of felony, and suffer death as a felon.

LIX. That if any person shall maliciously shoot at any vessel or boat belonging to his Majesty’s navy, or in the service of the revenue, within one hundred leagues of any part of the coast of the united kingdom, or shall maliciously shoot at, maim, or dangerously wound any officer of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or any officer of customs or excise, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting there-
Felony relating to the Revenue. [Part V.

No. II.
3 & 4 W. 4,
c. 53.

Any person in company with four others having prohibited goods, or with one other armed or disguised, guilty of felony.

Officers.

Persons assaulting officers by force or violence may be transported.

in, shall, being lawfully convicted, be adjudged guilty of felony, and suffer death as a felon.

LX. That if any person being in company with more than four other persons be found with any goods liable to forfeiture under this or any other act relating to the revenue of customs or excise, or in company with one other person, within five miles of the sea coast or of any navigable river leading therefrom, with such goods, and carrying offensive arms or weapons, or disguised in any way, every such person shall be adjudged guilty of felony, and shall, on conviction of such offence, be transported as a felon for the space of seven years.

LXI. That if any person shall by force or violence assault, resist, oppose, molest, hinder, or obstruct any officer of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or any officer of customs or excise, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his or their office or duty, such person, being thereof convicted, shall be transported for seven years, or sentenced to be imprisoned in any house of correction or common gaol, and kept to hard labour, for any term not exceeding three years, at the discretion of the court before whom the offender shall be tried and convicted as aforesaid.

[No. III.] 3 & 4 W. IV. c. 97.—An Act to prevent the selling and uttering of forged Stamps, and to exempt from Stamp Duty artificial Mineral Waters in Great Britain, and to allow a Drawback on the exportation of Gold and Silver Plate Manufactured in Ireland. [29th August 1853.]

XI. That whenever any vellum, parchment, or paper shall be found in the possession of any person licensed to vend or deal in stamps, or who shall have been so licensed at any time within six calendar months then next preceding, such vellum, parchment, or paper having thereon any false, forged, or counterfeit stamp, mark, or impression resembling or representing, or intended or liable to pass or be mistaken for any stamp, mark, or impression of any die, plate, or other instrument which at any time whatever hath been or shall or may be provided, made, or used, by or under the direction of the commissioners of stamps, for the purpose of expressing or denoting any stamp duty whatever, then and in every such case the person in whose possession such vellum, parchment, or paper shall be so found shall be deemed and taken to have so had the same in his possession with intent to vend, use, or utter the same with such false, forged, or counterfeit stamp, mark, or impression thereon, unless the contrary shall be satisfactorily proved; and such person shall also be deemed and taken to have such vellum, parchment, or paper so in his possession, knowing the stamp, mark, or impression thereon to be false, forged, and counterfeit, and such person shall be liable to all penalties and punishments by law imposed or inflicted upon persons vending, using, uttering, or having in possession false, forged, or counterfeit stamps, knowing the same to be false, forged, or counterfeit, unless such person shall in every such case satisfactorily prove that such stamp or stamps was or were procured by or for such person from some distributor of stamps appointed by the said commissioners, or from some person licensed to deal in stamps under the authority of this act.

XII. That if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or instrument, resembling or intended to
Felony relating to the Revenue.

resemble, either wholly or in part, any die, plate, or other instrument which at any time whatever hath been or shall or may be provided, made, or used, by or under the direction of the commissioners of stamps, for the purpose of expressing or denoting any stamp duty whatever; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any vellum, parchment, or paper having thereon the impression of any such false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument as aforesaid, or having thereon any false, forged, or counterfeit stamp, mark, or impression resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for, the stamp, mark, or impression of any such die, plate, or other instrument which hath been or shall or may be so provided, made, or used as aforesaid, knowing such false, forged, or counterfeit stamp, mark, or impression to be false, forged, or counterfeit; or if any person shall fraudulently use, join, fix, or place for, with, or upon any vellum, parchment, or paper any stamp, mark, or impression which shall have been cut, torn, or gotten off or removed from any other vellum, parchment, or paper; or if any person shall fraudulently erase, cut, scrape, discharge, or get out of or from any stamped vellum, parchment, or paper any name, sum, date, or other matter or thing thereon written, printed, or expressed, with intent to use any stamp or mark then impressed, or being upon such vellum, parchment, or paper, or that the same may be used for any deed, instrument, matter, or thing in respect whereof any stamp duty is or shall or may be or become payable; or if any person shall knowingly use, utter, sell, or expose to sale, or shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any stamped vellum, parchment, or paper from or off or out of which any such name, sum, date, or other matter or thing as aforesaid shall have been fraudulently erased, cut, scraped, discharged, or gotten as aforesaid; then and in every such case every person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years.

XIII. That no information given before any justice of the peace upon the oath of one or more credible person or persons (which oath such justice is hereby empowered to administer), that there is just cause to suspect any person of being or having been in any way engaged or concerned in making any false or counterfeit die, plate, or other instrument, or unlawfully marking or impressing any stamp, mark, or impression on any vellum, parchment, or paper with any such die, plate, or instrument; or in the unlawful possession of any forged or counterfeit die, plate, or instrument, or of any vellum, parchment, or paper with any counterfeit stamp, mark, or impression thereon; or in unlawfully or fraudulently or without due authority, marking or impressing any lawful stamp on any vellum, parchment, or paper, or in causing or procuring the same to be so marked or impressed, or in aiding, abetting, or assisting in so marking or impressing the same; or in the unlawful possession of any vellum, parchment, or paper, or other material, unlawfully or fraudulently or without due authority stamped or marked, contrary to any of the provisions or regulations contained in any act relating to stamp duties; or of being or having been in any way engaged or concerned in the fraudulent erasing, cutting, scraping, discharging, or getting out of or from or off any stamped vellum, parchment, or paper any matter or thing thereon written, printed, or expressed; or in the unlawful possession of any stamped vellum, parchment, or paper from or off or out of which any matter or thing shall have been fraudulently erased, cut, scraped, discharged, or gotten as aforesaid, then and in
Felony relating to the Revenue. [Part V.]

3 & 4 W. 4,
c. 97.

No. III.
every or any of the said cases it shall be lawful for such justice by warrant under his hand to cause any and every dwelling house, room, workshop, out-house, or other building, yard, garden, or other place belonging to such suspected person, or where any such person shall be suspected of being or of having been in any way engaged or concerned in the commission of any such offence as aforesaid, or of secreting any such die, plate, or instrument, or any such vellum, parchment, or paper, or any of the machinery, implements, or utensils necessary or applicable to the commission of any such offence as aforesaid, to be searched for any such stamped vellum, parchment, or paper, and for any such die, plate, or instrument, machinery, implement, or utensil, or other matter or thing as aforesaid; and if any of the said several matters and things shall be found in any place so searched, or in the custody or possession of any person whatsoever not having the same by some lawful authority, it shall be lawful for the person finding any such matters or things to seize the same respectively, and to carry the same forthwith to the justice by whom such warrant shall be granted, or to any other justice of the peace having jurisdiction where the same shall be seized, who shall cause the same to be secured and produced in evidence against any person who shall or may be prosecuted in any court of justice for any of the offences aforesaid; and afterwards the said matters and things so seized, whether produced in evidence or not, shall, by order of the court or judge before whom such offender shall be tried, or by order of some justice of the peace in case there shall be no such trial, be delivered over to the commissioners of stamps, to be defaced or destroyed, or otherwise disposed of, as the said commissioners shall think fit.

[No. IV.] 3 & 6 W 4, c. 81.—An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.

[10th September 1835.]

WHEREAS by an act made and passed in the parliament of Ireland in the thirty-sixth year of the reign of his Majesty king George the third, intituled 'An Act to further explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled 'An Act for establishing a Post Office within this Kingdom,' and to explain and amend an Act passed in the Twenty-eighth Year of His present Majesty's Reign, intituled 'An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled 'An Act for establishing a Post Office within this Kingdom,' and by an act made and passed in the fifty-second year of the reign of his said Majesty king George the third, intituled 'An Act for amending and reducing into One Act the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting His Majesty's Revenue in Great Britain, it is amongst other things enacted, that if any person whatsoever employed by or under the post office of Great Britain, receiving, stamping, sorting, charging, carrying, conveying, or delivering letters or packets, or in any other business relating to the said office, shall secrete, embezzle, or destroy any letter or packet, or bag or mail of letters, with which he or she shall have been entrusted in consequence of such employment, or which shall in any other manner have come to his or her hands or possession whilst so employed, containing the whole or any part or parts of any bank note, bank post bill, bill of exchange, exchequer bill, South Sea or East India bond, dividend warrant, either of the bank, South Sea, East India, or any other company, society, or corporation, navy or victuarling or transport bill, ordinance debenture, seaman's ticket, state lottery ticket or certificate, bank receipt for payment on any loan, note of assignment of stock in
Class XIV.] Felony relating to the Revenue.

the funds, letter of attorney for receiving annuities or dividends or for selling stock in the funds or belonging to any company, society, or corporation, American provincial bill of credit, goldsmith's or banker's letter of credit or note for or relating to the payment of money, or other bond or warrant, draft, bill, or promissory note whatsoever for the payment of money, or shall steal and take out of any letter or packet with which he or she shall have been so entrusted, or which shall have come to his or her hands or possession, the whole or any part or parts of any such bank note, bank post bill, bill of exchange, exchequer bill, South Sea or East India bond, dividend warrant, either of the bank, South Sea, East India, or other company, society, or corporation, naval or victualling or transport bill, ordnance debenture, seaman's ticket, state lottery ticket or certificate, bank receipt for payment of any loan, note of assignment of stock in the funds, letter of attorney for receiving annuities or dividends or for selling stocks in the funds belonging to any company, society, or corporation, American provincial bill of credit, goldsmith's or banker's letter of credit or note for or relating to the payment of money, or other bond or warrant, draft, bill, or promissory note whatsoever for the payment of money, every person so offending, being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy: And whereas in and by the said recited act it is further enacted, That if any person shall steal and take from any carriage, or from the possession of any person employed to convey letters sent by the post of Great Britain, or from or out of any post office, house or place for the receipt or delivery of letters or packets, or bags or mails of letters sent or to be sent by such post, any letter or packet, or bag or mail of letters sent or to be sent by such post, or shall steal and take any letter or packet out of any such bag or mail, every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy: And whereas in and by the said recited act it is further enacted, That if any person shall counsel, command, hire, persuade, procure, aid, or abet any such deputy, clerk, agent, letter carrier, post boy or rider, or any officer or person whatsoever employed by or under the said office, in receiving, stamping, sorting, charging, carrying, conveying, or delivering letters or packets, or in any other business relating to the said office, to commit any of the offences in the said recited act, and herein-before mentioned, or shall, with a fraudulent intention, buy or receive the whole or any part or parts of any such security or instrument as in the said recited act and herein-before described, which shall have been contained in, and which at the time of buying or receiving thereof he or she shall know to have been contained in, any such letter or packet so secreted, embezzled, stolen, or taken by any deputy, clerk, agent, letter carrier, post boy, or rider, or any other officer or person so employed as aforesaid, or to which such person so buying or receiving as aforesaid shall at the time of buying or receiving thereof know to have been contained in and stolen and taken out of any letter or packet stolen and taken from or out of any mail or bag of letters sent and conveyed by such post, or from or out of any post office, house or place for the receipt or delivery of letters or packets, or bags or mails of letters sent or to be sent by such post, every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and suffer death as a felon, without benefit of clergy, and should and might be tried, convicted, and attainted of such felony as well before as after the trial or conviction of the principal felon, and whether the said principal felon should have been apprehended, or should be amenable to justice, or not: And whereas by an act passed in the seventh and eighth years of the reign of king George the fourth, intitled An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith, and by another act made and passed in the ninth year of his said Majesty's reign, intitled An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith, it is
so of the recited acts as inflict the punishment of death for letter stealing and sacriilege repealed, and transportation substituted.

So much of the recited acts as inflict the punishment of death for letter stealing and sacriilege repealed, and transportation substituted.
PART V.
CLASS XVI.

FELONY RELATING TO THE SLAVE TRADE.

[No. I.] An Act to reduce the Rates of Bounties payable upon the Seizure of Slaves. [16th July 1830.]

[No. II.] An Act for carrying into effect Two Conventions with the King of the French for suppressing the Slave Trade. [28th August 1833.]

[No. III.] 3 & 4 W. IV. c. 73.—An Act for the abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the services of such Slaves (1.) [28th August 1833.]

WHEREAS divers persons are holden in slavery within divers of his Majesty's colonies, and it is just and expedient that all such persons should be manumitted and set free, and that a reasonable compensation should be made to the persons hitherto entitled to the services of such slaves for the loss which they will incur by being deprived of their right to such services: And whereas it is also expedient that provision should be made for promoting the industry and securing the good conduct of the persons so to be manumitted, for a limited period after such their manumission: And whereas it is necessary that the laws now in force in the said several colonies should forthwith be adapted to the new state and relations of society therein which will follow upon such general manumission as aforesaid of the said slaves; and that, in order to afford the necessary time for such adaptation of the said laws, a short interval should elapse before such manumission should take effect: Be it therefore enacted, &c. That from and after the first day of August one thousand eight hundred and thirty-four all persons who in conformity with the laws now in force in the said colonies respectively shall on or before the first day of August one thousand eight hundred and thirty-four have been duly registered as slaves in any such colony, and who on the said first day of August one thousand eight hundred and thirty-four shall be actually within any such colony, and who shall by such registries appear to be on the said first day of August one thousand eight hundred and thirty-four of the full age of six years or upwards, shall by force and virtue of this act, and without the previous execution of any indenture of apprenticeship, or other deed or instrument for that purpose, become and be apprenticed labourers; provided that, for the purposes aforesaid, every slave engaged in his ordinary occupation on the seas shall be deemed and taken to be within the colony to which such slave shall belong.

II. That during the continuance of the apprenticeship of any such apprenticed labourer such person or persons shall be entitled to the services of such apprenticed labourer as would for the time being have been entitled to his or her services as a slave if this act had not been made.

III. Provided also, That all slaves who may at any time previous to the passing of this act have been brought with the consent of their possessors, and all apprenticed labourers who may hereafter with the like consent be brought into any part of the united kingdom of Great Britain and Ireland, shall from and after the passing of this act be absolutely and entirely free to all intents and purposes whatsoever.

IV. And whereas it is expedient that all such apprenticed labourers should, for the purposes herein-after mentioned, be divided among all persons who on the 1st August 1834 shall have been registered as slaves, and shall appear on the registry to be six years old or upwards shall from that day become apprenticed labourers.

Who entitled to services of the slave as an apprenticed labourer.

All slaves brought into the united kingdom with the consent of possessors, free.

Apprenticed labourers to be divided into

(1) See the 5 & 6 W. 4, post.
Felony relating to the Slave Trade. [Part V.

into three distinct classes, the first of such classes consisting of prædial apprenticed labourers attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture, or in the manufacture of colonial produce or otherwise, upon lands belonging to their owners; the second of such classes consisting of prædial apprenticed labourers not attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture, or in the manufacture of colonial produce or otherwise, upon lands not belonging to their owners; and the third of such classes consisting of non-prædial apprenticed labourers, and comprising all apprenticed labourers not included within either of the two preceding classes: Be it therefore enacted, That such division as aforesaid of the said apprenticed labourers into such classes as aforesaid shall be carried into effect in such manner and form and subject to such rules and regulations as shall for that purpose be established under such authority, and in and by such acts of assembly, ordinances, or orders in council, as hereinafter mentioned: Provided always, that no person of the age of twelve years and upwards shall by or by virtue of any such act of assembly, ordinance, or order in council be included in either of the said two classes of prædial apprenticed labourers unless such person shall for twelve calendar months at the least next before the passing of this present act have been habitually employed in agriculture or in the manufacture of colonial produce.

Proviso.

Apprenticeship of the prædial labourers not to continue beyond 1st August 1840; of the non-prædial labourers not beyond 1st August 1838.

Before the apprenticeship is expired, the labourer may be discharged by the voluntary act of his employer.

In case of the voluntary discharge of aged or infirm apprenticed labourers, the employer to continue liable for their support.

Apprenticed labourer may purchase his discharge against the will of his employer.

V. That no person who by virtue of this act, or of any such act of assembly, ordinance, or order in council as aforesaid, shall become a prædial apprenticed labourer, whether attached or not attached to the soil, shall continue in such apprenticeship beyond the first day of August one thousand eight hundred and forty; and that during such his or her apprenticeship no such prædial apprenticed labourer, whether attached or not attached to the soil, shall be bound or liable, by virtue of such apprenticeship, to perform any labour in the service of his or her employer or employers for more than forty-five hours in the whole in any one week.

VI. That no person who by virtue of this act or of any such act of assembly, ordinance, or order in council as aforesaid, shall become a non-prædial apprenticed labourer, shall continue in such apprenticeship beyond the first day of August one thousand eight hundred and thirty-eight.

VII. That if before any such apprenticeship shall have expired the person or persons entitled for and during the remainder of any such term to the services of such apprenticed labourer shall be desirous to discharge him or her from such apprenticeship, it shall be lawful for such person or persons so to do by any deed or instrument to be by him, her, or them for that purpose made and executed; which deed or instrument shall be in such form, and shall be executed and recorded in such manner and with such solemnities, as shall for that purpose be prescribed under such authority, and in and by such acts of assembly, ordinances, or orders in council, as herein-after mentioned: Provided nevertheless, That if any person so discharged from any such apprenticeship by any such voluntary act as aforesaid shall at that time be of the age of fifty years or upwards, or shall be then labouring under any such disease or mental or bodily infirmity as may render him or her incapable of earning his or her subsistence, then and in every such case the person or persons so discharging any such apprenticed labourer as aforesaid shall continue and be liable to provide for the support and maintenance of such apprenticed labourer during the remaining term of such original apprenticeship, as fully as if such apprenticed labourer had not been discharged therefrom.

VIII. That it shall be lawful for any such apprenticed labourer to purchase his or her discharge from such apprenticeship, even without the consent, or in opposition, if necessary, to the will of the person or persons entitled to his or her services, upon payment to such person or persons of the appraised value of such services; which appraisement
shall be effected, and which purchase money shall be paid and applied, and which discharge shall be given and executed, in such manner and form, and upon, under, and subject to such conditions, as shall be prescribed under such authority, and by such acts of assembly, ordinances, or orders in council, as are herein-after mentioned.

IX. That no apprenticed labourer shall be subject or liable to be removed from the colony to which he or she may belong; and that no prædial apprenticed labourer who may in manner aforesaid become attached to the soil shall be subject or liable to perform any labour in the service of his or her employer or employers except upon or in or about the works and business of the plantations or estates to which such prædial apprenticed labourer shall have been attached or on which he or she shall have been usually employed on or previously to the said first day of August one thousand eight hundred and thirty-four: Provided nevertheless, That, with the consent in writing of any two or more justices of the peace holding such special commission as herein-after mentioned, it shall be lawful for the person or persons entitled to the services of any such attached prædial apprenticed labourer or labourers to transfer his or their services to any other estate or plantation within the same colony to such person or persons belonging; which written consent shall in no case be given, or be of any validity, unless any such justices of the peace shall first have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her, and that such transfer would not probably be injurious to the health or welfare of such attached prædial apprenticed labourer; and such written consent to any such removal shall be expressed in such terms, and shall be in each case given, attested, and recorded in such manner, as shall for that purpose be prescribed under such authority, and by such acts of assembly, ordinances, and orders in council, as herein-after mentioned.

X. That the right or interest of any employer or employers to and in the services of any such apprenticed labourers as aforesaid shall pass and be transferable by bargain and sale, contract, deed, conveyance, will, or descent, according to such rules and in such manner as shall for that purpose be provided by any such acts of assembly, ordinances, or orders in council as herein-after mentioned; provided that no such apprenticed labourer shall, by virtue of any such bargain and sale, contract, deed, conveyance, will, or descent, be subject or liable to be separated from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her.

XI. That during the continuance of any such apprenticeship as aforesaid the person or persons for the time being entitled to the services of every such apprenticed labourer shall be and is and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances as by any law now in force in the colony to which such apprenticed labourer may belong an owner is required to supply to and for any slave being of the same age and sex as such apprenticed labourer shall be; and in cases in which the food of any such prædial apprenticed labourer shall be supplied, not by the delivery to him or her of provisions, but by the cultivation by such prædial apprenticed labourer of ground set apart for the growth of provisions, the person or persons entitled to his or her services shall and is or are hereby required to provide such prædial apprenticed labourer with ground adequate, both in quantity and quality, for his or her support, and within a reasonable distance of his or her usual place of abode, and to allow to such prædial apprenticed labourer, from and out of the annual time during which he or she may be required to labour, after the rate of forty-five hours per week as aforesaid, in the service of such his or her employer or employers, such a portion of time as shall be adequate for the proper cultivation of such
Felony relating to the Slave Trade. [Part V.

No. III. 3 & 4 W. 4, c. 73.

How the extent and locality of the provision grounds and the quantity of the ground, and for the raising and securing the crops thereon grown; the actual extent of which ground, and the distance thereof from the place of residence of the prædial apprenticed labourer for whose use it may be so allotted, and the length of time to be deducted for the cultivation of the said ground from the said annual time, shall and may, in each of the colonies aforesaid, be regulated under such authorities, and by such acts of assembly, ordinances, or orders in council as herein-after mentioned.

XII. That, subject to the obligations imposed by this act, or to be imposed by any such act of general assembly, ordinance, or order in council as herein-after mentioned, upon such apprenticed labourers as aforesaid, all and every the persons who on the said first day of August one thousand eight hundred and thirty-four shall be held in slavery within any such British colony as aforesaid shall upon and from and after the said first day of August one thousand eight hundred and thirty-four become and be to all intents and purposes free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said first day of August one thousand eight hundred and thirty-four slavery shall be and is hereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations, and possessions abroad.

XIII. And whereas it may happen that children who have not attained the age of six years on the said first day of August one thousand eight hundred and thirty-four, or that children who after that day may be born to any female apprenticed labourer, may not be properly supported by their parents, and that no other person may be disposed voluntarily to undertake the support of such children; and it is necessary that provision should be made for the maintenance of such children in any such contingency; be it therefore enacted, That if any child who on the said first day of August one thousand eight hundred and thirty-four had not completed his or her sixth year, or if any child to which any female apprenticed labourer may give birth on or after the said first day of August one thousand eight hundred and thirty-four, shall be brought before any justice of the peace holding any such special commission as herein-after mentioned, and if it shall be made to appear to the satisfaction of such justice that any such child is unprovided with an adequate maintenance, and that such child hath not completed his or her age of twelve years, it shall be lawful for such justice, and he is hereby required, on behalf of any such child, to execute an indenture of apprenticeship, thereby binding such child as an apprenticed labourer to the person or persons entitled to the services of the mother; but at the date of such indenture the apprentice must be under twelve years of age.

Indentures to continue in force until the child has completed his or her twenty-first year and no longer.
as any other such apprenticed labourers as aforesaid: Provided always, that the said indenture of apprenticeship shall contain sufficient words of obligation upon the employer to allow reasonable time and opportunity for the education and religious instruction of such child.

XIV. And for ensuring the effectual superintendence of the said apprenticed labourers, and the execution of this act, be it enacted, That it shall and may be lawful for his Majesty to issue, or to authorize the governor of any such colony as aforesaid, in the name and on the behalf of his Majesty, to issue under the public seal of any such colony, one or more special commission or commissions to any one or more person or persons, constituting him or them a justice or justices of the peace for the whole of any such colony, or for any parish, precinct, quarter, or other district within the same, for the special purpose of giving effect to this present act, and to any laws which may, in manner herein-after mentioned, be made for giving more complete effect to the same; and every person to or in favour of whom any such commission may be issued shall by force and virtue thereof, and without any other qualification, be entitled and competent to act as a justice of the peace within the limits prescribed by such his commission for such special purpose aforesaid, but for no other purposes: Provided nevertheless, That nothing herein contained shall prevent or be construed to prevent any person commissioned as a justice of the peace for such special purpose as aforesaid from being included in the general commission of the peace for any such colony, or for any parish, precinct, quarter, or other district thereof, in case it shall seem fit to his Majesty, or to the governor of any such colony acting by his Majesty's authority, to address both such special commission and such general commission as aforesaid in any case to the same person or persons.

XV. That his Majesty shall be and he is hereby authorized to grant to any person or persons, not exceeding one hundred in the whole, holding any such special commission or commissions as aforesaid, and so from time to time as vacancies may occur, salaries at and after a rate not exceeding in any case the sum of three hundred pounds sterling per annum, which salary shall be payable so long only as any such justice of the peace shall retain any such special commission, and shall be actually resident in such colony, and engaged in the discharge of the duties of such his office; provided that no person receiving or entitled to receive any half pay, pension, or allowance for or in respect of any past services in his Majesty's naval or land forces shall, by the acceptance of any such special commission or salary as aforesaid, forfeit or become incapable of receiving or lose his right to receive such half pay, pension, or allowance, or any part thereof, any law, statute, or usage to the contrary in anywise notwithstanding: Provided also, That there be annually laid before both houses of parliament a list of the names of all persons to whom any such salary shall be so granted, specifying the date of every such commission, and the amount of the salary assigned to every such justice of the peace.

XVI. And whereas it is necessary that various rules and regulations should be framed and established for ascertaining, with reference to each apprenticed labourer within the said colonies respectively, whether he or she belongs to the class of attached preadiel apprenticed labourers, or to the class of unattached apprenticed labourers, or to the class of non-preadiel apprenticed labourers, and for determining the manner and form in which and the solemnities with which the voluntary discharge of any apprenticed labourer from such his or her apprenticeship may be effected, and for prescribing the form and manner in which and the solemnities with which the purchase by any such apprenticed labourer or his or her discharge from such apprenticeship without, or in opposition, if necessary, to, the consent of the person or persons entitled to his or her services, shall be effected, and how the necessary appraisement of the future value of such services shall be made, and how and to whom the amount of such appraisement shall in each case be paid and applied, and in what manner and form and by whom the discharge from any
such apprenticeship shall thereupon be given, executed, and recorded; and it is also necessary, for the preservation of peace throughout the said colonies, that proper regulations should be framed and established for the maintenance of order and good discipline amongst the said apprenticed labourers, and for ensuring the punctual discharge of the services due by them to their respective employers, and for the prevention and punishment of indolence, or the neglect or improper performance of work by any such apprenticed labourer, and for enforcing the due performance by any such apprenticed labourer of any contract into which he or she may voluntarily enter for any hired service during the time in which he or she may not be bound to labour for his or her employer, and for the prevention and punishment of insolence and insubordination on the part of any such apprenticed labourers towards their employers, and for the prevention or punishment of vagrancy or of any conduct on the part of any such apprenticed labourers injuring or tending to the injury of the property of any such employer, and for the suppression and punishment of any riot or combined resistance of the laws on the part of any such apprenticed labourers, and for preventing the escape of any such apprenticed labourers, during their term of apprenticeship, from the colonies to which they may respectively belong: And whereas it will also be necessary for the protection of such apprenticed labourers as aforesaid that various regulations should be framed and established in the said respective colonies for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance, and such other maintenance and allowances as they are hereinbefore declared entitled to receive, and for regulating the amount and quality of all such articles in cases where the laws at present existing in any such colony may not in the case of slaves have made any regulation or any adequate regulation for that purpose; and it is also necessary that proper rules should be established for the prevention and punishment of any frauds which might be practised, or of any omissions or neglects which might occur, respecting the quantity or the quality of the supplies so to be furnished, or respecting the periods for the delivery of the same: And whereas it is necessary, in those cases in which the food of any such prædial apprenticed labourers as aforesaid may either wholly or in part be raised by themselves by the cultivation of ground to be set apart and allotted for that purpose, that proper regulations should be made and established as to the extent of such grounds, and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourers, and respecting the deductions to be made from the cultivation of such grounds from the annual time during which such prædial apprenticed labourers are hereinbefore declared liable to labour: And whereas it may also be necessary, by such regulations as aforesaid, to secure to the said prædial apprenticed labourers the enjoyment for their own benefit of that portion of their time during which they are not hereby required to labour in the service of their respective employers, and for securing exactness in the computation of the time during which such prædial apprenticed labourers are hereby required to labour in the service of such their respective employers; and it is also necessary that provision should be made for preventing the imposition of task-work on any such apprenticed labourer without his or her free consent to undertake the same; but it may be necessary by such regulations in certain cases to require and provide for the acquiescence of the minority of the prædial apprenticed labourers attached to any plantation or estate in the distribution and apportionment amongst the whole body of such labourers of any task-work which the majority of such body shall be willing and desirous collectively to undertake; and it is also necessary that regulations should be made respecting any voluntary contracts into which any apprenticed labourers may enter with their respective employers, or with any other person for hired service for any future period, and for limiting the greatest period of time to which such voluntary contract may extend, and for enforcing the
punctual and effectual performance of such voluntary contracts on the part both of such apprenticed labourers and of the person or persons engaging for their employment and hire; and it is also necessary that regulations should be made for the prevention or punishment of any cruelty, injustice, or other wrong or injury which may be done to or inflicted upon any such apprenticed labourers by the persons entitled to their services; and it is also necessary that proper regulations should be made respecting the manner and form in which such indentures of apprenticeship as aforesaid, shall be made on behalf of such children as aforesaid, and respecting the registering and preservation of all such indentures: And whereas it is also necessary that provision should be made for ensuring promptitude and dispatch, and for preventing all unnecessary expense, in the discharge by the justices of the peace holding such special commissions as aforesaid of the jurisdiction and authorities thereby committed to them, and for enabling such justices to decide in a summary way such questions as may be brought before them in that capacity, and for the division of the said respective colonies into districts for the purposes of such jurisdiction, and for the frequent and punctual visitation by such justices of the peace of the apprenticed labourers within such their respective districts; and it is also necessary that regulations should be made for indemnifying and protecting such justices of the peace in the upright execution and discharge of their duties: And whereas such regulations as aforesaid could not without great inconvenience be made except by the respective governors, councils, and assemblies, or other local legislatures of the said respective colonies, or by his Majesty, with the advice of his privy council, in reference to those colonies to which the legislative authority of his Majesty in council extends; be it therefore enacted and declared, That nothing in this act contained extends or shall be construed to extend to prevent the enactment by the respective governors, councils, and assemblies, or by such other local legislatures as aforesaid, or by his Majesty, with the advice of his privy council, of any such acts of general assembly, or ordinances, or orders in council as may be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same or any of them into full and complete effect: Provided nevertheless, That it shall not be lawful for any such governor, council, and assembly, or for any such local legislature, or for his Majesty in council, by any such acts of assembly, ordinances, or orders in council as aforesaid, to make or establish any enactment, regulation, provision, rule, or order which shall be in anywise repugnant or contradictory to this present act or any part thereof, but that every such enactment, regulation, provision, rule, or order shall be and is hereby declared to be absolutely null and void and of no effect.

XVII. Such colonial acts may not authorize the whipping or other punishment of the labourer by the employer's authority.

This act not to prevent the enactment, by colonial assemblies or by his Majesty in council, of the laws necessary for establishing such regulations.

Provisions repugnant to this act contained in any such colonial law void.

This act not to prevent the enactment, by colonial assemblies or by his Majesty in council, of the laws necessary for establishing such regulations.
No. III. 3 & 4 W. 4, c. 73.

Colonial acts or orders in council not to authorize any justices, except those having special commissions, to act in execution thereof.

Justices having special commissions to exercise exclusive jurisdiction between apprenticed labourers and their employers.

Jurisdiction of supreme courts preserved.

Apprenticed labourers not to be subjected to a prolongation or renewal of their apprenticeship, nor to more than 15 hour's extra labour in any week for their employer's benefit.

or shall be in force therein for the prevention or punishment of any offence, such law or police regulation being in force against and applicable to all other persons of free condition.

XVIII. Provided also, That it shall not be lawful for any such governor, council, and assembly, or for any such local legislature, or for his Majesty in council, by any such acts of general assembly, ordinances, or orders in council as aforesaid, to authorize any magistrate or justice of the peace, other than and except the justices of the peace holding such special commissions as aforesaid, to take cognizance of any offence committed or alleged to have been committed by any such apprenticed labourer, or by his or her employer, in such their relation to each other, or of the breach, violation, or neglect of any of the obligations owed by them to each other, or of any question, matter, or thing incident to or arising out of the relations subsisting between such apprenticed labourers and the persons respectively entitled to their services; and every enactment, regulation, provision, rule, or order in any such acts, ordinances, and orders in council to the contrary contained shall be and is hereby declared to be null and void and of no effect.

XIX. And it is hereby further declared and enacted, That the several justices of the peace having special commissions as aforesaid shall, within the respective colonies to which they shall be respectively appointed, have, exercise, and enjoy a sole and exclusive jurisdiction over, and shall solely and exclusively take cognizance of all such offences or alleged offences as last aforesaid, and of every such breach, violation, or neglect of any of the aforesaid obligations, and of every such question, matter, or thing as aforesaid, any law, custom, or usage in any of the said colonies to the contrary in anywise notwithstanding: Provided nevertheless, That nothing herein contained shall extend or be construed to extend to abrogate or take away the powers by law vested in the supreme courts of record, or the superior courts of civil and criminal justice in any of the said respective colonies.

XX. Provided also, That no apprenticed labourer shall, by any such act of assembly, ordinance, or order in council as aforesaid, be declared or rendered liable for and in respect of any offence by him or her committed, or for any cause or upon any ground or pretext whatsoever, except as hereafter is mentioned, to any prolongation of his or her term of apprenticeship, or to any new or additional apprenticeship, or to any such additional labour as shall impose upon any such apprenticed labourer the obligation of working in the service or for the benefit of the person or persons entitled to his or her services for more than fifteen extra hours in the whole in any one week, but every such enactment, regulation, provision, rule, or order shall be and is hereby declared null and void and of no effect: Provided nevertheless, That any such act of assembly, ordinance, or order in council as aforesaid may contain provisions for compelling any apprenticed labourer who shall, during his or her apprenticeship, wilfully absent himself or herself from the service of his or her employer, either to serve his or her employer after the expiration of his or her apprenticeship for so long a time as he or she shall have so absent himself or herself from such service, or to make satisfaction to his or her employer for the loss sustained by such absence (except so far as he or she shall have made satisfaction for such absence, either out of such extra hours as aforesaid, or otherwise), but nevertheless so that such extra service or compensation shall not be compellable after the expiration of seven years next after the termination of the apprenticeship of such apprentice.

XXI. Provided always, That neither under the provisions of this act, nor under the obligations imposed by this act, or to be imposed by any act of any general assembly, ordinance, or order in council, shall any apprenticed labourer be compelled or compellable to labour on Sundays, except in works of necessity or in domestic services, or in the protection of property, or in tending of cattle, nor shall any apprenticed labourer
be liable to be hindered or prevented from attending anywhere on
Sundays for religious worship, at his or her free will or pleasure, but
shall be at full liberty so to do without any let, denial, or interruption
whatsoever.

XXII. And whereas it may be expedient that persons in the condition
of apprenticed labourers should, during the continuance of such their
apprenticeship, be exempted from the performance of certain civil and
military services, and be disqualified from holding certain civil and mili-
tary offices, and from the enjoyment of certain political franchises,
within the said colonies, and be exempted from being arrested or impris-
ioned for debt; be it therefore enacted, That nothing in this act con-
tained extends or shall be construed to extend to interfere with or prevent
the enactment by the respective governors, councils, and assemblies, or
by such other local legislature as aforesaid of any such colonies, or by
his Majesty in council in reference to such of the said colonies as are
subject to the legislative authority of his Majesty in council, of any acts,
ordinances, or orders in council for exempting any such apprenticed la-
bourers as aforesaid, during the continuance of such their apprentice-
ship, from any such civil or military service as aforesaid, or for dis-
qualifying them or any of them during the continuance of any such
apprenticeships from the enjoyment or discharge of any such political
franchise as aforesaid, or for exempting them during the continuance of
such apprenticeships from being arrested or imprisoned for debt.

XXIII. And whereas it would be desirable that such of the provisions
of this act as relate to the internal concerns of the said respective colo-
nies should be enacted in such respective colonies so far as may be pos-
sible by the authority of the several local legislatures of such colonies
respectively; be it therefore enacted, That in case the governor, council,
and assembly of any one or more of his Majesty's colonies aforesaid
shall, by any act or acts of general assembly for that purpose made, sub-
stitute for the several enactments herein-before contained, or any of
them, any enactments accomplishing the several objects in such herein-
before contained enactments respectively contemplated as fully and to
the like effect, but in a manner and form better adapted to the local cir-
cumstances of any such colonies or colony, and in case his Majesty
shall, by any order or orders to be by him made, by the advice of his
privy council, confirm and allow any such act or acts of assembly, and
shall in and by any such order or orders in council recite and set forth
at length the several provisions and enactments of this present act for
which such other enactments as aforesaid shall have been substituted by
any such act or acts of general assembly, then and in such case so much
and such parts of this present act as shall be so recited and set forth at
length in any such order or orders of his Majesty in council shall be
suspended and cease to be of any force or effect in any such colony from
and after the arrival and proclamation therein of any such order or orders
of his Majesty in council, and shall continue to be so suspended so long
as any such substituted enactments shall continue in force and
unrepealed and no longer.

XXIV. And whereas, towards compensating the persons at present
entitled to the services of the slaves to be manumitted and set free by
virtue of this act for the loss of such services, his Majesty's most duti-
ful and loyal subjects the commons of Great Britain and Ireland in par-
liament assembled have resolved to give and grant to his Majesty the
sum of twenty millions pounds sterling; be it enacted, That the lords
commissioners of his Majesty's treasury of the united kingdom of Great
Britain and Ireland may raise such sum or sums of money as shall be
required from time to time under the provisions of this act, and may
grant as the consideration for such sum or sums of money redeemable
perpetual annuities or annuities for terms of years (which said annuities
respectively shall be transferable and payable at the bank of England),
upon such terms and conditions and under such regulations as to the
time or times of paying the said sums of money agreed to be raised as

Acts passed by
local legisla-
tures with simi-
lar but im-
proved enact-
ments to this
act to super-
cede this act on
being con-
firmed by his
Majesty in
council.

The treasury
may raise
loans, not ex-
ceeding 20
millions.
Treasury to give notice of their intention to raise the same.

No contract for raising same to be entered into but during sitting of parliament.

Annuities to be granted for such loans to be of the same description as now existing.

Annuities created by this act to form part of and be subject to same regulations as like annuities now existing.

Commissioners for reduction of national debt may subscribe towards raising sum wanted for this act.

may be determined upon by the said commissioners of the treasury, not exceeding in the whole the sum of twenty millions pounds sterling: Provided nevertheless, that the rate of interest at which the said sum of money shall be from time to time raised shall be regulated and governed by the price of the respective redeemable perpetual annuities or annuities for terms of years on the day preceding (or on the nearest preceding day if it shall so happen that there shall be no price of such said annuities respectively on the day immediately preceding) the day of giving notice for raising such sum or sums of money, and that the rate of interest to be allowed to the contributors for such sum or sums of money shall in no case exceed five shillings per centum per annum above the current rate of interest produced by the market price of any such redeemable perpetual annuities or annuities for terms of years existing at the time, and in which such contracts shall be made.

XXV. Provided always, That before raising any such sum or sums by redeemable perpetual annuities or annuities for terms of years (unless the same shall be subscribed or contributed as herein-after mentioned by the commissioners for the reduction of the national debt,) the said commissioners of the said annuity are hereby required to give public notice of the intention to raise such sum, or such part thereof as shall not be subscribed or contributed as aforesaid, through the governor and deputy governor of the bank of England, of their desire to receive biddings for any such annuities, which said biddings and the mode of raising such annuities shall be conducted in such and the like manner as has usually been practised with respect to the raising of money by way of annuities for the service of the public: Provided also, That no contract or agreement for raising any sum or sums by annuities as aforesaid shall be entered into except during the sitting of parliament, and when the same shall have been entered into all proceedings, tenders, and contracts respecting the same shall be forthwith laid before parliament.

XXVI. That whatever redeemable annuities or annuities for any term of years which shall be created from time to time by the sums of money raised by virtue of this act (which said redeemable annuities and annuities for terms of years so created shall be of the like description of some redeemable annuities or annuities for terms of years existing at the time of raising such sum or sums of money,) shall be deemed and taken to be redeemable annuities or annuities for terms of years of the like description then existing, in which such sum or sums shall be agreed to be raised.

XXVII. That all the several redeemable annuities and annuities for terms of years which shall be created from time to time by virtue of this act shall be deemed and taken to be and shall be added to and form part of the like redeemable annuities or annuities for terms of years in which such sums of money shall be raised, and shall be subject to all the clauses, conditions, provisions, directions, regulations, and periods of payment as fully and effectually to all intents and purposes, except as altered and varied by virtue of this act, as if the said clauses, conditions, provisions, directions, regulations, and periods of payment were severally repeated and re-enacted in this act.

XXVIII. That the commissioners for the reduction of the national debt may subscribe and contribute from time to time towards the raising any sum or sums of money to be raised under the provisions of this act any part of the monies which shall be at any time standing in their names in the books of the governor and company of the bank of England under and by virtue of an act passed in the ninth year of the reign of king George the fourth, intituled An Act to consolidate and amend the Laws relating to Savings Banks, and of another act passed in the tenth year of the reign of king George the fourth, intituled An Act to consolidate and amend the Laws relating to Friendly Societies, and also to sell and dispose of the bank annuities and exchequer bills, or any part thereof, which may be now standing or may hereafter stand in their names in the books of the said bank in pursuance of the said respective acts, and with the
Class XVI. Felony relating to the Slave Trade.

proceeds thereof may subscribe and contribute such monies from time to time, or any part thereof, towards the raising the sums of money which may be required from time to time under the provisions of this act.

XXIX. That all sums of money which shall be raised from time to time by virtue of this act shall be paid into the bank of England to the account of the commissioners for the reduction of the national debt, under the title of "The West India Compensation Account," and the cashiers of the bank of England are hereby required to receive all such sums of money, and to place the same from time to time to the said account.

XXX. That the cashier or cashiers of the governor and company of the Bank of England, who shall have received or shall receive any part of any contribution towards any sum or sums of money raised or to be raised under the provisions of this act, shall give a receipt or receipts in writing to every such contributor for all such sums; and that the said receipts so to be given shall be assignable at any time for and during such period as shall and may be determined upon by the said commissioners of the treasury; and the said receipts shall be in such form and words and under such regulations as shall be approved by the said commissioners of his Majesty's treasury: Provided always, That in case any such contributors who have already deposited with or shall hereafter pay to the said cashier or cashiers any sum or sums of money, at the time and in the manner specified in the proposals of the several loans, in part of the sum or sums so by them respectively subscribed, or their respective executors, administrators, successors, or assigns, shall not advance and pay to the said cashier or cashiers the residue of the sum or sums so subscribed at the times and in the manner stated in the proposals, then and in every such case so much of the respective sum or sums so subscribed as shall have been actually paid in part thereof to the said cashier or cashiers shall be forfeited for the benefit of the public, and all right and title to the said redeemable annuities or annuities for terms of years in respect thereof shall be extinguished, anything in this act contained to the contrary thereof in anywise notwithstanding.

XXXI. That all the said annuities, interest, dividends, and charges for management which shall become payable in respect of the said sum of twenty millions, or any part thereof, shall be charged and chargeable upon the said compensation fund of the United Kingdom of Great Britain and Ireland.

XXXII. That so much money shall from time to time be set apart and issued at the receipt of the exchequer in England out of the consolidated fund of the United Kingdom of Great Britain and Ireland to the said cashier or cashiers of the governor and company of the Bank of England as shall be sufficient to satisfy and pay the respective annuities to be created in respect of the said sum of twenty millions, or any part thereof, together with the charges attending the same.

XXXIII. And for the distribution of the said compensation fund, and the apportionment thereof amongst the several persons who may prefer claims thereon, be it enacted, That it shall and may be lawful for his Majesty from time to time, by a commission under the great seal of the United Kingdom, to constitute and appoint such persons, not being less than five, as to his Majesty shall seem meet, to be commissioners of arbitration for inquiring into and deciding upon the claims to compensation which may be preferred to them under this act.

XXXIV. That the said commissioners to be appointed by virtue of this act shall each of them, previously to his entering upon the execution of such commission, take an oath before the chancellor of the exchequer or the master of the rolls for the time being, which oath they are hereby respectively authorized to administer, the tenor thereof shall be as follows; (that is to say,)
No. III. 3 & 4 W. 4,  
c. 73.

Form of oath.

Meetings of the commissioners, and appointment of the subordinate officers.

Officers to be sworn.

XXXV. That the said commissioners may meet and sit from time to time in such place or places as they shall find it most convenient, with or without adjournment, and with the consent and approbation of the commissioners of the treasury for the time being, or any three of them, in writing; and shall and may employ a secretary, and clerks, messengers, and officers, and shall and may allow such secretary, clerks, messengers, and officers, with the like consent and approbation, reasonable salaries, and shall and may employ a solicitor, and allow to such solicitor a reasonable salary or reward, and shall and may give and administer to such solicitor or solicitors, secretary, clerks, and officers respectively an oath for their faithful demeanor in all things relating to the due performance of the trusts reposed in them by the said commissioners, and in all other things touching the premises; and the said commissioners shall and may from time to time, at their discretion, dismiss and discharge such solicitor or solicitors, secretary, clerks, messengers, and other officers, and appoint others in their place; and the said solicitor or solicitors, secretary, clerks, and other officers are hereby required faithfully to execute and perform the said trusts in them severally and respectively reposed, without taking any thing for such service other than such salaries or rewards as the said commissioners, with such approbation as aforesaid, shall direct or appoint in manner aforesaid.

XXXVI. That all acts, matters, and things which the said commissioners for the execution of this act are by this act authorized so to do or execute may be done and executed by any three or more of such commissioners.

Remuneration of the commissioners.

XXXVII. That no remuneration shall be given for and in respect of the execution of the said commission to such of the said commissioners as shall be members of either house of parliament, nor to any number exceeding three of the said commissioners.

Appointment of auxiliary commissioners in the colonies.

XXXVIII. And whereas it may be necessary that assistant commissioners should be appointed to act in aid of and under the directions of the commissioners appointed by this act in the said several colonies; be it therefore enacted, That the governor and the attorney general or other chief law adviser of the government of the said colonies respectively shall, with any two or more resident inhabitants for each of such colonies, to be nominated during pleasure by the governor thereof, be commissioners for the colony to which they respectively belong, to act in aid of the commissioners under this act in all such cases and in relation to all matters and things which shall be referred to them by the said commissioners, and for all such purposes shall have and use and exercise all the powers and authorities of the said commissioners; and such assistant commissioners shall take an oath, to be administered to the governor by the chief justice or any judge of the said colonies respectively, and to the other assistant commissioners by the governor thereof, that they will well and truly and impartially execute the powers and authorities given to them as such assistant commissioners in the several matters and things which shall be referred or submitted to them under the provisions of this act; and the said assistant commissioners shall, in all matters which shall be referred to them by the commissioners, transmit to the said commissioners a full statement of the several matters which shall have been given in evidence before them, and true copies of such written evidence as shall have been received by them, and thereupon the said commissioners shall proceed to adjudicate upon the same, and upon such other evidence, if any, as may be laid before them.
XXXIX. That the lords commissioners of the treasury, or any three or more of them, or the lord high treasurer for the time being, shall be and they are hereby respectively authorized and required to issue and cause to be advanced all such sums of money to such person or persons, in such manner, and in such proportion as the said commissioners appointed by this act shall, by writing under their hands, from time to time require, out of the said sum of twenty millions, which sums so to be issued and advanced shall be employed for the payment of allowances, and in defraying all other necessary charges and expences, in or about the execution of the said commission, without other account than that before the lords commissioners of his Majesty's treasury; and which money so to be issued shall not be subject to any tax, duty, rate, or assessment whatsoever imposed by authority of parliament; but that an account of the said charges and expences shall be laid before both houses of parliament within two months after the commencement of the then next ensuing session of parliament.

XL. That the said commissioners shall be and are hereby authorized, by a summons under their hands, or under the hands of any three of them, to require the attendance before them, by a time to be in such summons for that purpose limited, of any person or persons competent, or whom such commissioners may have reason to believe to be competent, to give evidence upon any question depending before them; and if any person upon whom any such summons shall be served by the actual delivery thereof to him or her, or by the leaving thereof at his or her usual place of abode, shall, without reasonable cause to be allowed by such commissioners, fail to appear before them at the time and place in such summons for that purpose mentioned, or so appearing shall refuse to be sworn or to make his or her solemn affirmation, as the case may be, or having been so sworn or having made such affirmation shall not make answer to any such questions as may by the said commissioners be proposed to him or her touching any matter or thing depending before them, or shall refuse or fail to produce and exhibit to the said commissioners any such papers and documents relating to any question, matter, or thing depending before such commissioners as shall by them be called for or required, every such person shall, for such his default, refusal, or neglect as aforesaid, incur and become liable to all such fines and penalties, prosecutions, civil suits, or actions as any person may by law incur or become liable to for default of appearance or for refusing to be sworn or to give evidence upon any issue joined in any action depending in his Majesty's court of king's bench; and the said commissioners shall have all such and the same powers, jurisdiction, and authority for imposing and causing to be levied and recovered any such fines and penalties as aforesaid as are by law vested in any of the judges of the said court for imposing or causing to be levied and recovered any fines or penalties incurred by any person failing to appear as a witness or refusing to be sworn and to give evidence in the trial of any action before any such judges or judge.

XLI. That the said commissioners may examine upon oath or affirmation (which oath or affirmation they or any one or two of them are and is hereby authorized to administer) all persons who shall appear before them to be examined as witnesses touching any matters or things which may be depending, or touching any questions which may arise, in the execution of the powers vested in the said commissioners by this act, and may also receive any affidavits or depositions in writing, upon oath or affirmation, touching such matters or things as aforesaid, which shall be made before any justice of the peace of any county or shire, or any magistrate of any borough or town corporations, in Great Britain or Ireland, where or near which the person making such affidavit or deposition shall reside, or before any chief justice or any other judge of any of the courts of record or any supreme courts of judicature in any of the said colonies respectively, and certified and transmitted to the said commissioners under the hand and seal of such justice or magis-
No. III.
3 & 4 W. 4,
c. 73.

Penalties for
swearing falsely
before the
commissioners.

Exemption
from postage of
letters on the
business of the
commission.

No part of the
compensation
to be applic-
cable to any
colony unless
his Majesty by
order in council
shall have first
declared that
adequate pro-
vision has been
made by the
legislature
thereof.

FELONY RELATING TO THE SLAVE TRADE. [PART V.

trate, chief justice or judge (and which oath or affirmation every such
justice or magistrate shall be and is hereby authorized and empowered
to administer); provided that in every such affidavit or deposition there
shall be expressed the addition of the party making such affirmation
or deposition, and the particular place of his or her abode.

XLII. That if any person or persons upon examination on oath or
affirmation before the said commissioners respectively, or if any person
or persons making any such affirmation or deposition as before men-
tioned, shall wilfully and corruptly give false evidence, or shall in such
affirmation, affidavit, or deposition wilfully or corruptly swear, affirm, or
allege any matter or thing which shall be false or untrue, every such
person or persons so offending, and being thereof duly convicted, shall
be and is and are hereby declared to be subject and liable to the pains
and penalties of persons convicted of wilful and corrupt perjury by any
law in force at the time of such perjury being committed.

XLIII. That the said commissioners shall and may receive and send
by the general post, from and to places within the united kingdom, all
letters and packets relating solely and exclusively to the execution of
this act free from the duty of postage, provided that such letters and
packets as shall be sent to the said commissioners be directed to the
"Commissioners of Compensation," at their office in London, and that
all such letters and packets as shall be sent by the said commissioners
shall be in covers, with the words "Compensation Office, pursuant to
Act of Parliament passed in the Third and Fourth Years of the Reign
of His Majesty King William the Fourth," printed on the same, and be
signed on the outside thereof, under such words, with the name of such
person as the said commissioners, with the consent of the lords commis-
sioners of the treasury or any three or more of them, shall authorize and
appoint, in his own handwriting (such name to be from time to time
transmitted to the secretaries of the general post office in London and
Dublin), and be sealed with the seal of the said commissioners, and
under such other regulations and restrictions as the said lords commis-
sioners, or any three or more of them, shall think proper and direct;
and the person so to be authorized is hereby strictly forbidden so to sub-
scribe or seal any letter or packet whatever except such only concerning
which he shall receive the special direction of his superior officer, or
which he shall himself know to relate solely and exclusively to the exe-
cution of this act; and if the person so to be authorized, or any other
person shall send, or cause or permit to be sent, under any such cover,
any letter, paper, or writing, or any enclosure, other than what shall re-
late to the execution of this act, every person so offending shall forfeit
and pay the sum of one hundred pounds, and be dismissed from his
office; one moiety of the said penalty to the use of his Majesty, his heirs
and successors, and the other moiety to the use of the person who shall
inform or sue for the same, to be sued for and recovered in any of his
Majesty's courts of record at Westminster for offences committed in
England, and in any of his Majesty's courts of record in Dublin for
offences committed in Ireland, and before the sheriff or stewartry court
of the shire or stewartry within which the party offending shall reside or
the offence shall be committed for offences committed in Scotland.

XLIV. That no part of the said sum of twenty millions of pounds
sterling shall be applied or shall be applicable to the purposes aforesaid,
for the benefit of any person now entitled to the services of any slave in
any of the colonies aforesaid, unless an order shall have been first made
by his Majesty, with the advice of his privy council, declaring that ade-
quate and satisfactory provision hath been made by law in such colony
for giving effect to this present act by such further and supplementary
enactments as aforesaid, nor unless a copy of such order in council,
duly certified by one of the clerks in ordinary of his Majesty's privy
council, shall by the lord president of the council have been transmitted
to the lords commissioners of his Majesty's treasury or to the lord
high treasurer for the time being for their or his guidance or informa-
Felony relating to the Slave Trade.

...and every such order shall be published three several times in the London Gazette, and shall be laid before both houses of parliament within six weeks next after the date thereof if parliament shall be then in session, and if not within six weeks from the then next ensuing session of parliament.

Such orders to be published, and laid before parliament.

XLV. That the said commissioners shall proceed to apportion the said sum into nineteen different shares, which shall be respectively assigned to the several British colonies or possessions herein-after mentioned; (that is to say,) the Bermuda Islands, the Bahama Islands, Jamaica, Honduras, the Virgin Islands, Antigua, Montserrat, Nevis, Saint Christopher's, Dominica, Barbadoes, Grenada, Saint Vincent's, Tobago, Saint Lucia, Trinidad, British Guiana, the Cape of Good Hope, and Mauritius; and in making such apportionment of the said funds between the said several colonies the said commissioners shall and are hereby required to have regard to the number of slaves belonging to or settled in each of such colonies as the same may appear and are stated according to the latest returns made in the office of the registrar of slaves in England, appointed in pursuance and under the authority of an act passed in the fifty-ninth year of his late Majesty king George the third, intituled An Act for establishing a Registry of Colonial Slaves in Great Britain, and for making further Provision with respect to the Removal of Slaves from British Colonies; and the said commissioners shall and are hereby further required, in making such apportionment as aforesaid, to have regard to the prices for which, on an average of eight years ending on the thirty-first day of December one thousand eight hundred and thirty, slaves have been sold in each of the colonies aforesaid respectively, excluding from consideration any such sales in which they shall have sufficient reason to suppose that such slaves were sold or purchased under any reservation, or subject to any express or tacit condition affecting the price thereof; and the said commissioners shall then proceed to ascertain, in reference to each colony, what amount of serling money will represent the average value of a slave therein for the said period of eight years; and the total number of the slaves in each colony being multiplied into the amount of sterling money so representing such average value as aforesaid of a slave therein, the product of such multiplication shall be ascertained for each such colony separately; and the said twenty millions of pounds sterling shall then be assigned to and apportioned amongst the said several colonies ratably and in proportion to the product so ascertained for each respectively.

XLVI. That in case it shall appear to the said commissioners that any persons in respect of whom claims for compensation under the provisions of this act shall have been made and held in slavery in any of the said colonies in this act mentioned contrary to law, then and in every such case the said commissioners shall deduct from the sum to be appropriated as compensation to the proprietors in such colony such sums as shall correspond with the estimated value and number of the said persons so illegally registered and held in slavery; and all such sum or sums which may be deducted as herein-before provided shall be applied towards defraying the general expenses of the commission to be hereby appointed: Provided always, That for the purpose of ascertaining in what cases such deductions shall be made, every question which shall arise in any such colony respecting the servile condition of any persons therein registered as slaves shall be inquired of and determined by the commissioners to be appointed under this act according to such rules of legal presumption and evidence as are or shall be established by any law in force or which shall be in force in any such colony.

XLVII. And whereas it is necessary that provision should be made for the apportionment amongst the proprietors of the slaves to be manumitted by virtue of this act, in each of the said colonies respectively, of that part of the said compensation fund which shall be so assigned as No compensation to be allowed for persons illegally held in slavery.

...Commissioners to institute inquires to ascertain the facts be taken int...
Felony relating to the Slave Trade. [Part V.

The aforesaid to each of the respective colonies: And whereas the necessary rules for that purpose cannot be properly or safely established until after full inquiry shall have been made into the several circumstances which ought to be taken into consideration in making such apportionment; be it therefore enacted, That it shall be the duty of the said commissioners, and they are hereby authorized and required, to institute a full and exact inquiry into all the circumstances connected with each of the said several colonies which in the judgment of the said commissioners ought, in justice and equity, to regulate or affect the apportionment within the same of that part of the said general compensation fund which shall in manner aforesaid be assigned to each of the said colonies respectively; and especially such commissioners shall have regard to the relative value of predestial slaves and of unattached slaves in every such colony; and such commissioners shall distinguish such slaves, whether predestial or unattached, into as many distinct classes as, regard being had to the circumstances of each colony, shall appear just; and such commissioners shall, with all practicable precision, ascertain and fix the average value of a slave in each of the classes into which the slaves in any such colony shall be so divided; and the said commissioners shall also proceed to inquire and consider of the principles according to which the compensation to be allotted in respect to any slave or body of slaves ought, according to the rules of law and equity, to be distributed amongst persons who, as owners or creditors, legatees or annuitants, may have any joint or common interest in any such slave or slaves, or may be entitled to or interested in such slave or slaves, either in possession, remainder, reversion, or expectancy; and the said commissioners shall also proceed to inquire and consider of the principles upon which and the manner in which provision might be most effectually made for the protection of any interest in any such compensation money which may belong to or be vested in any married women, infants, lunatics, or persons of insane or unsound mind, or persons beyond the seas, or labouring under any other legal or natural disability or incapacity, and according to what rules, and in what manner, and under what authority trustees should, when necessary, be appointed for the safe custody, for the benefit of any person or persons, of any such compensation fund or of any part thereof, and for regulating the duties of such trustees, and providing them with a fair and reasonable indemnity; and the said commissioners shall also inquire and consider upon what principles, according to the established rules of law and equity in similar cases, the succession to such funds should be regulated upon the death of any person entitled thereto who may die intestate; and the said commissioners shall and they are also authorized and required to consider of any other question which it may be necessary to investigate in order to establish just and equitable rules for the apportionment of such compensation money amongst the persons seised of, or entitled to, or having any mortgage charge, incumbrance, judgment, or lien upon, or any claim to, or right or interest in, any slave or slaves so to be emancipated as aforesaid, at the time of such their manumission; and having made all such inquiries, and having taken all such matters and things as aforesaid into their consideration, the said commissioners shall and are hereby required to proceed to draw up and frame all such general rules, regard being had to the laws and usages in force in each colony respectively, as to them may seem best adapted in each colony respectively for securing the just and equitable distribution of the said funds amongst or for the benefit of such several persons as aforesaid, and for the protection of such funds, and for the appointment and indemnification of such trustees as aforesaid; and such general rules when so framed, and when agreed upon by the said commissioners, shall by them be subscribed with their respective hands and seals, and transmitted to the lord president of his Majesty's council, to be by him laid before his Majesty in council; and so from time to time as often as any further general rules should be so framed and agreed to for the purposes aforesaid or any of them.
XLVIII. That the general rules to be transmitted as aforesaid to the said lord president shall be forthwith published in the London Gazette on three several occasions at least, together with a notice that all persons interested in or affected by any such general rules may, by a time to be in such notice limited, appeal against any such rules to his Majesty in council; and it shall be lawful for the lords and others of his Majesty's privy council, or for any three or more of them, by any further notice or notices to be for that purpose published in the London Gazette, to enlarge, as to them may seem meet, the time for receiving any such appeals. Notice that appeals will be received against their establishment.

XLIX. That if within the time so to be limited for receiving such appeals any person or persons shall prefer any petition of appeal to his Majesty in council against any such general rule so published as aforesaid in the London Gazette, it shall be lawful for his Majesty in council, or for any committee of privy council, to hear such appeal, and to cause notice thereof to be served upon the said commissioners, who shall thereupon undertake the defence of such appeal; and upon hearing any such appeal it shall be lawful for his Majesty in council to confirm and annul or to rescind and disallow any such general rule as aforesaid, or thereupon to alter, amend, or vary any such rule in such manner as to his Majesty may seem just, or to remit the same to the said commissioners for further consideration and revision.

L. That at the expiration of the time limited for receiving such appeals as aforesaid it shall be lawful for his Majesty in council to confirm and allow, or to rescind and disallow, in the whole or in part, or to amend, alter, or vary, any such general rule or rules, as his Majesty in council, or his Majesty, may so appeal, as to his Majesty may seem just, or to remit such rules to the said commissioners for further consideration and revision.

II. That when and so often as any such general rule or rules as aforesaid shall by his Majesty in council have been confirmed and allowed, an order shall be made by his Majesty in council, reciting at his Majesty's length any such rule or rules, with any alterations or amendments which shall be recited may have been therein made as aforesaid; and a copy of every such order in council shall be duly certified by the lord president of his Majesty's council for the time being to the lord high chancellor or keeper of the great seal, or to the master of the rolls, for the time being, and shall be duly enrolled among the records of the high court of chancery, and shall there remain and be of record.

III. That it shall be lawful, by any rules so to be framed, published, confirmed, allowed, and enrolled as aforesaid, to revoke, amend, alter, and again renew, as occasion may require, and as may be thought just, any former or preceding rule or rules.

III. That every such general rule as aforesaid, when so enrolled as aforesaid, shall be of the same validity, force, virtue, and effect as if the same had been made and enacted by his Majesty, by and with the advice and consent of parliament; Provided nevertheless, that no such rule shall be in anywise repugnant to or at variance with this act or any part thereof, or with the laws and usages in force in the several colonies respectively to which such rules may relate, so far as any such laws or usages may not be repugnant to or at variance with the provisions of this act.

IV. That the said general rules, when so framed, confirmed, allowed, and enrolled as aforesaid, shall be observed and followed by the said commissioners, and shall be binding upon them in the further execution of the said commission, and in the exercise of the powers and authorities hereby committed to them, and shall in all cases be taken, observed, and followed as the rules for the decision of and adjudication upon all claims which may be preferred to them by any person or persons having or claiming to have any interest in the said compensation fund or any part thereof.

V. That any person having or claiming to have had any right, title, or interest in or to, or any mortgage, judgment, charge, incumbrance, or persons interested in any
Felony relating to the Slave Trade. [Part V.

No. III. 3 & 4 W. 4, c. 73.

slaves manumitted by this act may prefer claims before the commissioners, who are to make rules for the conduct of all proceedings under the commission.

Commissioners to adjudicate on all claims preferred to them.

Appeal may be made against adjudication.

His Majesty in council may make rules for the regulation of such appeals.

In adverse claims, any claimant interested in the adjudication may undertake its defence.

His Majesty in council may confirm or disallow, or alter or remit adjudication appealed against.

other lien upon, any slave or slaves so to be manumitted as aforesaid, at the time of such their manumission, shall and may prefer such claims before the said commissioners; and for ensuring method, regularity, and dispatch in the mode of preferring and of proceeding upon such claims, the said commissioners shall and are hereby authorized by general rules, to be framed and published, confirmed, allowed, and enrolled as aforesaid, to prescribe the form and manner of proceeding to be observed by any claimant or claimants preferring any such claims, and to authorize the assistant commissioners so to be appointed in the said several colonies to receive and report upon the same or any of them in such manner and form and under such regulations as to the commissioners so to be appointed by his Majesty as aforesaid shall seem meet, and to prescribe the manner, the time or times, the place or places, and the form or forms in which notices of such claims shall be published for general information, or especially communicated to or served upon any person or persons interested therein or affected thereby, and to prescribe the form and manner of proceeding to be observed upon the prosecution of such claims, or in making any opposition to the same, and to make all such regulations as to them may seem best adapted for promoting method, economy, and dispatch in the investigation of such claims, and respecting the evidence to be taken and admitted for or against the same, and respecting the manner and form of adjudicating thereupon, and otherwise however respecting the method, form, and manner of proceeding to be observed either by them the said assistant commissioners, or by the parties to any proceedings before them, their agents or witnesses, and which rules shall from time to time be liable to be amended, altered, varied, or renewed as occasion may require, in such manner as is herein-before directed.

LVI. That the said commissioners shall proceed, in the manner to be prescribed by any such general rules as last aforesaid, to inquire into and adjudicate upon any such claims as may be so preferred to them, and shall upon each such claim make their adjudication and award in such manner and form as shall be prescribed by any such last-mentioned general rules; and if any person interested in or affected by any such adjudication or award shall be dissatisfied therewith, it shall be lawful for such person to appeal therefrom to his Majesty in council, and notice of any such appeal shall be served upon the said commissioners, who shall thereupon undertake the defence thereof; and it shall be competent to his Majesty in council to make and establish all such rules and regulations as to his Majesty shall seem meet respecting the time and manner of preferring and proceeding upon such appeals, and respecting the course to be observed in defending the same, which rules shall be so framed as to promote, as far as may be consistent with justice, all practicable economy and dispatch in the proceeding upon the decision thereof; and in cases in which any two or more persons shall have preferred before the said commissioners adverse or opposing claims, and in which any or either of such persons shall be interested to sustain the adjudications or award of such commissioners thereupon, then and in every such case it shall be lawful for any person or persons so interested, to undertake the defence of any such appeal in lieu and instead of the said commissioners.

LVII. That it shall be lawful for his Majesty in council, upon hearing any such appeal as aforesaid, either to confirm and allow or to reverse or to amend or alter any such adjudication or award as to his Majesty in council shall seem fit, or to remit any such adjudication and award to the said commissioners for further consideration and revision, or for the admission of further evidence; but it shall not be lawful for his Majesty in council, upon the hearing of any such appeal, to admit any new evidence which was not admitted by or tendered to the said commissioners before the making of such their adjudication and award.
LVIII. That the several adjudications and awards of the said commissioners, unless duly appealed from within the respective times to be limited by his Majesty in council for that purpose, shall be final and conclusive and binding upon all persons interested therein or affected thereby; and that the decisions of his Majesty in council upon any such appeal shall in like manner be final, binding, and conclusive.

award of the commissioners

LIX. That the lord high treasurer, or the commissioners of his Majesty's treasury, or any three or more of them, for the time being, may order and direct to be issued and paid out of the said sum of twenty millions of pounds sterling any sum or sums of money for the payment of salaries to commissioners, officers, clerks, and other persons acting in relation to such compensation in the execution of this act, and for discharging such incidental expenses as shall necessarily attend the same, in such manner as the lord high treasurer, or commissioners of the treasury, or any three or more of them, shall from time to time think fit and reasonable; and an account of such expense shall be annually laid before parliament.

LX. That a certificate containing a list of the names and designation of the several persons in whose favour any sum or sums of money shall be awarded from time to time under the provisions of this act by the commissioners, as herein-before mentioned, shall be signed by three or more of the said commissioners, who shall forthwith transmit the same to his Majesty's principal secretary of state then having charge of the affairs of the said colonies, for his approbation and signature, who shall, when he shall have signed the same, transmit it to the commissioners of his Majesty's treasury; and the said commissioners of the treasury, or any three of such commissioners, shall thereupon, by warrant under their hands, authorize the commissioners for the reduction of the national debt to pay the said sums, out of the monies standing upon their account in the books of the said bank under the title of "The West India Compensation Account," to the persons named in such certificate; and the said commissioners for the reduction of the national debt, or the comptroller general or assistant comptroller general acting under the said commissioners, are hereby required to pay all such sums of money to the persons named therein under such forms and regulations as the said commissioners for the reduction of the national debt shall think fit to adopt for that purpose.

LXI. And whereas in some of the colonies aforesaid a certain statute, made in the thirteenth and fourteenth years of king Charles the second, intituled An Act for preventing the Mischiefs and Dangers that may arise by certain Persons called Quakers and others refusing to take lawful Oaths; and a certain other statute made in the seventeenth year of king Charles the second, intituled An Act for restraining Nonconformists from inhabiting in Corporations; and a certain other statute, made in the twenty-second year of king Charles the second, intituled An Act to prevent and suppress seditious Conventicles; and a certain other statute, made in the first and second year of king William and queen Mary, intituled An Act for exempting their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws; and a certain other statute, made in the tenth year of queen Anne, intituled An Act for preserving the Protestant Religion by better securing the Church of England as by Law established; and for confirming the Toleration granted to Protestant Dissenters by an Act intituled 'An Act for exempting their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws,' and for supplying the Defects thereof; and for the further securing the Protestant Succession by requiring the Practisers of the Law in North Briton to take the Oaths and subscribe the Declaration therein mentioned; or some or one of those statutes, or some parts thereof or some of them, have and hath been adopted, and are or is in force; be it further enacted, That in such of the colonies aforesaid in which the said several statutes or any of them, or any parts thereof or any of them, have or hath been adopted and are extended to colonies in which any of No. III. 3 & 4 W. 4, c. 73. Failing any appeal, the final.
or is in force, a certain statute made in the fifty-second year of his late Majesty king George the third, intituled An Act to repeal certain Acts and amend other Acts relating to Religious Worship and Assemblies, and Persons teaching or preaching therein, shall be and is hereby declared to be in force as fully and effectually as if such colonies had been expressly named and enumerated for that purpose in such last-recited statute: Provided nevertheless, That in the said several colonies to which the said act of his late Majesty king George the third is so extended and declared applicable as aforesaid any two or more justices of the peace holding any such special commission as aforesaid shall have, exercise, and enjoy all and every the jurisdiction, powers, and authorities whatsoever which by force and virtue of the said act are within the realm of England had, exercised, and enjoyed by the several justices of the peace, and by the general and quarter sessions therein mentioned.

LXII. And whereas in the settlements in the occupation of his Majesty and of his Majesty's subjects in Honduras, no law is in force for the registration of slaves, and doubts might be entertained respecting the authority of his Majesty, with the advice of his privy council, to make laws binding on his Majesty's subjects therein; be it therefore declared and enacted, That it is and shall be lawful for his Majesty, by any order or orders to be by him for that purpose made with the advice of his privy council, to establish a registry of slaves for the purposes of this act within the said settlement; and all laws made by his Majesty for the government of his said subjects shall, for the purposes of this act, be as valid and effectual as any laws made by his Majesty in council for the government of any colonies subject to the legislative authority of his Majesty in council are or can be.

LXIII. That within the meaning and for the purposes of this act every person who for the time being shall be in the lawful administration of the government of any of the said colonies shall be taken to be the governor thereof.

LXIV. That nothing in this act contained doth or shall extend to any of the territories in the possession of the East India Company, or to the island of Ceylon, or to the island of St. Helena.

LXV. That in the colonies of the Cape of Good Hope and Mauritius the several parts of this act shall take effect and come into operation, or shall cease to operate and to be in force, as the case may be, at periods more remote than the respective periods herein-before for such purposes limited by the following intervals of time; videlicet, by four calendar months in the colony of the Cape of Good Hope, and by six calendar months in the colony of the Mauritius.

LXVI. That within the meaning and for the purposes of this act all islands and territories dependent upon any of the colonies aforesaid, and constituting parts of the same colonial government, shall respectively be taken to be parts of such respective colonies.

No. IV.] 5 & 6 W. IV. c. 45.—An Act to carry into further execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves, upon the Abolition of Slavery.

[31st August 1835.]

WHEREAS an act was passed in the third and fourth years of the reign of king William the fourth, intituled An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the Manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves: And whereas a contract or agreement for raising the sum of fifteen millions, part of the sum of twenty millions authorized to be raised by the said recited act, has been entered into,
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under the authority of the said recited act, between the lords commissi-

oners of his Majesty's treasury and divers persons willing to contrib-

ute the said sum of fifteen millions, bearing date the third day of Au-
gust in this present year, for carrying into effect the purposes of the said
recited act; and it is expedient to make provisions and regulations

whereby the payments to be made to the several persons entitled to
compensation under the provisions of the said act may be so arranged as
to fall due and become payable from time to time out of the monies
received from time to time under the said contract as instalments of the
said sum of fifteen millions as such several instalments shall become
due: Be it therefore enacted, &c. That the commissioners for the reduc-
tion of the national debt may and they are hereby empowered to issue,
under such forms and regulations as the said commissioners shall think
proper to adopt for that purpose, certificates payable to the bearer there-
of, carrying interest after the rate of two-pence farthing per centum per
diem; and the principal sum specified in such certificates shall be charged
upon and shall be payable out of the monies received from time to time
on account of the said sum of fifteen millions standing upon the account
of the said commissioners for the reduction of the national debt in the
books of the bank of England, under the title of "The West India
Compensation Account;" and such certificates shall be made out from
time to time for a sum not exceeding in the whole the principal sum of
thirteen millions five hundred thousand pounds sterling.

II. Provided always, That the interest which shall be payable upon
the principal sums specified in the said certificates shall be charged upon
and made payable out of the consolidated fund of the united kingdom of
Great Britain and Ireland; and the said commissioners for the reduction
of the national debt, or the comptroller general or assistant comptroller
acting under them, shall certify to the lords of the treasury from time to
time the sum required to be issued out of the said consolidated fund for
that purpose; and upon receipt of the said certificate the said lords of
the treasury, or any three or more of them, shall by warrant under their
hands cause the sum stated in the said certificates to be issued from time
to time to the governor and company of the bank of England, to be by
them placed to the said "West India Compensation Account," standing
in the names of the said commissioners in the books of the said bank.

III. That the said certificates shall be made out for the whole amount
of the sum of money awarded to any person or persons under the pro-
visions of the said recited act, or in sums of even pounds, or the frac-
tional parts of a pound sterling, (save and except that no fraction less
than one penny shall be contained in any such certificate,) as the said
commissioners, or the comptroller general or assistant comptroller acting
under them, shall deem most convenient; and previous to the issue of
any such certificates such respective certificates shall be signed by the
said comptroller general or said assistant comptroller, and be counter-
signed by the actuary or other check officer acting under the said com-
missioners, and shall be entered in proper books kept at the national
debt office for that purpose.

IV. That upon demand being made for the payment of any award for
compensation under the provisions of the said act the said comptroller
general or assistant comptroller, or other proper officer of the said com-
missioners, may draw upon the cashier of the bank of England, on ac-
count of the West India compensation, for the payment of the sum so
demanded, together with the interest due thereon, (save and except that
interest shall not be computed or allowed upon any fractional part of a
pound sterling,) or issue a certificate or certificates, made out and signed
as herein-before directed, to the person or persons, or to his, her, or
their attorney or attorneys, executors or administrators, to whom any
sum shall be awarded for compensation, of the like amount as the sum
so awarded (the fractions of a penny excepted), for the payment of and
in full satisfaction for the sum of money awarded to such person or per-
sons respectively under the provisions of the said act; and the principal

Certificates
may be issued
by the commis-
sioners for the
reduction of the
national debt,
carrying in-
terest charge-
able on the in-
stalments of the
loan.

Interest of the
certificates
chargeable on
the consoli-
dated fund.

Certificates to
be made out
for the whole
amount, and
signed by the
comptroller
general or as-
sistant com-
troller.

Compotroller
general or as-
sistant com-
troller, and
officer of the
commissioners
of the national
debt, may
draw for pay-
ment of claim,
or issue certifi-
cates.
No. IV, 5 & 6 W. 4, c. 45.

Sum specified in such certificate, together with the interest due thereon, (save and except that interest shall not be computed or allowed on any fractional part of a pound sterling,) shall be payable at the bank of England upon the production of such certificate or certificates to the cashiers of the said bank; and the said cashiers are hereby required, upon the production of the same, to pay the principal contained in such certificate or certificates accordingly, together with the interest thereon, out of the monies standing in the names of the said commissioners for the reduction of the national debt under the title of "The West India Compensation Account" aforesaid, after which the said certificates shall be cancelled by such cashier or cashiers, and delivered up to the said commissioners.

V. Provided always, That the cashier or cashiers of the bank shall receive as money from time to time from any person or persons any of the said certificates which shall be presented to them in payment of the whole or of any part of any instalment due from time to time upon the said fifteen millions; and in all such cases the interest which shall happen to be then due upon the said certificate or certificates presented to such cashier or cashiers at the time of paying up any instalment shall be added to the principal sum stated in such certificate, and shall be received and accounted for as one entire sum.

VI. And whereas it is expedient to make provision for the payment of the interest which will become payable in respect of the sum of twenty millions of pounds sterling directed by the said recited act to be paid to the persons entitled to compensation under the provisions of the said act; be it therefore enacted, That the interest upon the said sum of twenty millions shall be after the rate of three pounds seven shillings and eightpence per centum per annum, which interest shall commence and be paid to such person or persons from the first day of August one thousand eight hundred and thirty-four exclusive, up to and including the day of the payment of the principal sum awarded to such person respectively, or up to and including the date of the said certificate or certificates (in case a certificate shall be issued to such person or persons in lieu of paying the sum awarded in money), as the case may be, save and except that interest shall not be computed or allowed upon any fractional part of a pound sterling; and the said interest shall be charged upon and payable out of the said consolidated fund of the united kingdom of Great Britain and Ireland; and the said comptroller general or assistant comptroller shall certify to the lords of the treasury the sum required for the payment of all such interest; and upon receipt of the said certificate the said lords or any three or more of them shall thereupon, by warrant under their hands, cause the sum mentioned in the said certificate to be issued out of the said consolidated fund to the governor and company of the bank of England, to be by them placed to the said account of the commissioners for the reduction of the national debt, on account of "The West India Compensation;" and the said comptroller general or assistant comptroller, or other proper officer of the said commissioners, are hereby respectively authorized to draw upon the said account from time to time for the payment of the said interest to the several persons entitled thereto, or to his, her, or their respective attorney or attorneys, executors or administrators.

VII. And whereas the lords commissioners of the treasury are by the said recited act authorized to cause to be advanced out of the said sum of twenty millions all such sums as may be necessary for the payment of all allowances, and defraying all other necessary charges and expenses in and about the execution of the commission under the said recited act; be it therefore enacted, That the said lords of the treasury or any three or more of them, previously to the issuing out of the said consolidated fund the sum required for the payment of the interest on the said sum of twenty millions, may order and direct to be set apart therefrom the sum required to defray the expenses attending the carrying into execution the provisions of the said recited act.
VIII. And whereas it is enacted by the said recited act, that no part of the said sum of twenty millions of pounds sterling shall be applied or shall be applicable to the purposes aforesaid, for the benefit of any person now entitled to the services of any slave in any of the colonies therein mentioned, unless an order shall have been first made by his Majesty, with the advice of his privy council, declaring that adequate and satisfactory provision hath been made by law in such colony for giving effect to the said act by such further and supplementary enactments therein referred to, nor unless a copy of such order in council, duly certified by one of the clerks in ordinary of his Majesty's privy council, shall by the lord president of the council have been transmitted to the lords commissioners of his Majesty’s treasury or to the lord high treasurer for the time being, for their or his guidance or information: And whereas no order of the king in council has been made declaring that adequate and satisfactory provision hath been made by law in the colony of Barbados for giving effect to the said recited act by such further and supplementary enactments as are specified in the said recited act; be it therefore enacted, That in order to provide for the payments of the several sums which may be awarded to the several persons in the said colony entitled to compensation under the provisions of the said act, when and as soon as the provisions of the said act shall have been duly complied with as aforesaid, that immediately after the passing of this act there shall be written in and placed to the credit of the said commissioners for the reduction of the national debt, in the books of the said bank, by the accountant general for the time being of the said governor and company, in a new and separate account under the title of “The Compensation Account of the Colony of Barbados,” the sum of one million seven hundred and thirty-four thousand three hundred and fifty-three pounds twelve shillings and sevenpence of capital of reduced annuities, bearing interest after the rate of three pounds and ten shillings per centum per annum, such capital in the said annuities being equivalent to the sum of one million seven hundred and twenty-one thousand three hundred and forty-five pounds nineteen shillings and sevenpence sterling, estimating the price of such three pounds and ten shillings per centum per annum annuities after the rate of ninety-nine pounds five shillings sterling for every one hundred pounds of such reduced three pounds ten shillings per centum per annum annuities, such price being the average price of the existing reduced three pounds and ten shillings per centum per annum bank annuities on the third day of August one thousand eight hundred and thirty-five, being the day on which the said contract was entered into as aforesaid; which sum of one million seven hundred and thirty-four thousand three hundred and fifty-three pounds twelve shillings and sevenpence shall be added to and consolidated with and shall be deemed and taken as part of and be subject to all the conditions attending the reduced three pounds and ten shillings per centum per annum annuities existing at the time of the passing of this act, forming part of the public debt of the united kingdom of Great Britain and Ireland, and shall be assignable and transferable and redeemable accordingly; and the dividends and charges of management arising upon the said sum of one million seven hundred and thirty-four thousand three hundred and fifty-three pounds twelve shillings and sevenpence reduced three pounds and ten shillings per centum per annum annuities shall be chargeable and the same are hereby charged upon and made payable out of the consolidated fund of the united kingdom of Great Britain and Ireland, the first half-yearly payment whereof shall commence from the tenth day of October one thousand eight hundred and thirty-five inclusive; and so much money shall from time to time be set apart and issued at the receipt of the exchequer in England, out of the consolidated fund of Great Britain, to the said cashier or cashiers of the governor and company of the bank of England, as shall be sufficient to satisfy and pay the said annuities to be created in respect of the said sum of one million seven hundred and
Stock may be transferred for payment of claims in Barbadoes.

Indemnity to commissioners, &c.

Exemptions from stamp duties.

Persons counterfeiting receipts for contributions, &c. guilty of felony.

X. That upon application to the said commissioners for the reduction of the national debt for the payment of any sum which shall hereafter be awarded to any person or persons in the said colony of Barbadoes for compensation under the provisions of the said act, when the provision of the said recited act shall have been complied with as aforesaid, the said commissioners shall transfer or cause to be transferred from the said account to the person or persons entitled to such compensation such a proportionate amount of the said reduced three pounds and ten shillings per centum per annum annuities, in satisfaction of the sum awarded to such person or persons, as the whole sum of one million seven hundred and twenty-one thousand three hundred and forty-five pounds nineteen shillings and seven-pence sterling shall bear to the whole capital of the said reduced three pounds ten shillings per centum per annum annuities to be created under the provisions of this act.

X. That the several payments which shall be made by the said commissioners for the reduction of the national debt, under the provisions of the said act or of this act, to the persons entitled to compensation, or to his, her, or their respective attorney or attorneys, executors or administrators, shall be deemed to be a final payment (and against which there shall be no appeal) in full of all demands of the sum of money so awarded, and shall be a bar to and against any claim which may hereafter be set up or attempted to be set up or made by any other person or persons whatsoever against the said commissioners or any officer or officers of the said commissioners to the sum so awarded: Provided always, That nothing herein contained shall prevent or prejudice any person or persons from prosecuting such claim against the person or persons to whom payment shall have been made by the said commissioners as aforesaid under the provisions of this act; and the said commissioners and the said comptroller general and assistant comptroller, or other proper officer acting under the said commissioners, and also the said governor and company, and their cashier or cashiers, shall be and they are hereby severally indemnified and saved harmless from all or any suit or action, at law or in equity, for any act or acts done or performed by them respectively in carrying into execution the provisions of this act or of the said recited act.

XI. That the said contract for raising the said sum of fifteen millions, and all receipts for stock and transfers of stock, and all certificates given or made under the provisions of this act, or issued by the commissioners for the reduction of the national debt, or by the comptroller general or assistant comptroller, or by any other officer of the said commissioners, shall be exempted from stamp duty.

XII. That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any receipt or receipts for the whole of or any part or parts of the contributions towards the said sum of fifteen millions, either with or without the name or names of any person or persons being inserted therein as the contributor or contributors thereto, payer or payers thereof, or of any part or parts thereof, or any certificate or other instrument to be issued by the commissioners for the reduction of the national debt, or shall alter any number, figure, or word therein, or utter or publish as true any such false, forged, counterfeited, or altered receipt or receipts, certificate or certificates, instrument or instruments, with intent to defraud the governor and company of the bank of England, or the commissioners for the reduction of the national debt, or any body politic or corporate, or any person or persons whatsoever, every such person or persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being convicted thereof in due form of law, shall be
adjudged guilty of felony, and shall suffer death as a felon, without
benefit of clergy.

XIII. That no fee, reward, or gratuity whatsoever shall be demanded
or taken of any of his Majesty's subjects for receiving or paying the
said subscription or contribution monies or any of them, or for any
receipt concerning the same, or for paying the said annuities or any of
them, or for any transfer of any sum, great or small, to be made in
pursuance of this act, upon pain that any officer or person offending by
taking or demanding any such fee, reward, or gratuity, shall for every
such offence forfeit the sum of twenty pounds to the party aggrieved,
with full costs of suit, to be recovered by action of debt, bill, plain, or
information in any of his Majesty's courts of record at Westminster,
wherein no essoign, protection, privilege, or wager of law, injunction, or
order of restraint, or any more than one imparlance, shall be granted
or allowed.

XIV. And whereas certain claims for compensation under the provi-
sions of the said recited act may be subject to litigation before the com-
misssioners of arbitration appointed thereunder, and also in the courts
of the several colonies, and the final settlement of such claims may there-
fore be postponed to a distant period: And whereas it is expedient to
authorize the commissioners for the reduction of the national debt to
transfer the said compensation funds so under litigation as herein-after
mentioned; be it enacted, That in all such cases it shall be lawful for
the lords commissioners of his Majesty's treasury to direct the com-
misssioners for the reduction of the national debt to pay over from time to
time, if the lords of the treasury shall deem it expedient so to do, into
the bank of England in the name of the accountant general of the court
of chancery or the accountant general of the court of exchequer, in trust
for the purposes herein-after mentioned, (ary thing in any general rules
framed by the said commissioners of arbitration under any of the clauses
of the said recited act to the contrary notwithstanding,) all such sums
of money as shall from time to time be certified by the said commis-
misssioners of arbitration, according to the provisions of the said act to be
the subject of any suit in any of the said courts of any of the said colo-
nies respectively, or of any claim before the said commissioners against
which any counter claim shall have been filed, without any special order
for that purpose, or other authority than this act, and whether such
courts of chancery or exchequer respectively shall be sitting or not, and
such sums shall be carried to new accounts in the books of the said
bank of England under the title of “The litigated West India Compen-
sation Account of the Court of Chancery,” or “The litigated West
India Compensation Account of the Court of Exchequer,” as the case
may be; and such monies, when so paid in, shall be placed to the
account of the number of the claim as stated and specified in the said
certificate of the said commissioners; and such monies, and the half-
yearly dividends arising from the investments thereof, and also the divi-
dends on all future investments, as they arise and become due, shall be
invested from time to time by the said accountants general in their
names respectively, under the authority of this act, in three per cent
consolidated bank annuities, to the said respective accounts; and the
said bank annuities purchased with the said compensation monies so in-
vested as aforesaid, and the said accumulations, shall be paid and trans-
ferred to the person or persons to whom the same shall be directed to be
paid or transferred by any adjudication or award of the said commis-
misssioners of arbitration duly certified according to the provisions of the said re-
cited act, or by the decree, order, or judgment of the court in the colony
made in the said suit there depending, or any court of appeal; and a copy
of such decree, order, or judgment of the court in the colony, or
court of appeal, signed by the proper officer of such court, shall be suf-
cient evidence of such decree, order, or judgment to the accountants
general of the said courts of chancery or exchequer: Provided always,
that all orders and decrees made by any of the courts in the said colo-
Indemnification to accountants general of the chancery and exchequer.

Accountants general may appoint a deputy, whose acts shall be valid.

Persons sued may plead the general issue.

Treble costs.

Felony relating to the Slave Trade.

No. IV. 5 & 6 W 4, c. 45.

_XV._ That the said accountant general of the court of chancery and the said accountant general of the court of exchequer shall be and they are hereby severally and respectively indemnified and saved harmless from all or any suit or action, at law or in equity, for any act to be done or performed by them in carrying into execution the provisions of this act or in acting under the same, and shall not be held or taken to be responsible for or liable to make good any payment of money or transfer of bank annuities erroneously made by them respectively, unless the same shall have been occasioned by the wilful default or negligence of the said accountant general respectively.

_XVI._ That it shall and may be lawful for the said accountant general of the court of chancery and the said accountant general of the court of exchequer respectively to nominate and appoint a fit and proper person to do and perform all or any of the acts and duties imposed upon the said accountants general by this act, and that the acts of the said deputies shall be as valid and effectual as if the same had been done by the said accountants general themselves.

_XVII._ That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence in his, her, or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or prosecution, or be nonsuited, or judgment shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them against any such plaintiff or plaintiffs.

[No. V.] 5 & 6 W. IV. c. 60.—An Act for carrying into effect a Treaty with the King of the French, and the King of Sardinia for suppressing the Slave Trade.

[9th September 1835.]

[No. VI.] 5 & 6 W. IV. c. 61.—An Act for carrying into effect the Treaty with the King of the French and the King of Denmark for suppressing the Slave Trade.

[9th September 1835.]

PART V.
CLASS XVII.

ESCAPES AND RESCUE.

[There has been no recent enactment upon these subjects.]
PART V.
CLASS XVIII.

PERJURY.
[No. I.] 5 & 6 W. IV. c. 62.—An Act to repeal an Act of the present Session of Parliament, intituled An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths. (1) [9th September 1835.]

WHEREAS an act was passed in the present session of parliament, 5 W. 4, c. 8, intituled An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and it was thereby enacted that the said act should commence and take effect from and after the first day of June in this present year, the year of our Lord one thousand eight hundred and thirty-five, it not being intended that the said recited act should take effect before the same received the royal assent: And whereas the said recited act did not receive the royal assent till after the said first day of June one thousand eight hundred and thirty-five: And whereas it was enacted by the said recited act, that from and after the first day of June next ensuing it should not be lawful for any justice of the peace to administer or receive such voluntary oaths as are therein mentioned, it being intended that the said prohibition should take effect from the time of the commencement of the said recited act: And whereas it is expedient to amend the said act, and to make some further provisions for the better effecting the object thereof, and to consolidate all the provisions relating thereto into one act: Be it therefore enacted, &c., That from and after the Recited act repassing of this act the said recited act shall be and the same is hereby repealed.

II. That in any case where, by any act or acts made or to be made relating to the revenues of customs or excise, the post office, the office of stamps and taxes, the office of woods and forests, land revenues, works, and buildings, the war office, the army pay office, the office of the treasurer of the navy, the accountant general of the navy, or the ordnance, his Majesty's treasury, Chelsea hospital, Greenwich hospital, the board of trade, or any of the offices of his Majesty's principal secretaries of state, the India board, the office for auditing the public accounts, the national debt office, or any office under the control, direction, or superintendence of the lords commissioners of his Majesty's treasury, or by any official regulation in any department, any oath, solemn affirmation, or affidavit might, but for the passing of this act, be required to be taken or made by any person on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsover, it shall be lawful for the lords commissioners of his Majesty's treasury or any three of them if they shall so think fit, by writing under their hands and seals, to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit which

(1) By the 5 & 6 W. 4, c. 8, which is repealed by this act, it was provided that false declarations should be punishable as perjury, but by this statute the offence is made a misdemeanor.
Declaration substituted to be published in the Gazette, and after 21 days from the date thereof the provisions of this act to apply;

and no oath to be administered in lieu of which such declaration has been directed.

False declarations in matters relating to certain revenues a misdemeanor.

Oath of allegiance still to be required in all cases.

Oaths in courts of justice, &c. still to be taken.

Universities of Oxford and Cambridge, and other bodies, may substitute a declaration in lieu of an oath.

Church-warden's and sidesman's oath

might but for the passing of this act be required to be taken or made; and the person who might under the act or acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit shall, in presence of the commissioners, collector, other officer or person empowered by such act or acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration, and every such commissioner, collector, other officer or person is hereby empowered and required to administer the same accordingly.

III. That when the said lords commissioners of his Majesty's treasury or any three of them shall, in any such case as herein-before mentioned, have substituted, in writing under their hands and seals, a declaration in lieu of an oath, solemn affirmation, or affidavit, such lords commissioners shall, so soon as conveniently may be, cause a copy of the instrument substituting such declaration to be inserted and published in the London Gazette; and from and after the expiration of twenty-one days next following the day of the date of the gazette wherein the copy of such instrument shall have been published, the provisions of this act shall extend and apply to each and every case specified in such instrument, as well and in the same manner as if the same were specified and named in this act.

IV. That after the expiration of the said twenty-one days it shall not be lawful for any commissioner, collector, officer, or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit, in the lieu of which such declaration as aforesaid shall have been directed by the lords commissioners of his Majesty's treasury to be substituted.

V. That if any person shall make and subscribe any such declaration as herein-before mentioned in lieu of any oath, solemn affirmation, or affidavit by any act or acts relating to the revenues of customs or excise, stamps and taxes, or post office, required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry, or return, or for any purpose whatsoever, and shall wilfully make therein any false statements as to any material particular, the person making the same shall be deemed guilty of a misdemeanor.

VI. Provided always, That nothing in this act contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office, but that such oath of allegiance shall continue to be required, and shall be administered and taken, as well and in the same manner as if this act had not been passed.

VII. Provided also, That nothing in this act contained shall extend or apply to any oath, solemn affirmation, or affidavit which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any court of justice, or in any proceeding for or by way of summary conviction before any justice or justices of the peace, but all such oaths, affirmations, and affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this act had not been passed.

VIII. That it shall be lawful for the universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute, or by any valid usage, authorized to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, bye laws, or orders authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or made: Provided always, That such statutes, bye laws, or orders be otherwise duly made and passed according to the charter, laws, or regulations of the particular university, other body corporate and politic, or other body so authorized as aforesaid.

IX. And whereas persons serving the offices of churchwarden and sidesman are at present required to take an oath of office before entering upon the execution thereof, and also an oath on quitting such office, and it is expedient that a declaration shall be substituted for such oath of
office, and that the oath on quitting the same shall be abolished; be it enacted, That in future every person entering upon the office of churchwarden or sidesman, before beginning to discharge the duties thereof, shall, in lieu of such oath of office, make and subscribe, in the presence of the ordinary or other person before whom he would, but for the passing of this act, be required to take such oath, a declaration that he will faithfully and diligently perform the duties of his office, and such ordinary or other person is hereby empowered and required to administer the same accordingly: Provided always, That no churchwarden or sidesman shall in future be required to take any oath on quitting office, as has heretofore been practised.

X. That in any case where, under any act or acts for making, maintaining, or regulating any highway, or any road, or any turnpike road, or for paving, lighting, watching, or improving any city, town, or place, or touching any trust relating thereto, any oath, solemn affirmation, or affidavit might, but for the passing of this act, be required to be taken or made by any person whatsoever, no such oath, solemn affirmation, or affidavit shall in future be required to be or be taken or made, but the person who might under the act or acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit shall, in lieu thereof, in the presence of the trustee, commissioner, or other person before whom he might under such act or acts be required to take or make the same, make and subscribe a declaration to the same effect as such oath, solemn affirmation, or affidavit, and such trustee, commissioner, or other person is hereby empowered and required to administer and receive the same.

XI. That whenever any person or persons shall seek to obtain any patent under the great seal for any discovery or invention, such person or persons shall, in lieu of any oath, affirmation, or affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such patent, make and subscribe, in the presence of the person before whom he might, but for the passing of this act, be required to take or make such oath, affirmation, or affidavit, a declaration to the same effect as such oath, affirmation, or affidavit; and such declaration, when duly made and subscribed, shall be to all intents and purposes as valid and effectual as the oath, affirmation, or affidavit in lieu whereof it shall have been so made and subscribed.

XII. That where by any act or acts at the time in force for regulating the business of pawnbrokers any oath, affirmation, or affidavit might, but for the passing of this act, be required to be taken or made, the person who by or under such act or acts might be required to take or make such oath, affirmation, or affidavit shall in lieu thereof make and subscribe a declaration to the same effect; and such declaration shall be made and subscribed at the same time, and on the same occasion, and in the presence of the same person or persons, as the oath, affirmation, or affidavit in lieu whereof it shall be made and subscribed would by the act or acts directing or requiring the same be directed or required to be taken or made; and all and every the enactments, provisions, and penalties contained in or imposed by any such act or acts, as to any oath, affirmation, or affidavit thereby directed or required to be applied to taken or made, shall extend and apply to any declaration in lieu thereof, as well and in the same manner as if the same were herein expressly enacted with reference thereto.

XIII. And whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not administered by the subject of any judicial inquiry, nor in anywise pending or at issue oaths, &c. before the justice of the peace or other person by whom such oaths or affidavits have been administered or received: And whereas doubts have arisen whether or not such proceeding is illegal; for the more effectual suppression of such practice and removing such doubts, be it enacted, That from and after the commencement of this act it shall not be lawful for any justice of the peace or other person to administer, or cause or
allow to be administered, or to receive, or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereby such justice or other person hath not jurisdiction or cognizance by some statute in force at the time being: Provided always, That nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation before any justice in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offenses, or touching any proceedings before either of the houses of parliament or any committee thereof respectively, nor to any oath, affidavit, or affirmation which may be required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively.

XIV. That in any case in which it has been the usual practice of the bank of England to receive affidavits on oath to prove the death of any proprietor of any stocks or funds transferable there or to identify the person of any such proprietor, or to remove any other impediment to the transfer of any such stocks or funds, or relating to the loss, mutilation, or defacement of any bank note or bank post bill, no such oath or affidavit shall in future be required to be taken or made, but in lieu thereof the person who might have been required to take or make such oath or affidavit shall make and subscribe a declaration to the same effect as such oath or affidavit.

XV. And whereas an act was passed in the fifth year of the reign of his late Majesty king George the second, intituled An Act for the more easy Recovery of Debts in his Majesty’s Plantations and Colonies in America: And whereas another act was passed in the fifty-fourth year of the reign of his late Majesty king George the third, intituled An Act for the more easy Recovery of Debts in his Majesty’s Colony of New South Wales: And whereas it is expedient that in future a declaration should be substituted in lieu of the affidavit on oath authorized and required by the said recited acts; be it therefore enacted, That from and after the commencement of this act, in any action or suit then depending or thereafter to be brought or intended to be brought in any court of law or equity within any of the territories, plantations, colonies, or dependencies abroad, being within and part of his Majesty’s dominions, for or relating to any debt or account wherein any person residing in Great Britain and Ireland shall be a party, or for or relating to any lands, tenements, or hereditaments or other property situate, lying, and being in the said places respectively, it shall and may be lawful to and for the plaintiff or defendant, and also to and for any witness to be examined or made use of in such action or suit, to verify or prove any matter or thing relating thereto by solemn declaration or declarations in writing in the form in the schedule hereunto annexed, made before any justice of the peace, notary public, or other officer now by law authorized to administer an oath, and certified and transmitted under the signature and seal of any such justice, notary public duly admitted and practising, or other officer, which declaration, and every declaration relative to such matter or thing as aforesaid, in any foreign kingdom or state, or to the voyage of any ship or vessel, every such justice of the peace, notary public, or other officer shall be and he is hereby authorized and empowered to administer or receive; and every declaration so made, certified, and transmitted shall in all such actions and suits be allowed to be of the same force and effect as if the person or persons making the same had appeared and sworn or affirmed the matters contained in such declaration in open court, or upon a commission issued for the examination of witnesses or of any party in such action or suit respectively; provided that in every such declaration there shall be expressed the addition of the party making such declaration, and the particular place of his or her abode.

XVI. That it shall and may be lawful to and for any attesting witness to the execution of any will or codicil, deed or instrument in writing, and to and for any other competent person, to verify and prove the
signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing, by such declaration in writing made as aforesaid, and every such justice, notary, or other officer shall be and is hereby authorized and empowered to administer or receive such declaration.

XVII. That in all suits now depending or hereafter to be brought in any court of law or equity by or in behalf of his Majesty, his heirs and successors, in any of his said Majesty's territories, plantations, colonies, possessions, or dependencies, for or relating to any debt or account, that his Majesty, his heirs and successors, shall and may prove his and their debts and accounts and examine his or their witness or witnesses by declaration, in like manner as any subject or subjects is or are empowered or may do by this present act.

XVIII. And whereas it may be necessary and proper in many cases not herein specified to require confirmation of written instruments or allegations, or proof of debts, or of the execution of deeds or other matters; be it therefore further enacted, That it shall and may be lawful for any justice of the peace, notary public, or other officer now by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule to this act annexed; and if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be deemed guilty of a misdemeanor.

XIX. That whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this act, or any of them, all and every such fees or fee as would have been due and payable on the taking or making any legal oath, solemn affirmation, or affidavit shall be in like manner due and payable upon making and subscribing such declaration.

XX. That in all cases where a declaration in lieu of an oath shall have been substituted by this act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

XXI. That in any case where a declaration is substituted for an oath under the authority of this act, or by virtue of any power or authority hereby given, or is directed and authorized to be made and subscribed under the authority of this act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

XXII. That this act shall commence and take effect from and after Act to take the first day of October in this present year, the year of our Lord one thousand eight hundred and thirty-five.

XXIII. That this act may be amended, altered, or repealed by any act to be passed in this present session of parliament.

SCHEDULE referred to by the foregoing Act.

I. A. B. do solemnly and sincerely declare, That

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the year of the reign of his present Majesty, intituled An Act [here insert the Title of this Act.]

[For the acts enabling Quakers and Separatists, instead of taking an oath to make an affirmation, to which, if false, the consequences of perjury attach, see ante, Part IV., Class X., Evidence.]
PART V.
CLASS XIX.

SEDUCING ARTIFICERS AND EXPORTING UTENSILS.

[For the 5 G. IV, c. 97, repealing the laws restricting artificers from going abroad, see 6 Essays's Statutes, Part V, Class XIX.]

[No. I.] 3 & 4 W. IV, c. 52.—An Act for the general Regulation of the Customs. [28th August 1833.]

CIV. That the several sorts of goods enumerated or described in the table following (denominated “A Table of Prohibitions and Restrictions Outwards”) shall be either absolutely prohibited to be exported from the united kingdom, or shall be exported only under the restrictions mentioned in such table, according as the several sorts of such goods are respectively set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS OUTWARDS.

Clocks and watches; viz.
— any outward or inward box, case, or dial plate, of any metal, without the movement in or with every such box, case, or dial plate, made up fit for use, with the clock or watch-maker’s name engraved thereon.

Lace; viz.
— any metal inferior to silver which shall be spun, mixed, wrought, or set upon silk, or which shall be gilt, or drawn into wire, or flatted into plate, and spun or woven, or wrought into or upon, or mixed with lace, fringe, cord, embroidery, tambour work, or buttons, made in the gold or silver lace manufactory, or set upon silk, or made into bullion spangles, or pearl or any other materials made in the gold or silver lace manufactory, or which shall imitate or be meant to imitate such lace, fringe, cord, embroidery, tambour work, or buttons; nor shall any person export any copper, brass, or other metal which shall be silvered or drawn into wire, or flatted into plate, or made into bullion spangles, or pearl or any other materials used in the gold or silver lace manufactory, or in imitation of such lace, fringe, cord, embroidery, tambour work, or buttons, or of any of the materials used in making the same, and which shall hold more or bear a greater proportion than three pennyweights of fine silver to the pound avoirdupois of such copper, brass, or other metals.

— any metal inferior to silver, whether gilt, silvered, stained, or coloured, or otherwise, which shall be worked up or mixed with gold or silver in any manufacture of lace, fringe, cord, embroidery, tambour work, or buttons.

Tools and utensils; viz.
— any machine, engine, tool, press, paper, utensil, or instrument used in or proper for the preparing, working, pressing, or finishing of the woollen, cotton, linen, or silk manufactures of this kingdom, or any other goods wherein wool, wool, cotton, linen, or silk is used, or any part of such machines, engines, tools, presses, paper, utensils, or instruments, or any model or plan thereof, or any part thereof; except wool cards or stock cards not worth above four shillings per pair, and spinners cards not worth above one shilling and sixpence per pair, used in the woollen manufactures.

— blocks, plates, engines, tools, or utensils commonly used in or proper for the preparing, working up, or finishing of the calico, cotton, muslin, or linen printing manufactures, or any part of such blocks, plates, engines, tools, or utensils.
Tools and utensils; viz.

rollers, either plain, grooved, or of any other form or denomination, of cast iron, wrought iron, or steel, for the rolling of iron or any sort of metals, and frames, beds, pillars, screws, pinions, and each and every implement, tool, or utensil thereunto belonging; rollers, slitters, frames, beds, pillars, and screws for slitting mills; presses of all sorts, in iron and steel, or other metals, which are used with a screw exceeding one inch and a half in diameter, or any parts of these several articles, or any model of the before-mentioned utensils, or any part thereof; all sorts of utensils, engines, or machines used in the casting or boring of cannon or any sort of artillery, or any parts thereof, or any models of tools, utensils, engines, or machines used in such casting or boring, or any parts thereof; hand stamps, dog-head stamps, pulley stamps, hammers and anvils for stamps; presses of all sorts called cutting-out presses; beds or punches to be used therewith, either in parts or pieces, or fitted together; scouring or shading engines; presses for horn buttons; dies for horn buttons; rolled metal, with silver thereon; parts of buttons not fitted up into buttons, or in an unfinished state; engines for chasing, stocks for casting buckles, buttons, and rings; die-sinking tools of all sorts; engines for making button-shanks; laps of all sorts; tools for pinching of glass; engines for covering of whips; bars of metal covered with gold or silver, and burnishing stones commonly called blood stones, either in the rough state or finished for use; wire moulds for making paper; wheels of metal, stone, or wood, for cutting, roughing, smoothing, polishing, or engraving glass; purcellas, pincers, sheers, and pipes used in blowing glass; potters wheels and lathes, for plain, round, and engine turning; tools used by saddlers, harness-makers, and bridle-makers; viz. candle strainers, side strainers, point strainers, creasing irons, screw crazers, wheel irons, seat irons, pricking irons, bolstering irons, clams, and head knives.

frames for making wearing apparel.

PART V.

CLASS XX.

OFFENCES RESPECTING ELECTIONS OF MEMBERS OF PARLIAMENT.

(The penal clauses in the Reform Act, and in the other statutes relating to the representation, will be found in a subsequent part of this volume.)
PUNISHMENT OF BANISHMENT REPEALED.

[No. I.] 1 W. 4. c. 78.—An Act to repeal so much of an Act of the Sixtieth Year of His late Majesty King George the Third, for the more effectual Prevention and Punishment of blasphemous and seditious Libels, as relates to the Sentence of Banishment for the Second Offence; and to provide some further Remedy against the abuse of publishing Libels.

[23rd July 1830.]

WHEREAS by an act passed in the sixtieth year of the reign of His late Majesty King George the third, intituled An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels, it was amongst other things enacted, that if any person should, after the passing of that act, be legally convicted of having composed, printed, or published any blasphemous libel or any such seditious libel as in the said act is before mentioned, and should after being so convicted offend a second time, and be thereof legally convicted before any commission of oyer and terminer or gaol delivery, or in his Majesty's court of king's bench, such person might on such second conviction be adjudged, at the discretion of the court, either to suffer such punishment as might by law be inflicted in cases of high misdemeanor, or to be banished from the united kingdom and all other parts of his Majesty's dominions for such term of years as the court in which such conviction should take place should order: And whereas it is expedient to repeal so much of the said act as relates to the sentence of banishment for the second offence; be it therefore enacted, &c. That so much and such parts of the said act as relate to the sentence of banishment for the second offence be and the same are hereby wholly repealed.

II. And whereas by a certain other act passed in the sixtieth year of his late Majesty king George the third, intituled An Act to subject certain Publications to the Duties of Stamps upon Newspapers, and to make other Regulations for restraining the Abuses arising from the Publication of blasphemous and seditious Libels, certain provisions were made for preventing any person from publishing any newspaper or pamphlet, or other paper of the description therein mentioned, without first entering into a recognizance or giving a bond, with sureties, in manner and to the amount therein specified, for securing the payment of fines upon convictions for libels: And whereas it is expedient to increase the amount of such recognizances and bonds, and to extend the same, for the purpose of securing the payment of damages and costs that may be incurred by actions at law for libels published in such newspapers, pamphlets, or other papers as aforesaid; be it therefore enacted, That the amount of such recognizances and bonds, in all cases whenever it shall be hereafter necessary, according to the provisions of the said act, to enter into any new recognizance or bond, shall be extended to the sum of four hundred pounds for the principal, and the like sum for the sureties, in any such new recognizances, and to the sum of three hundred pounds for the principal, and the like sum for the sureties, in any such new bond; and that the conditions of such new recognizances and bonds respectively shall extend to secure the payment of damages and costs to be recovered in actions for libels published in such newspapers, pamphlets, or other papers, as well as to secure the payment of fines to his Majesty upon such convictions as aforesaid; and that all the clauses and provisions in the said last-mentioned act contained, relating to the recogni-
III. That if any plaintiff, in any action for libel against any editor, conductor, or proprietor of such newspaper, pamphlet, or other paper, as aforesaid, shall make it appear by affidavit to his Majesty's court of exchequer that he is entitled to have execution against the defendant upon any judgment in such action, but that he has not been able to procure satisfaction by writ of execution against the goods and chattels of such defendant, it shall be lawful for the said court, for the benefit of such plaintiff, to order and direct such proceedings to be had and taken upon such recognizances or bonds respectively as would be taken to obtain any fines or penalties due to his Majesty secured by such recognizance and bond: Provided always, that the expense of such proceedings shall be exclusively borne by such plaintiff as aforesaid.

PART V.
CLASS XXII.

NUISANCES.

[By the recent statute of limitations, 3 and 4 W. 4, c. 27, s. 36, actions of assize of nuisance and of *quod permittat prostrare*, both of which have long been obsolete, were abolished. See ante, Part IV. Class VIII.]

PART V.
CLASS XXIII.

MAINTENANCE, CHAMPERTY, LIVERIES.
[There has been no modern statute upon these subjects.]

PART V.
CLASS XXIV.

MISCELLANEOUS OFFENCES.
[No. I.] 1 & 2 W. IV. c. 55.—An Act to consolidate and amend the Laws for Suppressing the Illicit making of Malt and Distillation of Spirits in Ireland. [20th October 1831.]
NEW CENTRAL CRIMINAL COURT.

[No. 1.] 4 & 5 W. IV. c. 36.—An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and parts adjoining. [25th July 1834.]

WHEREAS it is expedient, for the more effective and uniform administration of justice in criminal cases, that offences committed in the metropolis and certain parts adjoining thereto should be tried by justices and judges of oyer and terminer and gaol delivery in the city of London: Be it therefore enacted, &c. That the lord mayor for the time being of the city of London, the lord chancellor or lord keeper of the great seal, and all the judges for the time being of his Majesty's courts of king's bench, common pleas, and exchequer, the chief judge and the two other judges in bankruptcy, the judge of the admiralty, the dean of the arches, the aldermen of the city of London, the recorder, the common serjeant, the judges of the sheriff's court of the city of London for the time being, and any person or persons who hath or shall have been lord chancellor, lord keeper, or a judge of any of his Majesty's superior courts of Westminster, together with such others as his Majesty, his heirs and successors, shall from time to time name and appoint by any general commission as herein-after stated, shall be and be taken to be the judges of a court to be called the "Central Criminal Court," to which his Majesty, and his heirs and successors, may direct his general commission as herein-after mentioned; and which court shall have jurisdiction to hear, try, and determine all offences committed or alleged to be committed as herein-after specified.

II. That it shall be lawful for his Majesty, his heirs and successors, from time to time to command and cause to be issued commissions of oyer and terminer to inquire of, hear, and determine all treasons, murders, felonies, and misdemeanors committed within the city of London and county of Middlesex, and those parts of the counties of Essex, Kent, and Surrey, within the parishes of Barking, East Ham, West Ham, Little Ilford, Low Leyton, Walthamstow, Wanstead St. Mary, Woodford, and Chingford, in the county of Essex; Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, St. Nicholas Deptford, that part of St. Paul Deptford which is within the said county of Kent, the liberty of Kidbrook, and the hamlet of Muttonfield, in the county of Kent; and the borough of Southwark, the parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, St. Mary Newington, Rotherhithe, Streatham, Barnes, Putney, that part of St. Paul Deptford which is within the said county of Surrey, Tooting Graveney, Wandsworth, Merton, Mortlake, Kew, Richmond, Wimbledon, the Clink Liberty, and the district of Lambeth palace, in the county of Surrey; and also commissions of gaol delivery to deliver his Majesty's gaol of Newgate of the prisoners therein charged with any of the offences aforesaid, committed within the limits aforesaid; and it shall be lawful for the justices and judges of the central criminal court aforesaid, or any two or more of them, to inquire of, hear, determine, and adjudge all such treasons, murders, felonies, and misdemeanors, and all treasons, murders, felonies, and misdemeanors which might be inquired of, heard, and determined under any commission of oyer and terminer for the city of London or county of Middlesex, or commission of gaol delivery to deliver the gaol of Newgate, or which, in case the parts of the counties of Essex, Kent, and Surrey respectively comprised within the limits aforesaid had been counties of themselves, might have been
inquired of, heard, and determined under commissions of oyer and terminer and gaol delivery for such counties, and to deliver the said gaol of Newgate at such times and places in the city or the suburbs thereof as by the said commissions shall be appointed, or as the said justices and judges by virtue and in pursuance thereof, or any two or more of them, shall appoint, and to award and issue all precepts and process, and use and exercise all powers and authorities belonging to justices of oyer and terminer and gaol delivery: Provided always, That such court shall have power and jurisdiction to proceed on every such commission so issued as aforesaid and act under such commission until a new commission shall be issued.

III. That the district situated within the limits of the jurisdiction herein-before established shall be deemed and taken to be, in all cases tried before the said justices and judges, one county for all purposes of venue, local description, trial, judgment, and execution, not herein specially provided for; and that in all indictments and presentments preferred and tried before the said justices and judges the venue laid in the margin shall be as follows, "Central Criminal Court to wit;" and all offences which in other indictments would be laid to have been committed in the county where the trial is had, and all material facts which would be in other indictments averred to have taken place in the county where the trial is had, shall, in indictments prepared and tried in the said court, be laid to have been committed and averred to have taken place "within the jurisdiction of the said court."

IV. That the sheriffs of the city of London, and of the counties of Middlesex, Essex, Kent, and Surrey, respectively, shall execute and obey all precepts and process which the said justices and judges shall award, issue, and direct unto them respectively, and shall, whenever required and commanded, summon and return from the said city of London and county of Middlesex, and from the parts of the said counties of Essex, Kent, and Surrey within the limits of this act, a competent number of persons qualified according to law to inquire of, present, and try all offences and other matters cognizable by the said justices and judges; and the persons so returned, whether taken wholly from the city of London or the said counties, or taken indiscriminately from the said city and the said counties, shall have authority to inquire of, present, hear, try, and determine all such offences and other matters, and all issues and all matters of fact arising out of such trials or relating thereto, notwithstanding that such persons are not inhabitants of the city, county, or place where such offences or other matters may be committed or arise; and any person having served upon any grand jury or petty jury summoned and returned from the said counties of Essex, Kent, and Surrey, under the authority of this act, shall henceforth be exempt for and during twelve calendar months next after such service from serving upon any jury in any court (except the sessions of the peace) to be holden for the county in which such juror shall reside.

V. And whereas, for the more convenient distribution of prisoners, as well before trial as after, and also for rendering more effectual the punishment of imprisonment, it may be expedient that power should be given to appoint from time to time in what places of confinement within the limits of this act such prisoners shall be kept in custody; That it shall be lawful for his Majesty, by and with the advice of his privy council, from time to time to order and direct in what gaol, house of correction, or other prison, being within the limits of this act, any person or persons charged with or convicted of offences committed or alleged to have been committed within the limits of this act shall be imprisoned or kept in custody; and that when and so often as his Majesty, by and with the advice of his privy council, shall be pleased to give such orders and directions, the said justices and judges of oyer and terminer and gaol delivery, and all justices of the peace, coroners, and other magistrates acting within the limits of this act, shall commit all persons charged or convicted before them to such gaol, house of correc-
Penitentiary at Milbank to be one of the prisons under this act.

Persons sentenced to imprisonment beyond the limits of this act may be removed to the penitentiary at Milbank.

Regulations in all penitentiary acts shall apply to prisoners confined there by the authority of this act.

Persons convicted may be imprisoned either in the county gaol or in Newgate.

Sheriffs of London may execute judgments.

Justices and coroners in Essex and Kent to commit offenders to Newgate, and

New Central Criminal Court. [Part V.

VI. That the general penitentiary at Milbank shall be considered one of the prisons in which His Majesty by virtue of this act may, with the advice of his privy council, direct any persons charged or convicted of offences within the limits of this act to be imprisoned and kept in custody.

VII. That it shall be lawful for His Majesty, by an order in writing to be notified in writing by one of His Majesty’s principal secretaries of state, to direct that persons who may be sentenced to imprisonment by any court or competent authority for any offence committed beyond the limits of this act, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed, shall be removed to the penitentiary at Milbank, there to be imprisoned for and during their respective terms of imprisonment.

VIII. That all provisions and regulations expressed and contained in all acts made for the government of the general penitentiary at Milbank, and all powers given by such acts for the confinement, employment, and management of convicts removed thereto in pursuance of such acts, shall be applicable and made available in respect of all persons who may be removed or sent to such penitentiary in pursuance of any order in council made by the authority of this act, as fully, to all intents and purposes, as if the said regulations, provisions, and powers were expressed and given by this act.

IX. That it shall be lawful to and for the said justices and judges of oyer and terminer and of gaol delivery, or any two or more of them, to commit any person or persons who shall be brought before them charged with any offence cognizable by such justices and judges under and by virtue of this act, or who shall be convicted or attained before them, to such gaol, house of correction, or other prison as may be specified in any order of council to be made by virtue of this act, or if no such order shall have been made, then to the common gaol, house of correction, or other prison of the city, county, or place to which such offender might have been committed if this act had not passed, or to his Majesty’s gaol of Newgate, there to remain until discharged by due course of law, or in execution of his or their respective judgments; and in case of such commitment to the said gaol of Newgate, execution of such judgments shall and may be had and done upon such person or persons by the sheriffs of the said city of London in the same way and as fully to all intents and purposes as if the offence of which such person or persons was or were convicted had been committed in the said city of London.

X. That until His Majesty shall be pleased, by and with the advice of his privy council, to order and direct in what gaol, house of correction, or other prison persons charged with or convicted of offences committed or alleged to have been committed within the limits of this act shall be imprisoned or kept in custody, it shall be lawful for any justice of the
peace or coroner acting in and for the said counties of Essex or Kent, so far as relates to the said several parishes lying within their respective counties, to commit any person or persons charged with any of the offences aforesaid cognizable by the said justices and judges ofoyer and terminator and gaol delivery, by virtue of this act to his Majesty's gaol of Newgate; and also for any justice of the peace or coroner acting in and for the said county of Surrey, so far as relates to the several parishes above mentioned lying within the said county of Surrey, to commit any person charged with any of the offences aforesaid cognizable by the justices and judges ofoyer and terminator and gaol delivery by virtue of this act to his Majesty's gaol of Horsemonger-lane or Newington in and for the county of Surrey.

XI. That every justice or coroner acting within the limits of this act shall specify in the commitment that the person or persons charged are committed under the authority of this act; and such justice or coroner shall in all such cases take the like examinations, informations, bailments, and recognizances, and certify the same to the said justices ofoyer and terminator and gaol delivery, as they are required by an act passed in the seventh year of the reign of his late Majesty king George the fourth, intituled An Act for improving the Administration of Criminal Justice in England; and any justice of the peace or coroner, in default of so doing, shall be liable to the same fines and penalties to be imposed by the said justices and judges ofoyer and terminator and gaol delivery in the same manner as is mentioned in the said act; and when any person or persons shall be committed to his Majesty's gaol for the county of Surrey for any offence cognizable by the said justices and judges ofoyer and terminator and gaol delivery by virtue of this act, by a commitment specifying that such person or persons is or are committed under the authority of this act, the sheriff of the said county of Surrey, or the keeper of the gaol for the said county, shall, six days at least before the sitting of the next court ofoyer and terminator and gaol delivery appointed under the authority of this act, or at such other time as the said justices and judges ofoyer and terminator and gaol delivery, or any two or more of them, shall from time to time direct, cause such person and persons, with their commitments and detainers, to be safely removed from the gaol of the said county of Surrey, without the issuing of any writ of habeas corpus, or other writ, to the said gaol of Newgate, there to remain until delivered by due course of law.

XII. That it shall be lawful for any two of the said justices and judges ofoyer and terminator and of gaol delivery to order and direct the costs and expenses of prosecutors and witnesses, in all cases where prosecutors and witnesses may be by law entitled thereto, to be paid by the treasurer of the county in which the offence of any person prosecuted would have been tried but for this act; and that every such treasurer or some known agent shall attend the said justices and judges ofoyer and terminator and gaol delivery during the sitting of the court, to pay all such orders.

XIII. That no bill of indictment for any misdemeanour (other than perjury or subornation of perjury) which can or may be presented to the grand jury at any sessions of the peace for the said city of Westminster and borough of Southwark, and counties of Middlesex, Essex, Kent, and Surrey respectively, in which such misdemeanour was committed or alleged to have been committed, shall be presented to the grand jury to be summoned under the authority of this act, unless the prosecutor or other person presenting such indictment shall have been bound by recognizance to prosecute or give evidence at the sessions to be held under the authority of this act against the person or persons accused of such misdemeanour, or unless such person or persons accused shall have been committed to or detained in custody, or shall be bound by recognizance to appear at the said sessions to be held under the authority of this act.

XIV. That it shall be lawful for the court of the lord mayor and aldermen of the city of London, having, the government and ordering of the said
gaol of Newgate, to enter into agreement with the justices of the peace for the said counties of Essex, Kent, and Surrey, for the support and maintenance in the said gaol of Newgate of any prisoner or prisoners so committed or removed thereto under the authority of this act; and that the sum to be paid for the support and maintenance of such prisoner or prisoners in the said gaol of Newgate, and for their removal therefrom, shall be after such rate and in such manner as shall be settled and agreed by and between a committee of the said aldermen to be appointed from time to time by the said court of aldermen and a joint or separate committee of the magistrates of the said respective counties of Essex, Kent, and Surrey, to be appointed at the general or quarter sessions of the peace of the said counties respectively to be holden next after the first day of January in every year; and in case the said committee, or either of them, shall not make such settlement or agreement as aforesaid, then the rate and manner in which such support and maintenance shall be paid shall, on the application of the said committee of aldermen at any time after the expiration of one month from the said respective sessions, be fixed and determined by such of the said justices and judges of oyer and terminer and gaol delivery, or any two or more of them, as hath or shall have been justices of his Majesty's superior courts of Westminster; and that the amount of such support and maintenance, to be ascertained in manner aforesaid, shall be paid by the treasurer of the respective counties of Essex, Kent, and Surrey, in such manner as the said justices and judges shall order and direct.

XV. That the said justices and judges of oyer and terminer and gaol delivery to be appointed under the authority of this act, or any two or more of them, shall hold a session for the said city of London and county of Middlesex, and the parts of the counties of Essex, Kent, and Surrey herein-before mentioned, in the said city of London or suburbs thereof, at least twelve times in each and every year (and oftener if need be), such times to be fixed by general orders of the said court, which any eight or more of the said judges of his Majesty's courts of Westminster are hereby empowered to make from time to time.

XVI. That it shall be lawful for his Majesty's court of king's bench, or any judge thereof, or any commissioner of oyer and terminer and gaol delivery under this act, being a judge of any of the superior courts at Westminster, or the chief judge or any other judge of the court of bankruptcy, or the recorder for the said city of London for the time being, if such court, judge, or recorder shall think proper, to issue any writ or writs of certiorari, or other process, directed to his Majesty's justices of the peace acting in and for the cities of London and Westminster, the liberty of the tower of London, the borough of Southwark, and the counties of Middlesex, Essex, Kent, and Surrey, or either of them, commanding the said justices of the peace, or any or either of them, to certify and return into the said court of oyer and terminer and gaol delivery indictments or presentments found or taken before the said justices of the peace, or any of them, of any offences cognizable by virtue of this act, and the several recognizances, examinations, and depositions relative to such indictments and presentments, so that the same offences may be dealt with, tried, and determined by the said justices and judges of oyer and terminer and gaol delivery; and also for the like purpose, by writ or writs of habeas corpus, to cause any person or persons who may be in the custody of any gaol or prison charged with any offences cognizable under this act to be removed into the custody of the keeper of the gaol of Newgate.

XVII. That the justices of the peace acting in and for the said cities of London and Westminster, the liberty of the tower of London, the borough of Southwark, and the counties of Middlesex, Essex, Kent, and Surrey, shall not, at their respective general or quarter sessions of the peace, or any adjournment thereof, try any person or persons charged with any capital offence, or with any of the following offences committed or alleged to be committed within the limits of this act; that is to say,
housebreaking, stealing above the value of five pounds in a dwelling-house, horse-stealing, sheep-stealing, cattle-stealing, maliciously wound- ing cattle, bigamy, forgery, perjury, conspiracy, assault with intent to commit any felony, administering or attempting to administer poison with intent to kill or to do some grievous bodily harm, administering drugs or other things or doing any thing with intent to cause or procure abortion, manslaughter, destroying or damaging ships or vessels, the breaking of shops, warehouses, counting-houses, and buildings within the curtilage of dwelling-houses, killing sheep with intent to steal the carcasses, the uttering of all forged instruments, and the various offences enumerated in the act passed in the first year of the reign of his present Majesty, intituled An Act for reducing into One Act all such Forgeries as shall henceforth be punished with Death; and for otherwise amending the Laws relative to Forgyery, forging the assay marks on gold or silver plate, and all the offences relating to coin enumerated in the act passed in the second year of the reign of his present Majesty, intituled An Act for consolidating and amending the Laws against Offences relating to the Coin

The abduction of women, bankrupts not surrendering under their commission or concealing their effects, breaking down bridges and banks of rivers, taking rewards for helping to stolen goods, personating any officer, seaman, or other persons in order to receive any wages, pay, allowance, or prise money due or supposed to be due, or any out-pensioner of Greenwich hospital in order to receive any out-pension allowance due or supposed to be due, sending threatening letters and using threats to extort money, larceny on navigable rivers and canals, and stealing and destroying goods in progress of manufacture, and larcenies after a previous conviction, embezzlement, larceny by clerks and servants, and receivers of stolen goods, whether such person or persons shall be charged as principal offenders or as accessories before or after the fact.

XVIII. That every recognizance which shall have been or shall be entered into for the prosecution before his Majesty's justices of the peace aforesaid of any person for any offence cognizable under this act, and any recognizance for the appearance as well of any witness to give evidence upon any bill of indictment or presentment for any such offence as of any person to answer our lord the king for or concerning any such offence, or to answer generally before such justice of the peace, shall, in case any such writ of certiorari or habeas corpus be issued for the purpose of removing such indictment or presentment or such person so in custody as aforesaid, be obligatory on the parties bound by such recognizance to prosecute and appear and give evidence and do all other things therein mentioned with reference to the indictment or presentment or the person so removed as aforesaid before the justices and judges of oyer and terminer and gaol delivery acting by virtue of this act, in like manner as if such recognizance had been originally entered into for prosecuting such offence, appearing, or giving evidence, or doing such other things before the said justices and judges of oyer and terminer and gaol delivery; provided that in cases of removal from the jurisdiction of justices of the peace for the said cities of London or Westminster, the liberty of the tower of London, the borough of Southwark, or counties of Middlesex and Surrey, two days' notice, and in case of removal from the jurisdiction of the justices of the peace for the counties of Essex and Kent one week's notice, shall have been given either personally or by leaving the same at the place of residence as of which the parties bound by such recognizance are therein described, to appear before the court of oyer and terminer and gaol delivery instead of the said other justices: Provided also, That it shall be lawful for the court, judge, or recorder who shall grant such writ of certiorari or habeas corpus, and it is hereby required that such court, judge, or recorder shall cause the party applying for such writ or writs, whether he be the prosecutor or party charged with such offence, to enter into a recognizance in such sum, and with or without sureties, as the court, judge, or recorder may

Notice to be given to parties entering into recognizances of change of court.
direct, conditioned to give such notice as aforesaid to the parties bound by such recognizance to appear before the said court of oyer and terminer and gaol delivery instead of before the said other justices respectively, and to do such other things as such court, judge, or recorder shall direct.

XIX. That it shall be lawful for the said justices of the peace acting in and for the said cities of London and Westminster, the liberty of the tower of London, the borough of Southwark, and for the said counties of Middlesex, Essex, Kent, and Surrey, if they shall think fit, to certify, transmit, and deliver to the said justices and judges of oyer and terminer and gaol delivery any indictment or presentment found or taken before them at their said respective general or quarter sessions of the peace, or at any adjournment thereof, for any offence or offences cognizable by the said justices and judges of oyer and terminer and gaol delivery by virtue of this act, in the same manner to all intents and purposes as the said justices of the peace might or could do if the said court of oyer and terminer and gaol delivery was holden in the county where such indictments or presentments were found or taken.

XX. That it shall be lawful for the said justices and judges of oyer and terminer and gaol delivery, in sessions assembled, and they are hereby authorized and required, to ascertain, make, and settle a table of fees and allowances to be received and taken by the several officers of the said court, and from time to time to alter and vary the same as may to them appear just and reasonable, which said table of fees and allowances shall be hung up in the court of sessions, and a copy thereof transmitted to the clerks of the peace of the said counties of Middlesex, Essex, Kent, and Surrey; or it shall be lawful for the said justices and judges to ascertain, make, and settle a salary in lieu of such fees and allowances, to be paid to the said officers or either of them for the performance of their respective duties, as to the said justices and judges of oyer and terminer and gaol delivery shall seem reasonable and just, and to order and direct how and in what manner and by whom such fees and allowances or salary shall be paid, and also to order and direct such portion as they shall think fit of the expense of preparing calendars and sessions papers, and of other expenses incident to this act, to be borne and paid by the treasurer of each of the said counties, and such portion shall be paid by such treasurers accordingly: Provided nevertheless, That the county of Middlesex shall not be liable to any portion of the expense of preparing calendars or sessions papers, or of any other expenses incident to this act, to which the said county would not have been liable in case this act had not been passed.

XXI. Provided nevertheless, That nothing herein contained shall hinder or prevent, or shall be construed to hinder or prevent, the justices of the peace for the said cities of London and Westminster, the liberty of the tower of London, the borough of Southwark, and the said counties of Middlesex, Essex, Kent, and Surrey, from holding their respective general or quarter sessions of the peace in their respective jurisdictions during the sitting of the said court of oyer and terminer and gaol delivery to be held in pursuance of this act; and that neither this act, nor the commissions of oyer and terminer and gaol delivery from time to time to be issued under the authority of this act, shall supersede, interfere with, or affect any other commission or commissions of oyer and terminer to be at any time issued by his said Majesty, his heirs and successors, in the said counties of Essex, Kent, and Surrey, or the jurisdiction by virtue thereof, nor hinder or prevent the justices of oyer and terminer to be from time to time appointed by any commission to be issued under the authority of this act from holding their respective sessions at one and the same time, it being the true intent and meaning of this act, that the justices to be named and appointed in and by any other commissions of oyer and terminer and gaol delivery to be hereafter issued in the said counties of Essex, Kent, and Surrey, shall have the like power and jurisdiction to inquire of, hear, and deter-
mine all offences by virtue of such commissions which they would have had if this act had not been made: Provided nevertheless, That they shall not be required or obliged to inquire of, hear, and determine, or to deliver the respective gaols or prisons of the same last-men-
tioned counties of any person or persons whose offence or offences is, are, can, or may be inquired of, dealt with, tried, and determined under and by virtue of the commissions of oyer and terminer and gaol delivery to be from time to time issued under the authority of this
act.

XXII. And whereas it is expedient that persons charged with certain Authorizing offences committed on the high seas and other places within the juris-
diction of the admiralty of England should speedily be brought to trial; That it shall and may be lawful for the justices and judges of oyer and terminer and gaol delivery to be named in and appointed by the com-
misions to be issued under the authority of this act, or any two or more of them, to inquire of, hear, and determine any offence or offences committed or alleged to have been committed on the high seas, and other places within the jurisdiction of the admiralty of England, and to deliver the gaol of Newgate of any person or persons committed to or detained therein for any offence or offences alleged to have been done and committed upon the high seas aforesaid within the jurisdiction of the admiralty of England; and all indictments found and trials and other proceedings had and taken by and before the said justices and judges of oyer and terminer and gaol delivery shall be valid and effectual to all intents and purposes whatsoever; and that it shall and may be lawful for any three of the said justices and judges of oyer and terminer and gaol delivery to order and direct the payment of the costs and expenses of such prosecutions in manner prescribed and directed by the before-recited act of the seventh of George the fourth.

XXIII. Provided always, That nothing in this act contained shall ex-
tend or be construed to extend to prejudice or affect the rights, interests, privileges, franchises, or authorities of the lord mayor, aldermen, and recorder of the city of London, or their successors, the sheriffs of the city of London and county of Middlesex, for the time being, or to pro-
hibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this act the said lord mayor, aldermen, and recorder for the time being, of the said city, did or might lawfully use or exercise; and that, notwithstanding any practice or custom of the said city of London to the contrary, it shall be lawful for the lord mayor's court of the city of London to sit on any day on which any session of the peace, oyer and terminer and gaol delivery shall be held within the said city; and that all proceedings of the said lord mayor's court that could or might have been had or taken if such sessions were not held shall and may be had and taken, any practice, custom, or law to the con-
trary notwithstanding.

XXIV. That this act shall commence and take effect from and after Commence-
the thirty-first day of October one thousand eight hundred and thirty-
ment of act.

XXVI. That this act shall be deemed and taken to be a public act, Public act. and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.
PART V.
CLASS XXV.

CRIMINAL PROCEEDINGS.

A—Surety of the Peace, and Apprehension of Offenders.
B—Examination—Commitment—Bail.
C—Indictments—Informations, and other Prosecutions.
D—Process—Outlawry.
E—Certiorari.
F—Arraignment and Trial.

§ 1. In general.

§ 2. With respect to Offences committed out of the Kingdom.

G—Benefit of Clergy—Transportation—Penitentiary Houses.

H—Judgments in Cases not included in the last Division.

I—Forfeiture—Corruption of Blood.

K—Pardon.

L—Miscellaneous Incidents.

[No. I. 11 G. IV., c. 25.—An Act to repeal an Act of the Fifty-fifth Year of His late Majesty, for procuring Returns of Persons committed, tried, and convicted for Criminal Offences and Misdemeanors. [17th June 1830.

WHEREAS an act was passed in the fifty-fifth year of the reign of his late Majesty, intituled An Act to procure Returns of Persons committed, tried, and convicted for Criminal Offences and Misdemeanors: And whereas it is expedient that the said act and the several provisions therein contained should be repealed: That from and after the passing of this act the said recited act shall be and the same is hereby repealed.

[No. II.] 1 W. IV., c. 37.—An Act to amend an Act of the Ninth Year of His late Majesty King George the Fourth, to facilitate Criminal Trials in Scotland, and to abridge the Period now required between the pronouncing of Sentence and Execution thereof, in Cases importing a Capital Punishment. [16th July 1830.]

WHEREAS an act was passed in the eleventh year of the reign of king George the first, intituled An Act for the more effectual disarming the Highlands in that Part of Great Britain called Scotland, and for the better securing the Peace and Quiet of that Part of the Kingdom, by which it is enacted, that no sentence importing a capital punishment, pronounced in Edinburgh or in any place to the southward of the firth or river of Forth, shall be put to execution within less than thirty days of the date of such sentence; and if pronounced in any place to the northward of the said firth or river, shall be put to execution within less than forty days from the date of such sentence: And whereas it is expedient that the said periods should be abridged: And whereas an act was passed in the ninth year of the reign of his late Majesty king George the fourth, intituled An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials in Scotland; which act requires to be amended in certain points: And whereas it is expedient to afford some additional facilities in such trials: May it therefore please your Majesty that it may be enacted; and be it enacted, That so much of the said recited act passed in the eleventh year of the
reign of his Majesty king George the first as prohibits the sentences of the courts of judicature importing a capital punishment from being put to execution within the periods therein specified, be repealed.

Abridging the period between passing a capital sentence and the carrying of it into execution.

II. That from and after the first day of August next after the passing of this act every sentence of any criminal court importing a capital punishment, if pronounced in Edinburgh or in any other part of Scotland to the southward of the fifth or river of Forth, shall specify a day for having the same put to execution, not being less than fifteen days or more than twenty-one days after the date of such sentence; and if pronounced in any place to the northward of the said fifth or river of Forth, the day to be so specified shall not be less than twenty days or more than twenty-seven days after the date of such sentence.

III. That so long and as often as an additional circuit court shall be held at any town in Scotland during the recess of the court of session in the end of December and beginning of January, in terms of the before-recited act passed in the ninth year of the reign of his late Majesty king George the fourth, the immediately succeeding circuit court shall not be held at any such town sooner than the twentieth day of April.

IV. That on the prosecution of criminal offences before sheriffs of counties according to the summary form provided by the said last-recited act, the person accused, when first brought before the sheriff, shall be entitled to require a copy of the libel against him, and to require that his trial shall be adjourned for a space not less than forty-eight hours after such copy of the libel shall be served upon him; and such requisitions shall thereupon be complied with, provided that the same shall be made before the examination of any witness upon the trial shall have been commenced; and no such requisition shall be competent where a copy of the libel shall have been served upon the person accused at least forty-eight hours before such trial.

V. That no adjournment of any such trial shall take place when the person accused pleads not guilty, or at any other stage of the trial, except when required by the person accused, as herein-before provided, unless the sheriff shall see cause to authorize such an adjournment; and it is provided, that when the declaration of the person accused or other evidence different from parole testimony shall be adduced on such trial, the production thereof in evidence shall be marked in the record of the trial.

VI. That it shall be lawful for any officer of the law, when lawfully conveying any prisoner to any gaol or before any magistrate, to convey such prisoner through any county adjoining to that over which the magistrate possesses jurisdiction before whom such prisoner is to be carried for examination, or to that in which the gaol is situated to which such prisoner is to be committed, in the same way in all respects as if such officer had been an officer of the county through which he may so pass, and as if the warrant under which he is acting had been granted or indorsed by a magistrate of such county.

VII. That it shall be sufficient for the legal citation of any juror or witness in any cause of legal proceeding, civil or criminal, that such citation be given by any officer of the law duly authorized, without witnesses; and it is hereby provided that the oath of such officer in support of the execution shall be held and received as sufficient evidence of such citation when the same shall be questioned in a court of law.

VIII. That when the attendance of any person shall be required as a Citation of witness in any criminal cause or proceeding, or in any prosecution for a pecuniary penalty, before any court or magistrate in Scotland, such person, although not residing within the jurisdiction of the court or magistrate granting the warrant of citation, may be cited on the warrant of such court or magistrate, and this either by a messenger at arms or by an officer of the court or magistrate granting the warrant, or by an officer of the place in which such person may be for the time; and such citation shall be sufficient to enforce the attendance of such person as a
witness, in all respects, as if such person had been resident within the jurisdiction of the magistrate by whom such warrant shall have been granted; and further, that any sentence or decree for any pecuniary penalty or expences pronounced by any court or magistrate may be enforced against the person or effects of any party against whom any such sentence or decree shall have been awarded in any other county as well as in the county where such sentence or decree is pronounced: Provided always, That such sentence or decree, or an extract thereof, shall be first produced to and indorsed by a court or magistrate of such other county competent to have pronounced such sentence or decree in such other county.

IX. That where any person who hath been or shall be convicted of any crime (except perjury or subordination of perjury,) and shall have endured the punishment to which such person shall have been sentenced for the same, such person shall not thereafter be deemed, by reason of such conviction or sentence, an incompetent witness in any court or proceeding, civil or criminal.

X. That it shall not be competent for any judge or magistrate to pronounce upon any person whatsoever convicted of any crime a sentence banishing such person forth of Scotland only, or forth of any burgh or district or county of Scotland, save and except in those cases where by any act or acts of the parliaments of Scotland now in force the punishment of banishment forth of Scotland is enacted and specially provided for any specific offence.

XI. That in preparing the return ordered by this act, and in making up lists of jurors in terms of an act passed in the sixth year of the reign of his late Majesty king George the fourth, intituled An Act to regulate the Qualification and the Manner of enrolling Jurors in Scotland, and of choosing Jurors on Criminal Trials there, and to unite Counties for the Purposes of Trial in Cases of High Treason in Scotland, the sheriffs of counties shall only employ such persons as to assist in the discharge of the duty as shall be authorized by the court of exchequer in Scotland according to a regulation to be established by that court; and such persons shall not receive any remuneration for the said duty other than such as may be fixed by a table to be prepared and sanctioned by the court of exchequer for that purpose, which table the said court is hereby required to cause to be prepared and to sanction accordingly.

XII. That where, from the extent of any burgh or town situated at a distance from the head burgh of a shire, or from any other cause, it shall be deemed expedient that trials of persons accused of crimes committed in such burgh or town, or in places adjacent thereto, should be there tried, instead of being tried at the said head burgh, it shall be lawful for the high court of justiciary at Edinburgh, on the application of his Majesty's advocate, to give all such directions in that behalf as the said court shall think fit; and the sheriff of the county within which such burgh or town is situated shall give obedience to all directions so given.

XIII. That the said recited act passed in the ninth year of the reign of his late Majesty, in so far as it provides for rendering all inferior judges and magistrates more safe in the execution of their duty, shall extend to all acts done by any such judge or magistrate in apprehending any party, or in regard to any criminal cause or proceeding, or to any prosecution for a pecuniary penalty.

XIV. And whereas from the great resort of persons at the western extremity of the Caledonian canal, and from the want of local magistrates in the northern district of Argyleshire, the establishment of a sheriff's court for the administration of justice within such district is required: And whereas there is no place in which such court can conveniently be held, excepting in the town of Fort William, which town is situated in the county of Inverness, but is in the immediate vicinity of the said district of Argyleshire; That it shall be competent to the sheriff of the county of Argyle, and his substitutes, and to all other magis-
trates of the county of Argyle, to grant all warrants, civil and criminal, and to hold all courts for the trial of all causes civil and criminal, and to pronounce judgment therein, within the town of Fort William, in the same way and to the same effect in all respects as if such warrants were granted and judgments pronounced within the county of Argyle.

XV. That the sheriff of every county in Scotland shall, on or before the fifteenth day of January next after the passing of this act, and on or before the fifteenth day of January of every succeeding year, transmit to his Majesty’s advocate for Scotland a return showing the number of persons committed to the several gaols within the jurisdiction of such sheriff on criminal warrants of detention till liberated in due course of law, in the year ending on the thirty-first day of December immediately preceding; which return shall show the nature of the crimes and the result of the commitments according to the form contained in the schedule annexed to this act, but subject to such alterations and additions as may from time to time be ordered and required by one of his Majesty’s principal secretaries of state; and his Majesty’s advocate for Scotland is hereby required to prepare from these returns, under the same heads, a general return for Scotland, distinguishing each county and on or before the first day of March in each year to cause the same to be transmitted to one of his Majesty’s principal secretaries of state, to be laid before parliament.
**SCHEDULE referred to in the foregoing Act.**

A RETURN of the Number of Persons, distinguishing Males from Females, committed in the Year to the several Gaols in the under Warrants directing them to be detained till liberated in due Course of Law; showing the Nature of the Crimes, and the Result of the Commitments.

<table>
<thead>
<tr>
<th>NATURE OF THE CRIME</th>
<th>Number of persons remaining untried from preceding year</th>
<th>Number of Persons committed for trial</th>
<th>No. of Persons Tried, &amp; before what Court</th>
<th>Number of Persons Convicted, Outlawed, or Acquitted</th>
<th>Continued on Page 885</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In Gaol</td>
<td>On Bail to stand trial</td>
<td>High Court of Judicary</td>
<td>Circut Court of Judicary</td>
<td>By a Jury</td>
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<tr>
<td>Murder</td>
<td>M. F.</td>
<td>M. F.</td>
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<td>Culpable Homicide</td>
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<td>Robbery</td>
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<td>Rape</td>
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<td>Wilful Fire-raising</td>
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<td>Forger, and uttering forged Documents</td>
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<td>Theft</td>
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<td>Theft, by Housebreaking</td>
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<td>Assault</td>
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<tr>
<td>Other Offences on account of which Persons were committed for Trial, specifying the Nature thereof respectively.</td>
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</tbody>
</table>

**TOTALS**
SCHEDULE referred to in the foregoing Act—continued.

A RETURN of the Number of Persons, distinguishing Males from Females, committed in the Year to the several Gaols in the County of 
under Warrants directing them to be detained till liberated in due Course of Law; showing the Nature of the Crimes, and the Result of the Commitments—continued.

<table>
<thead>
<tr>
<th>Continued from p. 884.</th>
<th>Number of Persons untried.</th>
<th>Sentences of those Convicted, distinguishing the Number of those who, having received sentence of Death, were Executed.</th>
<th>Observations.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>Number sentenced to Death.</td>
<td>Number sentenced to Transportation.</td>
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<td></td>
<td></td>
<td>Number sentenced to Life.</td>
<td>Number sentenced to 3 months and above</td>
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<td>M.</td>
<td>F.</td>
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</tbody>
</table>
Criminal Proceedings.

SCHEDULE referred to in the foregoing Act—continued.

N. B.—When persons are committed to a county or a burgh prison, and afterwards removed to Edinburgh or to a circuit town for trial, they will be returned in the county where such persons were confined previously to such removal. In cases where persons have been convicted of a different crime from that specified in the warrant of commitment, they will be placed in the columns opposite to the offence of which they have been convicted, and not opposite to that for which they may have been committed. Persons whose sentences have been commuted will be distinguished from those unconditionally pardoned, and the grounds for every unconditional pardon, so far as known, will be mentioned in the column of observations.

[No. III.] 1 W. IV. c. 39.—An Act to amend an Act passed in the Fifth Year of His present Majesty, for the Transportation of Offenders from Great Britain; and for punishing Offences committed by Transports kept to labour in the Colonies (1)

[16th July 1833.]

5 G. 4, c. 84. WHEREAS by an act passed in the fifth year of the reign of his present Majesty, intituled An Act for the Transportation of Offenders from Great Britain, it is amongst other things enacted, That it shall be lawful for his Majesty, by and with the advice of his privy council, from time to time to appoint any place or places beyond the seas, either within or without his Majesty's dominions, to which felons and other offenders under sentence or order of transportation or banishment shall be conveyed; and that when any offenders shall be about to be transported or banished from Great Britain, one of his Majesty's principal secretaries of state shall give orders for their removal to the ship to be employed for their transportation, and shall authorize and empower some person to make a contract for their effectual transportation to some of the places so appointed, and shall direct security to be given for their effectual transportation, in the manner therein-after mentioned; and it is thereby further enacted, That whenever the transportation of any such offender shall take place in any ship belonging to his Majesty, it shall be lawful for one of the principal secretaries of state, by warrant under his hand, to nominate some person or persons who shall have the custody of such offender during the voyage, and thereupon such offender may be delivered to such; nominate or nominees without any contract or security being required or given for the effectual transportation of such offender; and it is thereby further enacted, That so soon as any such offender shall be delivered to the governor of the colony, or other person or persons to whom the contractor or such nominee or nominees as aforesaid shall be so directed to deliver him or her, the property in the service of such offender shall be vested in the governor of the colony for the time being, or in such other person or persons as aforesaid: And whereas divers felons and other offenders have heretofore been transported from Great Britain to his Majesty's colonies of South Wales and Van Diemen's Land respectively, and in pursuance of the directions of one of the principal secretaries of state have been delivered to the governors of those respective colonies, or other persons in those colonies to whom such respective contractors or nominees as aforesaid have been so directed to deliver them; but from divers unforeseen causes it hath occurred that some of such offenders have been

(1) See the 4 & 5 W. 4, c. 67, post.
Criminal Proceedings.

No. III. 1 W. 4, c. 39.

landed and put on shore and delivered at one of the before-mentioned colonies, who ought, according to such directions as aforesaid, to have been landed and put on shore and delivered at the other of the before-mentioned colonies: And whereas under the licences of the governors of the said respective colonies divers offenders who had been transported as aforesaid have from time to time been removed from the one to the other of the said colonies: And whereas doubts have arisen whether offenders who have been so landed, put on shore, and delivered or removed as aforesaid, can, within the respective colonies in which they are now respectively resident, be lawfully dealt with in such and the same manner as if they were respectively resident within the colony to which they were originally sentenced or ordered to be transported: Be it therefore enacted and declared, &c. That all felons and other offenders who have heretofore been transported from Great Britain to New South Wales or to Van Diemen's Land, or to their respective dependencies, and who having been contracted or ordered to be landed and put on shore and delivered in one of those colonies, have in fact been landed and put on shore and delivered at the other of those colonies, and that all such felons and other offenders who, under the licence or by the order or with the consent of the governor or of the officer administering the government of either of the said colonies, have been removed from the one to the other of such colonies, shall within the colony in which they are respectively now resident be subject and liable to all such and the same laws, rules, and regulations as if they had been contracted or ordered on their original transportation to be delivered to the governor or the officer administering the government of such colony, and shall within the colony in which they are respectively now resident be dealt with, governed, and disposed of in all respects in such and the same manner as other convicts within the same colony; and that the property in the service of all such offenders shall be vested in the governor or officer administering the government of the colony in which they are actually resident, in the same manner, and subject to all such and the same rules and conditions, as if they had been contracted or ordered on their original transportation to be delivered to him.

II. That in any case in which a ship conveying felons or other offenders from the united kingdom of Great Britain and Ireland, the master of which has entered into a contract or been ordered to deliver such felons or other offenders at the colony or place specified in such contract or order, shall, by stress of weather or other circumstances, convey such felons or other offenders to any other colony or place to which such offenders may legally be transported or banished, the governor or officer administering the government of such other colony or place is hereby authorized, if he shall deem it expedient, to receive and retain such felons or other offenders in the said colony or place; and the said felons or other offenders shall be subject and liable to all such and the same laws, rules, and regulations as if they had been contracted or ordered on their original transportation to be delivered to him.

III. That it shall be lawful for the governor or the officer administering the government of either of the said colonies, with the concurrence of the governor or officer administering the government of the other of the said colonies, by an order in writing under his hand, to authorize the removal of any such convicts as aforesaid from the colony under his government to the other of the said colonies, and for that purpose to deliver any such convicts into the charge of the master of any ship or any other proper person proceeding directly to the colony to which such removal is to be made, and to contract with such master or other person for the effectual removal of such convicts to such other colony, and to take security by bond to his Majesty that he will effectually remove or cause to be removed every convict included in such contract to the colony to which it is proposed so to remove him, and procure from the governor or officer administering the government of such colony a certificate of the landing of such convict there (death and casualties by
Criminal Proceedings. [Part V.

No. III. 1 W. 4, c. 39.

Convicts removed from one colony to another liable to punishment for disorderly conduct.

Convicts removed from one colony to another to be subject to the regulations of the colony to which removed

sea excepted), and that such convict shall not be suffered to escape from the vessel in which he or she shall be so removed by the wilful default of such contractor or of any person employed by him.

IV. That all and every the laws in force for the punishment of misbehaviour or disorderly conduct by any offender on board of any ship in which he or she may be transported from Great Britain, shall apply and extend and are hereby extended to every convict who by virtue of any such order as aforesaid shall be removed from either of the said colonies to the other of them.

V. That so soon as any such convict shall be delivered to the governor or to the officer administering the government of the colony to which he or she shall be so removed, such convict shall within such colony be subject and liable to all such and the same laws, rules, and regulations as if he or she had been contracted or ordered on his or her original transportation to be delivered to the governor or the officer administering the government of such colony, and shall be there dealt with, governed, and disposed of in all respects in such and the same manner as other convicts within the same colony; and that the property in the service of every such convict shall be vested in the governor or officer administering the government of the colony to which he or she may be so removed, in the same manner, and subject to all such and the same rules and conditions, as if he or she had been contracted or ordered on his or her original transportation to be delivered to such governor or officer as aforesaid.

For prohibiting the supply of spirituous liquors to offenders under sentence of transportation.

VI. That if any person, in contravention of the existing rules and regulations for the government of any place of confinement for male offenders under sentence or order of transportation within England or Wales, or in any part of his Majesty's dominions out of England, shall carry or bring, or attempt or endeavour to carry or bring, into any such place of confinement as aforesaid, or shall supply or cause to be supplied to any offender there confined as an offender, any spirituous or fermented liquors, it shall be lawful for any overseer or other officer belonging to such place of confinement to apprehend or cause to be apprehended such person, and to carry such person before a justice of the peace (who is hereby empowered to hear and determine such offence in a summary way), and if he shall lawfully convict such person of such offence, he shall forthwith commit such person to the common gaol or house of correction of the place where the same shall be heard and determined, there to be kept in custody for any time not exceeding three months, without bail or mainprize, unless such person shall immediately pay down such sum of money, not exceeding twenty pounds and not less than ten pounds, as the said justice shall impose upon such person, one moiety thereof to be paid to the informer, and the other moiety to be paid and made applicable to the maintenance of the place employed for the confinement of offenders under sentence of transportation as aforesaid.

Manner of proceeding in cases of extension of mercy to offenders convicted of capital offences.

VII. That from and after the commencement of this act, when any person shall be convicted at any session of oyer and terminer or gaol delivery, or at any quarter or other general session of the peace, to be held within any county, riding, division, city, borough, liberty, or place within that part of Great Britain called England, or at any great session to be held for the county palatine of Chester, or within the principality of Wales, of any crime punishable by death, if his Majesty shall be pleased to extend mercy to any such offender upon condition of imprisonment, or upon condition of imprisonment with hard labour, and such intention of mercy shall be signified by one of his Majesty's principal secretaries of state to the court before whom such offender hath been or shall be convicted, or any subsequent court, with the like authority, such court shall allow to such offender the benefit of a conditional pardon, and make an order for the imprisonment of such offender, with or without hard labour, as the case may be; and in case such intention of mercy shall be so signified to the judge or justice before whom such offen-
der hath been or shall be convicted, or to any judge of his Majesty’s court of king’s bench or common pleas, or to any baron of the exchequer of the degree of the coif, in England, such judge, justice, or baron shall allow to such offender the benefit of a conditional pardon, and make an order for such imprisonment of such offender, in the same manner as if such intention of mercy had been signified to the court during the term or session in or at which such offender was convicted, and such allowance and order shall be considered as an allowance and order made by the court before which such offender was convicted, and shall be entered on the records of the same court by the proper officer thereof, and shall be as effectual to all intents and purposes, and have the same consequences, as if such allowance and order had been made by the same court during the continuance thereof; and every such order shall subject the offender to be so imprisoned.

VIII. And whereas by the aforesaid act of the fifth year of his Majesty’s reign power is given to his Majesty to appoint a superintendent of places of confinement within England and Wales, and power also to appoint one fit and able person to be assistant or deputy of such superintendent, at one or more of the same places of confinement; and by the said act power is also given to remove male offenders convicted in Great Britain, and being under sentence or order of transportation, and to confine such offenders at land or on board any vessel to be provided by his Majesty within the limits of any port or harbour in any part of his Majesty’s dominions out of England named in any order in council, under the management of the said superintendent, and of an overseer to be appointed by his Majesty for each such vessel or other place of confinement: And whereas it is expedient that power should be given to his Majesty to appoint an assistant or deputy to the said superintendent, in any such part of his Majesty’s dominions out of England; That it shall be lawful for his Majesty, in case it shall be deemed expedient, to appoint a fit and able person to be assistant or deputy to such superintendent, at any such place of confinement out of England named in any order in council as aforesaid, to be constantly resident at or near the place to which he shall be appointed.

[No. IV.] 1 W. IV. c. 57.—An Act to explain and amend an Act of the Fifty-fifth Year of King George the Third, for the Payment of Costs and Charges to Prosecutors and Witnesses in Cases of Felony in Ireland. [16th July 1830.]

WHEREAS by an act passed in the fifty-fifth year of king George the third, intituled An Act for the Payment of Costs and Charges to Prosecutors and Witnesses in Cases of Felony, in Ireland, provision is made for the payment to persons appearing on recognizance or subpoena to give evidence as to any felony in Ireland of such sum of money as to the court before which such person shall appear shall seem reasonable, not exceeding the expenses bond fide incurred by such person, and also for the payment, under certain circumstances, of compensation to such persons for trouble and loss of time: And whereas doubts have been entertained whether the said act extends to prosecutions directed or conducted by or under the direction of his Majesty’s attorney general in Ireland, or other law officers of his Majesty; be it therefore declared and enacted, &c., That the provisions of the said act shall extend and shall be deemed and construed to extend to all cases, as well of prosecutions commenced or carried on by or under the direction of his Majesty’s attorney general in Ireland, or any other law officer of his Majesty, as of any other prosecution whatsoever.

Provisions of the said act shall extend and shall be deemed and construed to extend to all cases, as well of prosecutions commenced or carried on by or under the direction of his Majesty’s attorney general in Ireland, or any other law officer of his Majesty, as of any other prosecution whatsoever.
Criminal Proceedings. [Part V.]

[No. V.] 3 & 4 W. IV. c. 79.—An Act to provide for the more impartial Trial of Offences in certain Cases in Ireland. [28th August 1833.]

WHEREAS combinations and confederacies against the rights of property and the administration of the laws have for some time prevailed in certain counties of Ireland, and many persons have been, by violence and intimidation, induced to join therein: And whereas many crimes and offences have been committed by persons concerned in such illegal combinations and confederacies, to the great terror of his Majesty’s peaceable subjects, to the hindrance of trade and industry, and to the endangering of the peace and good government of that part of the united kingdom of Great Britain and Ireland: And whereas there is reason to apprehend that many of his Majesty’s loyal and peaceable subjects have been and may be intimidated and deterred by threats and promises from discharging their duty as prosecutors, witnesses, and jurors upon trial of such crimes and offences in the respective counties in which such crimes and offences have been committed; and there is reason to believe that the persons committing such crimes and offences are greatly encouraged in the commission thereof by their hopes of being acquitted if tried by the petty jurors of their respective counties: for the more impartial trial of all persons so as aforesaid offending, be it therefore enacted, &c., That if any indictment or indictments for any offence or offences committed after the pasing of this act shall be found in any county, county of a city, or county of a town in Ireland, it shall and may be lawful for his Majesty’s court of king’s bench in Ireland, or, in vacation, for any two judges of the superior courts of record of Ireland, upon the application of his Majesty’s attorney general for Ireland, or upon the petition of any prosecutor, prisoner, or traverser, such application or petition being verified by affidavit showing that an impartial trial cannot be had in the county in which the indictment was found, to make order (if such court or such two judges shall so think fit) that the person or persons named in such indictment or indictments shall be tried by a jury of any adjoining county, or by a jury of the county of Dublin, as the said court or such two judges shall direct, and that thereupon the person or persons named in such indictment or indictments shall be proceeded against and tried upon such indictment or indictments for such offences before the said court of king’s bench, or before such commissioners of oyer and terminer and general gaol delivery, as shall be assigned by his Majesty’s commission under the great seal of Ireland, by the good and lawful men of the body of such adjoining county, or of the county of Dublin, as shall be directed by such order; and such proceedings shall be valid and effectual in the law to all intents and purposes as if the offences had been tried within the county where the same shall be committed; and such indictment or indictments in such cases shall be certified unto such court of king’s bench, or unto such commissioners, as the case may be, upon his Majesty’s writ of certiorari to be issued for that purpose; and that in all such cases no challenge to the array or to the polls shall lie or be allowed by reason that the jurors do not or have not come from the proper county.

Expense of transmission of prisoners, &c. to be advanced.

Such indictments to be certified by writ of certiorari. No challenge to be allowed by reason that the jurors do not come from the proper county.

If. That in order to defray the expense of the transmission of the prisoners to such adjoining county, or to the county of Dublin, as the case may be, together with the expenses of the witnesses and other necessary expenses which may attend such trial or trials, it shall
Class XXV.]  

Criminal Proceedings.  

and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, when and as application may be made to him or them for that purpose, to order such sum or sums of money as he or they shall think necessary to be from time to time advanced out of the consolidated fund of the united kingdom arising in Ireland to such persons and under such regulations as he or they shall think proper.

III. That in case any person so tried in such adjoining county, or in the county of Dublin, shall be then and there acquitted, it shall and may be lawful for the said lord lieutenant or other chief governor or governors of Ireland, in manner herein-before mentioned, to order to be paid out of such consolidated fund as aforesaid, for reimbursement to the person so acquitted, such sum as shall appear to the judge by or before whom such person was so acquitted, certified under the hand of such judge, to have been the expense properly and necessarily incurred by such removal of the trial of such person.

IV. That the said lord lieutenant or other chief governor or governors of Ireland shall, in manner herein-before mentioned, order to be paid out of such consolidated fund as aforesaid to every such prisoner, before his removal from such county from whence he shall be removed as aforesaid, a sum not exceeding twenty pounds to enable such offender to defray the charges and expenses of the attendance of his witnesses: Provided always, That such sum so advanced before the removal of such prisoner shall be deducted and allowed for in the sum which, in the event of the acquittal of such prisoner, may become payable under the certificate of the judge before whom such prisoner may be tried, as herein-before provided.

V. That the chief secretary of such lord lieutenant or other chief governor or governors of Ireland for the time being, or the under secretary, shall from time to time certify to the secretary of the grand jury of the county, county of a city, or county of a town wherein such offence was charged to have been committed the amount of the money which shall have been so from time to time advanced under authority of this act for any of the purposes aforesaid; and every such certificate shall be laid before such grand jury at the next assizes; and thereupon it shall and may be lawful for such grand jury, and any and every such grand jury is hereby required, to make presentation of a moiety of the amount of the money so advanced, as stated in such certificate, to be raised off such county at large, or barony, or parish where such offence shall have been charged to have been committed; and it shall not be lawful for the court at any such assizes to flat any presentation for any other money until such presentation for such moiety be first made and allowed; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the treasurer of such county, he shall pay the same to the collector of excuse for the district, to be by such collector accounted for as other public monies which may come to his hands.

VI. Provided always, That this act shall be and continue in force Duration of until the first day of August one thousand eight hundred and thirty. act. four.

VII. And provided also, That this act may be amended, altered, or Act may be repealed by any act or acts to be passed during the present session of amended. parliament.

[No. VI.] 4 & 5 W. IV. c. 26.—An Act to abolish the Practice of Hanging the Bodies of Criminals in Chains.  

[25th July 1834.]  

WHEREAS by an act passed in the ninth year of the reign of his late Majesty king George the fourth, intituled An Act for consolidating and amending the Statutes in England relating to Offences against  

9 G. 4, c. 31.
Criminal Proceedings. [Part V.

No. VI, 4 & 5 W. 4, c. 26.

10 G. 4, c. 34.

2 & 3 W. 4, c. 75.

So much of the recited acts as authorizes the dissecting or hanging in chains certain criminals after execution repealed.

On conviction for murder in Ireland the court shall direct the prisoner to be buried within the prison.

the Person, it is amongst other things enacted, That the body of every person convicted of murder shall after execution either be dissected or hung in chains, as to the court which tried the offender shall seem meet, and that the sentence to be pronounced by the court shall express that the body of the offender shall be dissected or hung in chains, whichever of the two the court shall order: And whereas by a certain act passed in the tenth year of the same reign, intituled An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person, a like provision is made with respect to persons convicted of murder in Ireland: And whereas by a certain act made and passed in the second and third year of the reign of his present Majesty, intituled An Act for regulating Schools of Anatomy, so much of the provision of the said recited act made and passed in the ninth year of the reign of his said late Majesty king George the fourth as authorized the court to direct that the body of a person convicted of murder should after execution be dissected is repealed, and instead thereof it was enacted, that in every case of conviction of any prisoner for murder the court before which such prisoner shall have been tried shall direct such prisoner either to be hung in chains or to be buried within the precincts of the prison in which such prisoner shall have been confined after conviction, as to such court should seem meet; and that the sentence to be pronounced by the court should express that the body of such prisoner shall be hung in chains or buried within the precincts of the prison, whichever of the two the court should order: And whereas it is expedient to amend the said recited acts: Be it therefore enacted, That so much of the said recited act made and passed in the ninth year of the reign of his Majesty king George the fourth as authorizes the court to direct that the body of a person convicted of murder should after execution be hung in chains, and also so much of the said recited act made and passed in the tenth year of the same reign as authorizes the court to direct that the body of a person convicted of murder should after execution be dissected or hung in chains, and also so much of the said recited act made and passed in the second and third year of the reign of his present Majesty as provides that in every case of conviction of any prisoner for murder the court shall direct such prisoner to be hung in chains, shall be and the same is hereby repealed.

II. That in every case of conviction in Ireland of any prisoner for murder the court before which such prisoner shall have been tried shall direct such prisoner to be buried within the precincts of the prison within which such prisoner shall have been confined after conviction, and the sentence to be pronounced by the court shall express that the body of such prisoner shall be buried within the precincts of such prison.

[No. VII.] 4 & 5 W. IV, c. 27.—An Act for the better Administration of Justice in certain Boroughs and Franchises.

[25th July 1834.]

WHEREAS the justices of the peace acting in and for certain boroughs and franchises in that part of the united kingdom called England, not being empowered by charter or otherwise to hear and determine felonies at the general sessions of the peace held in and for such boroughs and franchises, are by law required to send for trial at the general assizes for the county wherein such borough or franchise may be situated every person charged with felony, whereby the administration of justice is injuriously delayed, and the expences to which the county in such cases is liable are grievously increased; be it therefore enacted, &c. That from and after the passing of this act the justices of the peace, and any such justice acting in and for any borough or franchise in that part of the united kingdom called England, not being empowered by charter or otherwise to hear and determine felonies, shall and may commit every
person charged with any such felony as the court of quarter sessions may have jurisdiction to try, to be tried at the general quarter sessions of the peace for the county, riding, or division wherein such borough or franchise shall be situate, or at any adjournment thereof; and the justices of the peace acting in and for such county, riding, or division are hereby empowered to try persons so committed at the general quarter sessions of the peace held for such county, riding, or division, or at any adjournment thereof.

II. And whereas the justices of the peace acting in and for certain boroughs and franchises in that part of the said united kingdom called England have jurisdiction at the general sessions of the peace held in and for such borough or franchise to hear and determine divers felonies, and it is expedient that any such justice or justices should have power in certain cases to commit for trial, at the general quarter sessions of the peace for the county, riding, division, or shire in which such borough or franchise may be situate, any person charged with felony which the said justices are not authorized or empowered to hear and determine at the general sessions of the peace held in and for such borough or franchise; be it therefore enacted, That from and after the passing of this act it shall and may be lawful to and for a justice or for justices of the peace acting in any of the said last-mentioned boroughs or franchises to commit to the gaol of the county, riding, division, or shire in which such borough or franchise may be situate, to be tried at the general quarter sessions of the peace in and for such county, riding, division, or shire, any person charged with a felony which the said court of quarter sessions may have jurisdiction to try, and to the trial of which the jurisdiction of the justices of such borough or franchise at the general sessions of the peace in and for such borough or franchise does not extend; and the justices of the peace acting in and for such last-mentioned county, riding, division, or shire are hereby authorized and empowered to try any such person so committed as last aforesaid at the general quarter sessions of the peace held in and for such county, riding, division, or shire.

III. That in all such towns or franchises which have a recorder and a prison fit for the confinement of prisoners the magistrates of such town or franchise shall commit to the prison of such town all persons charged with having committed within such town or franchise any felony or misdemeanor which might if the same had been committed out of such town or franchise and within the body of any county have been tried by the justices of quarter sessions of such county; and the court of quarter sessions of such town or franchise shall have the same authority to inquire of, hear, determine, and punish any persons charged with such felonies or misdemeanors as the courts of quarter sessions of counties have; which quarter sessions the justices for such town or franchise are hereby required to hold.

No. VIII. 4 & 5 W. IV. c. 67.—An Act for abolishing Capital Punishment in case of returning from Transportation.

WHEREAS by an act passed in the fifth year of the reign of his late Majesty king George the fourth, intituled As Act for the Transportation of Offenders from Great Britain, it is amongst other things enacted, That if any offender who should have been or should be sentenced or ordered to be transported or banished, or who should have agreed or should agree to transport or banish himself or herself, on certain conditions, either for life or any number of years, under the provisions of the said last-mentioned recited act or any former act, should be afterwards at large within any part of his Majesty’s dominions, without some lawful cause, before the expiration of the term for which such offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or
Criminal Proceedings. [Part V.

No. VII. 4 & 5 W. 4, c. 67.

So much of the recited act as inflicts the punishment of death for returning from transportation repealed. Punishment substituted for such offence, or for aiding it.

herself, on certain conditions, either for life or any number of years, under the provisions of the said last-recited act or any former act, should be afterwards at large within any part of his Majesty's dominions, without some lawful cause, before the expiration of the term for which such offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or herself, every such offender so being at large, being thereof lawfully convicted, should suffer death as in cases of felony without benefit of clergy: And whereas it is expedient that a lesser punishment than that of death should be provided for the punishment of the offenders convicted of any such offence so specified in the said act of the fifth year of the reign of king George the fourth; be it therefore enacted, &c., That so much of the recited act as inflicts the punishment of death upon persons convicted of any offence therein and herein-before specified shall be and the same is hereby repealed; and that from and after the passing of this act every person convicted of any offence above specified in the said act of the fifth year of the reign of his late Majesty king George the fourth, or of aiding or abetting, counselling or procuring the commission thereof, shall be liable to be transported beyond the seas for his or her natural life, and previously to transportation shall be imprisoned, with or without hard labour, in any common gaol, house of correction, prison, or penitentiary for any term not exceeding four years.

[No. IX.] 5 W. IV. c. 1.—An Act to explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in England and Wales, so far as relates to the execution of Criminals in the County of Chester. [20th March 1835.]

1 W. 4, c. 70. WHEREAS by an act passed in the first year of his present Majesty, intituled An Act for the more effectual Administration of Justice in England and Wales, the jurisdiction, power, and authority of his Majesty's court of session of the county palatine of Chester, and of the judges thereof, was abolished; and it was, among other things enacted, that the assizes should be held for the trial and dispatch of all matters criminal and civil within the county of Chester, under and by virtue of commissions of assize,oyer and terminer, gaol delivery, and other writs and commissions to be issued in like manner and form as had been usual for the counties in England, and that all laws and statutes then in force relating to the execution of such commissions when issued for counties in England should extend and be applied to the execution of the commissions issued for the county of Chester under the authority of that act; and it was provided and enacted, That nothing in that act contained should be construed to abolish or affect the obligations and duties or the jurisdiction or rights then lawfully imposed upon, performed, or claimed and exercised by the mayor and citizens of Chester in the courts of the county of the city of Chester or otherwise, save and except that such writs of error or false judgment as might then be by any charter or usage of the said corporation be brought upon the judgments of the said courts, or any of them, before any of the courts abolished by that act, should thereafter be issued, as in other cases, from inferior courts, and be returnable into his Majesty's court of king's bench: And whereas before the passing of the said act the sheriffs of the county of the city of Chester were by law liable, and were used and accustomed to execute all criminals convicted and condemned to death and ordered for execution for offences committed within the county palatine of Chester: And whereas since the passing of the said act the sheriffs of the county of the city of Chester have executed criminals convicted for offences committed within the county of Chester, and sentenced to death by virtue of commissions issued under the authority of the said act; but doubts are entertained whether the sentence of death pronounced
on criminals for offences committed within the county of Chester ought to be executed by the sheriff of the county or by the sheriffs of the county of the city of Chester: for the removal therefore of such doubts, and for better effecting the intention of the said act; be it enacted, &c., That from and after the passing of this act, the sheriffs of the county of the city of Chester for the time being shall execute the sentence of death upon all criminals condemned to die for offences committed within the county of Chester; and the judges, or any one of them, named in the commissions of oyer and terminer and gaol delivery issued or from time to time to be issued for the county of Chester, shall have full power and authority to make such orders on the constable of the castle of Chester for delivering such criminals to the sheriffs of the county of the city of Chester, and on the said sheriffs for the execution of such criminals by the said sheriffs, as such judges or judge shall think fit; all which orders the said constable and sheriffs shall be and they are hereby required to obey according to the exigency thereof.

II. Provided always, That if at any time it shall seem fit to any judge before whom any criminal shall be convicted and sentenced to die for any offence committed within the county of Chester, that such criminal should be executed at any place not within the jurisdiction of the sheriffs of the city of Chester, but within the county of Chester, it shall be lawful for such judge to make any order which he may think fit upon the sheriff of the county of Chester to execute such criminal at such place, and also upon the constable of the castle of Chester to deliver such criminal to the sheriff of the county, and to do and perform, and suffer to be done and performed, all such matters and things as may be necessary for carrying into effect and executing such sentence; and the said sheriff and constable shall be liable and are hereby required to obey all such orders.

[No. X.] 5 & 6 W. IV. c. 33.—An Act for preventing the vexatious removal of Indictments into the Court of King’s Bench; and for extending the Provisions of an Act of the Fifth Year of King William and Queen Mary, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the provisions of an Act of the Seventh Year of King George the Fourth, as to taking Bail in Cases of Felony.

WHEREAS it is expedient to prevent prosecutors of indictments and presentments from vexatiously removing the same out of inferior courts into his Majesty’s court of king’s bench: Be it therefore enacted, That from and after the passing of this act no writ of certiorari shall issue from the court of king’s bench at Westminster for removing into that court any indictment or presentment from any court of session, assize, oyer andterminer, or gaol delivery, or any other court, at the instance of the prosecutor or any other person (except his Majesty’s attorney general), without motion first made in the court of king’s bench, or before some judge of that court, and leave obtained to remove such indictment or presentment, in the same manner as similar motions may now be made and leave given where such application is made on the part of defendants; any law, practice, or usage to the contrary in anywise notwithstanding.

II. And whereas it is expedient to extend the powers of an act passed in the fifth year of the reign of King William the third and Queen Mary, intituled An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace; be it therefore enacted, That instead of the recognizances before now by law required to be entered into before the allowance of a writ of obtaining writ
certiorari, every person indicted or presented in any court of session, assize, oyer and terminer, gaol delivery, or any other court, who shall obtain a writ of certiorari for removing any indictment or presentment whatever into the court of king’s bench, not being in custody for want of bail to answer such indictment or presentment, shall, before the allowance of such writ, enter into a recognizance before one of his Majesty’s justices of the court of king’s bench, or before a justice of the peace of the county or place in which the offence is charged to have been committed, or in which such person shall reside, in such sum and with such sureties as the said court of king’s bench, or one of his Majesty’s justices of the said court, shall, by indorsement on the said writ order and direct; which recognizance shall contain the same conditions as are now by the said act, and another act passed in the eighth and ninth year of the reign of king William the third, intituled An Act to make perpetual and more effectual an Act, intituled ‘An Act to prevent Delays at the Quarter Sessions of the Peace,’ required in cases of indictments removed from the general or quarter sessions of the peace; and thereupon all the clauses and provisions contained in the said several acts with respect to costs or otherwise shall extend to such last-mentioned recognizances; and every person being in custody for want of bail to answer the charge contained in such indictment or presentment shall be detained in custody until the like recognizances as are herein-before directed to be entered into (previous to the allowance of such writ of certiorari) shall have been entered into, or until such person be discharged by due course of law.

III. Whereas in many cases the taking bail for the appearance of persons charged with felony may be safely admitted without endangering the appearance of such persons to take their trial in due course of law, and it is therefore expedient in such cases to amend and extend the provisions in that respect of an act passed in the seventh year of king George the fourth, intituled An Act for improving the Administration of Criminal Justice in England; be it therefore enacted, That it shall be lawful for any two justices of the peace, if they shall think fit, of whom one or other shall have signed the warrant of commitment, to admit any person or persons charged with felony, or against whom any warrant of commitment for felony is signed, to bail, in the manner and according to the provisions directed by the said recited act, in such sum or sums of money and with such surety or sureties as they shall think fit, and notwithstanding such person or persons shall have confessed the matter laid to his or their charge, or notwithstanding such justices shall not think that such charge is groundless, or shall think that the circumstances are such as to raise a presumption of guilt.
CLASS I.

ALE-HOUSES.

[No. I.] 1 W. IV. c. 51.—An Act to repeal certain of the Duties on Cyder in the United Kingdom, and on Beer and Ale in Great Britain, and to make other Provisions in relation thereto (1).

[16th July 1830.]

WHEREAS an act was passed in the twelfth year of the reign of his Majesty king Charles the second, intituled An Act for taking away the Court of Wards and Liversies, and Tenures in Capite and by Knights Service and Purveyance, and for settling a Revenue upon his Majesty in lieu thereof; by which said act, to the intent and purpose that his said Majesty, his heirs and successors, might receive a full and ample recompence and satisfaction, as well for the profits of the court of wards, and the tenures, wardships, liveries, primer seisins, ousterlemains, and other the premises and perquisites incident thereunto, and for all arrears any way due for the same, as also for all and all manner of purveyance and provisions in the said act mentioned, and thereby taken away and abolished, and all sums of money due or pretended to be due or payable for or in respect of any compositions for the same, there was granted and made payable to his Majesty, his heirs and successors, for ever thereafter, in recompence as aforesaid, the several hereditary rates, impositions, duties, and charges on beer and ale, cyder and other liquors, in the said act mentioned: And whereas by an act passed in the fifth 5 & 6 Anne, and sixth years of the reign of her Majesty queen Anne, intituled As c. 8.

(1) See 1 W. 4, c. 45, and 4 & 5 W. 4, c. 85, post.
Act for an Union between the Two Kingdoms of England and Scotland, all parts of the united kingdom were made liable to the same excises on excisable liquors, whereby the said hereditary rates and duties on beer, ale, cyber, and other liquors, granted by the said first-recited act, were extended to Scotland, and became there payable to her Majesty, her heirs and successors for ever: And whereas by another act passed in the twelfth year of the reign of his Majesty king Charles the second, intituled A Grant of certain Impositions on Beer, Ale, and other Liquors, for the Increase of his Majesty’s Revenue during his Life, certain other rates, impositions, duties, and charges on beer and ale, cyber and other liquors, were granted and made payable to his said Majesty during his life: And whereas the said last-mentioned rates and duties having been continued and granted to their Majesties king William the third and queen Mary, for their lives and the life of the survivor, and further continued and granted to her Majesty queen Anne for and during her life, and by the said recited act of the fifth and sixth years of her Majesty’s reign extended to and made payable in Scotland, and having been from time to time further continued, are now, by the demise of his late Majesty king George the fourth, expired: And whereas by an act passed in the sixth year of the reign of his late Majesty king George the fourth, intituled An Act for providing equivalent Rates of Excise Duties, Allowances, and Drawbacks on Beer and Malt and Spirits made in Scotland or Ireland, according to the Measure of the new Imperial Standard Gallon, certain duties, allowances, drawbacks, and bounties were granted on beer brewed or made in Great Britain for sale: And whereas by another act passed in the sixth year of his said late Majesty’s reign, intituled An Act for the future Assimilation of the Duties of Excise upon Sweets or Made Wines, upon Mead and Methygin, upon Vinegar, and upon Cyder and Perry, in Great Britain and Ireland, and to continue the Duties of Excise on Sweets or Made Wines in Great Britain until the Fifth Day of January One thousand eight hundred and twenty-six, certain duties of excise were imposed on cyder and perry made in any part of the united kingdom of Great Britain and Ireland for sale: And whereas it is expedient that all the said duties on cyder in and throughout the united kingdom, and all the said duties, allowances, drawbacks, and bounties on beer and ale in Great Britain, should cease and determine, save and except so much thereof as are the hereditary duties on cyder, beer, and ale in Great Britain, granted by the said first-recited act to his Majesty king Charles the second, his heirs and successors for ever, and extended to Scotland by the said recited act of union, and now vested in his present Majesty; and as to the said hereditary duties, to make provision that the same shall not during the life of his present Majesty be levied, collected, or raised, nor the laws for securing and collecting the same be enforced: May it therefore please your Majesty that it may be enacted; and be it enacted, &c., That from and after the tenth day of October one thousand eight hundred and thirty, all the rates and duties and drawbacks payable on cyder in the united kingdom, and all the rates, duties, allowances, drawbacks, and bounties now payable on beer or ale brewed or made in Great Britain (except the said hereditary duties of excise on cyder, beer, and ale granted to his said Majesty king Charles the second, and herein-after more particularly specified,) shall be repealed, cease and determine, and be no longer levied or collected, paid or payable.

II. That the hereditary duties on beer and ale and cyder brewed or made for sale in Great Britain, granted by the said first recited act to his said Majesty king Charles the second, his heirs and successors, (that is to say,) for and upon every barrel of beer or ale above six shillings the barrel, brewed by the common brewer or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately, to be paid by the common brewer or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, a duty of one shilling and threepence: for every barrel of six shillings beer or ale,
or under, brewed by the common brewer or any other person or persons who doth or shall sell or tap out such beer or ale publicly or privately, to be paid by the said common brewer or such other person or persons respectively as aforesaid, and so proportionably for a greater or lesser quantity, threepence: For all cider and Perry made and sold by retail, upon every hoggehead, to be paid by the retailer thereof, and so proportionably for a greater or lesser measure, one shilling and threepence: Shall from and after the said tenth day of October one thousand eight hundred and thirty cease to be collected and paid, and shall not during the life of his present Majesty be levied, collected, or demanded, or be paid or payable; and the several acts, enactments, clauses, provisions, and regulations in the said recited act of the reign of his said Majesty king Charles the second, or in any other act or acts contained, for securing, levying, or collecting the duties on beer and ale and cyder, save and except the acts herein-after continued in force, shall not, from and after the said tenth day of October one thousand eight hundred and thirty, and during the life of his present Majesty, be enforced or executed, save and except for the purpose of recovering any duties incurred or charged before the said tenth day of October one thousand eight hundred and thirty, or any arrears thereof, or any fine, penalty, or forfeiture for the breach of any of the said clauses, enactments, provisions, or regulations, committed previous to the said tenth day of October one thousand eight hundred and thirty; but all such duties and arrears, penalties, fines, and forfeitures, shall and may be recovered, levied, enforced, and applied in the same manner, and by the same means, powers, and authorities, as if this act had not been passed.

III. Provided always, That an act passed in the fifty-sixth year of the reign of his late Majesty king George the third, intituled *An Act to repeal an Act made in the Fifty-first Year of His present Majesty, for allowing the Manufacture and Use of a Liquor prepared from Sugar for colouring Porter*, and an act passed in the first and second years of the reign of his late Majesty king George the fourth, intituled, *An Act for securing the Payment of the Duties on Ale and Beer brewed in Great Britain*, except so much thereof as relates to certificates and increases in stock, shall be and remain in full force and effect; and all brewers of beer or ale for sale, and all and every person who shall be licensed under any act as a brewer, dealer in, or retailer of beer, shall continue subject to the provisions, enactments, and regulations in the said last mentioned acts contained; and the said provisions, enactments, and regulations shall continue to be respectively executed and put in force by the commissioners and officers of excise in Great Britain, as fully and effectually as if this act had not been passed.

IV. Provided always, That on and immediately after the demise of his Majesty, whom God long preserve, the said hereditary duties of excise on beer and ale and cyder granted by the said first-recited act to his said Majesty king Charles the second, his heirs and successors, shall revive and be again payable, collected, and paid in Great Britain; and it shall and may be lawful for the commissioners of excise for the time being, and they are hereby required, on and immediately after the demise of his present Majesty, to cause the said hereditary duties to be again charged, levied, collected, and paid in and throughout Great Britain, to and for the use of his Majesty’s successors, and to cause all the laws, clauses, enactments, provisions, powers, authorities, and regulations for raising, levying, securing, and collecting the duties on beer and ale and cider to be again put in force and execution for levying and collecting the said hereditary duties in the same manner as if this act had not been passed; and the said commissioners of excise shall and they are hereby required to keep true and particular accounts of all the said duties so raised, levied, and collected by them for the use of his Majesty’s successors.

V. And whereas the said hereditary duties of excise on beer, ale, and cyder granted by the said first-recited act of the reign of king Charles hereditary du-
the second are now vested in his present Majesty, and are subject to certain charges thereon, and it is necessary to make provision for supplying the deficiency which will occur by the said hereditary duties on beer and ale and cyder not being collected during his Majesty's life: And whereas by a medium of ten years, computed from the fifth day of January one thousand eight hundred and twenty to the fifth day of January one thousand eight hundred and thirty, the sum of three hundred and forty-eight thousand pounds is taken to be the medium of the annual produce of the said hereditary duties on beer and ale and on cyder in England, and the sum of six thousand five hundred pounds the medium of the annual produce of the said hereditary duties of excise on beer and ale and on cyder in Scotland: to the end therefore that neither his Majesty, nor any other person or persons, may receive any prejudice by the nonpayment of the said hereditary duties, be it enacted, that from and after the tenth day of October, one thousand eight hundred and thirty, there shall be paid to his Majesty during his natural life, which God long preserve, the clear yearly sums of three hundred and forty-eight thousand pounds out of the revenues of excise arising in England, and six thousand five hundred pounds out of the revenues of excise arising in that part of Great Britain called Scotland, for and in lieu of what has annually been the amount of the said hereditary duties.

VI. That the said sums of three hundred and forty-eight thousand pounds and six thousand five hundred pounds shall be paid by four quarterly payments, on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, in each year, out of the revenues of excise arising in England and Scotland respectively, in preference to all other payments, charges of management excepted, and shall be paid over to the account of and for the use of his Majesty; and the said sums of money respectively shall be and the same are hereby declared to be subject and liable to and to be charged with all such charges and sums of money as the hereditary duties in lieu of which such payments shall be made, are subject and liable to and are charged with.

VII. And whereas the duty imposed by law on every licence to be taken out by any brewer or brewers of beer for sale is rated according to the quantity of beer brewed by the person or persons taking out the licence: And whereas, when the duties on beer shall cease to be collected in Great Britain, no account will be taken by the officers of excise of the quantity of beer brewed for sale, but of the malt only used and employed by every brewer or brewers for that purpose; be it therefore enacted, That all and every brewer and brewers of beer for sale in Great Britain and Ireland shall, for the purpose of fixing and regulating the rate and amount of duty to be paid by such brewer or brewers for the licence to be taken out by him, her, or them, under an act passed in the sixth year of his late Majesty's reign, intituled An Act to repeal several Duties 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, be deemed to have brewed one barrel of beer for every two bushels of malt used or employed by such brewer or brewers in brewing; and shall for every licence to be taken out by him, her, or them, for brewing beer for sale, pay such amount of duty, according to the rate by the said act imposed on brewers of other than table beer, as shall be correspondent to the quantity of beer which he, she, or they shall be deemed to have brewed as aforesaid.

VIII. That it shall and may be lawful for any person or persons in Great Britain or Ireland to take out a licence to brew beer for sale under the provisions of the said recited act of the sixth year of his late Majesty's reign, without giving or being required to give any bond or other security as a brewer or brewers of beer; any thing in the said recited act or any other act to the contrary notwithstanding.

IX. That from and after the said tenth day of October, one thousand eight hundred and thirty, there shall be granted and paid for and upon
every barrel of thirty-six gallons, and so in proportion for any greater quantity of beer brewed or made by any entered brewer of beer for sale in the united kingdom, and which shall be duly exported from any part of the united kingdom to foreign parts as merchandise, a drawback of five shillings.

X. That it shall and may be lawful for any person or persons to export and ship as merchandise, from any port in the united kingdom to foreign parts, any beer or ale brewed or made by any entered and licensed brewer of beer for sale in the united kingdom, such beer or ale being in casks of not less than thirty-six gallons, and in the brewing whereof not less than two bushels of malt shall have been used to every thirty-six gallons of such beer or ale; and all and every person intending to export such beer or ale from any part of the united kingdom shall give to the excise port surveyor, or officer of excise acting as port surveyor, at the port of shipment, notice thereof, in manner directed and required by an act passed in the fifty-sixth year of the reign of his Majesty king George the third, intituled An Act for the making more effectual Provision for the Prevention of Smuggling, and rewarding Officers and Persons making Seizures and capturing Smuggling Vessels, for licensing Laggers employed in the North Sea Fishery, and obliging Exporters of excisable Goods on Drawbacks to give Notice of Shipment; and the said export surveyor, or other officer of excise acting as export surveyor, having examined or caused to be examined the beer or ale so intended to be shipped, and of the shipping whereof such notice shall have been given, or otherwise satisfied himself with respect to the same, shall sign his name to the said notice as having received the same, and shall transmit the said notice so signed to the proper officer of customs in whose presence such beer or ale is to be shipped, and the said officer of customs, having seen the said beer or ale duly shipped in his presence in and on board of the ship or vessel specified in the notice, shall certify the due shipment thereof and the day when the same was shipped on the said notice, and shall return the said notice, with such certificate of shipment thereon, to the excise export surveyor, or officer of excise acting as export surveyor; and the said export surveyor or officer of excise having received such notice, with such certificate of shipment thereon, shall, at the expiration of one calendar month from the date of such shipment, make out and deliver to the exporter, or his clerk or manager, a debenture, expressing the quantity of beer so shipped, and the amount of drawback payable in respect thereof.

XI. That before any such debenture shall be paid, the exporter of the beer or ale therein mentioned, or his principal clerk or manager, together with the brewer thereof, or his foreman or manager, shall make oath on the said debenture before the said export surveyor, or officer of excise acting as such, that the said quantity of beer or ale was put on board the ship, and exported therein as merchandise to be spent beyond the seas, and no part thereof for the ship's use, and that according to the best of his and their knowledge and belief the same has been brewed wholly from malt which has been charged with and paid the duty of two shillings and seven-pence for every bushel thereof, and shall also specify in such oath the time when and the place where, and the brewer, being an entered and licensed brewer for sale, by whom such beer or ale was brewed, and that the quantity of malt employed in the brewing of such beer was in the proportion of not less than two bushels imperial standard bushel measure for every thirty-six gallons thereof; and if any such oath shall be found to be false or untrue in any particular or respect, the person making the false or untrue statement shall forfeit and lose the sum of two hundred pounds, and the debenture on which the same shall be made shall be and become null and void, and if unpaid, payment thereof shall be withheld, or if paid, the amount thereof shall and may be recovered back, in the same manner and by the same means and methods as any duty of excise or penalty may be sued for and recovered under any law or laws of excise.

Oath to be made on debenture for obtaining drawback.
XII. That every such debenture, together with the said oath thereon, being produced to the collector of excise within whose collection such beer or ale shall have been exported, the said collector shall forthwith, out of the monies in his hands, pay the amount thereof to the person or persons who shall appear by the said debenture to be entitled to the same.

XIII. Provided always, That where by any law or laws of excise in force a certificate of the due landing of any goods or commodities at the place to which the same shall have been exported on drawback as merchandise shall be required, such certificate of the due landing of any ale or beer exported to any such place shall be produced to the collector of excise before any such debenture shall be made out or paid.

XIV. That all the laws, clauses, enactments, powers, authorities, rules, regulations, fines, penalties, and forfeitures in force in Great Britain before the passing of this act, relating to the export of any excisable goods or commodities on drawbacks, shall, as far as the same shall be applicable, extend to and be deemed and construed to extend to the exportation of beer and ale under the authority of this act from any part of the United Kingdom, and shall be observed, enforced, and put in execution with respect to such exportation, and the payment of the drawback hereby granted, as fully and effectually as if the same were repeated and re-enacted in this act.

XV. That every brewer of beer for sale in Great Britain shall make a true and particular entry in writing of every store, building, room, and place, and of every mash tun, by him or her intended to be used in or for the brewing or keeping of worts or beer, at the nearest office of excise, specifying in such entry the particular use or purpose for which such store, building, room, or place shall be intended to be used, and shall also specify and distinguish in such entry every building or place in which he or she shall intend to store and keep the malt and the hops to be used by him or her in the brewing of beer, and shall store and deposit all such malt and all such hops in one or more of such entered buildings so specified to be used for keeping malt or for keeping hops respectively, and shall not use or employ any malt or hops which shall not have been so stored and deposited in and taken from one or more of such buildings or places so specified and distinguished; and if any such brewer shall use any store, building, room, or place, or mash tun, without having made such entry thereof as aforesaid, in or for the brewing or keeping of worts or beer, or shall store or keep any malt or hops to be used by him or her in the brewing of beer in any building or place which shall not have been specified and distinguished in such entry as aforesaid, or shall use or employ any malt or hops in the brewing of beer which shall not have been stored and deposited in and taken from an entered building or place so specified and distinguished as aforesaid, every such brewer so offending shall for every such offence forfeit and lose the sum of two hundred pounds; and all worts or beer which shall be found in any store, building, room, or place, or mash tun, not specified and distinguished in such entry as aforesaid, and the casks containing the same, and all malt or hops which shall be found in any store, building, room, or place entered or used for the brewing of beer, other than malt taken from one or more of such buildings or places so specified and distinguished, for the purpose of being employed in the brewing of beer, shall be forfeited, and shall and may be seized by any officer of excise.

XVI. That it shall be lawful for any officer of excise, and every person in aid and assistance of such officer, at any time, to enter into and remain so long as such officer may think fit, for the purposes herein-after mentioned, in any building or place belonging to or used by any such brewer, or by any dealer in or retailer of beer, for the brewing or keeping of worts or beer, or for the storing or keeping of malt or hops;
and it shall be lawful for such officer of excise, and any person in aid and assistance of such officer, to inspect any such building or place, and to take such account as such officer shall deem necessary, of all worts, beer, and malt and hops therein, and of all other matters and things, and of all vessels, utensils, goods, and materials belonging to or in anywise appertaining to the trade or business of such brewer or dealer in or retailer of beer; and if any such brewer or dealer or retailer shall oppose, molest, obstruct, or hinder any officer of excise, or any person acting in the aid or assistance of such officer, in entering into or remaining in any such building or place as aforesaid, or in inspecting the same, or taking any account as aforesaid, or in the due execution of the duty of such officer, every such brewer or dealer or retailer so offending shall for every such offence forfeit and lose the sum of one hundred pounds.

XVII. That it shall not be lawful for any brewer of beer for sale in the united kingdom to have in his or her brewery, or in any part of the entered premises, or in any mill connected with such brewery or entered premises, any raw or unmalted corn or grain whatsoever, either whole or unground, or ground or bruised; and that all raw and unmalted corn or grain, whether whole or unground, or ground or bruised, which shall be found in such brewery or premises or mill, and all malted corn or grain, whether whole or unground, or ground or bruised, with which such raw unmalted corn or grain may have been or shall be mixed, shall be forfeited, and may be seized by any officer of excise, together with all sacks, casks, vessels, or packages in which such raw or unmalted corn or grain shall and may be contained, or in which such raw and unmalted corn or grain and the malted corn or grain with which the same may or shall have been mixed, shall or may be contained; and every brewer shall for every such offence forfeit the sum of two hundred pounds.

XVIII. And whereas it may occur that between the passing of this act and the said tenth day of October one thousand eight hundred and thirty, when the duties on beer are to cease and determine, persons other than brewers now licensed to brew beer for sale may brew quantities of beer without the payment of any duty thereon, and after the said tenth day of October one thousand eight hundred and thirty may bring forward such beer for sale, and sell the same for consumption; and persons who are now entered and licensed as brewers of beer, and are thereby subject to the payment of duty on all beer brewed by them prior to the said tenth day of October one thousand eight hundred and thirty, may be thereby greatly injured and damned, unless provision is made for allowing them to brew beer, not to be sold or consumed until after the said tenth day of October one thousand eight hundred and thirty, free of duty; be it therefore enacted, That it shall and may be lawful for any brewer of beer, from time to time, twenty-four hours before commencing to brew any guins of beer, to give notice in writing to the proper officer of excise, that the particular guins of beer then about to be brewed is for beer not intended to be sold or sent into consumption until after the tenth day of October one thousand eight hundred and thirty, and that he is desirous to brew the same without payment of duty, in which said notice shall be specified the particular vats or casks into which such beer is intended to be stilled and kept; and all such beer shall be brewed under all the same laws and regulations as are now in force, and an account taken thereof in the same manner as if the duty thereon was to be paid, levied, and collected; and when and as soon as such beer shall be brewed and made, the same shall be run into the particular vats or casks specified in the notice, and the officer of excise shall forthwith take an account of all such beer, and of the duty which would be payable thereon; and all the beer so brewed under such notice shall be stored and deposited in a separate store-room or cellar, to be approved of by the commissioners of excise, and under the locks and keys of the officer of excise, or otherwise secured in such manner as the

For allowing beer, not intended to be sent into consumption until after 10th day of October 1830, to be brewed free of duty.
commissioners of excise shall direct, and to their satisfaction; and when
and as often as any other brewing of beer shall be made by any such
brewer, to be stored or secured duty-free, the officer of excise shall take
an account of all the quantity which shall have been previously so stored
or secured; and all beer so brewed without payment of duty shall be
kept so stored, and shall not be sold or sent into consumption, or any
part thereof tapped or drawn off, until the eleventh day of October one
thousand eight hundred and thirty; and on the tenth day of October
one thousand eight hundred and thirty the proper officers of excise shall
take an account of all the said beer which shall have been so brewed
duty-free, and stored or secured as aforesaid, and if upon such account
the whole quantity of such beer shall be found in the stock of the brewer
who shall have brewed the same, deposited or secured as aforesaid, and
the officers of excise shall be satisfied that it is the same beer which was
so brewed, and that no part thereof has been sent into consumption,
or any addition made thereto, or any alteration therein, it shall and
may be lawful for the commissioners of excise, and they are hereby
authorized and empowered, to forego and remit the charge of duty
thereon, and to allow the same to be sold without the payment of such
duty.

XIX. Provided always, That if any beer which shall be brewed under
the regulations aforesaid, as not to be sent into consumption until after
the said tenth day of October one thousand eight hundred and thirty,
shall not at any time previous thereto be so stored in such separate
store or cellar, or otherwise secured according to the directions of the
commissioners of excise, and to their satisfaction, or if any brewer shall
tap any vat or cask in which the same shall be tunned or kept, or shall
sell or send out any part thereof, or shall make any addition to or
alteration therein by putting any other beer in any such vat or cask, or
if on the said tenth day of October one thousand eight hundred and
thirty, or at any time previous thereto, the officers of excise shall not
find all such beer in the stock of such brewer so stored or secured and
unaltered, or if any such brewer shall use or practice any art or device to
deceive the officer of excise in taking an account of his stock, or to re-
move any of the said beer, or to evade any part of the duty on beer with
which previous to the said tenth day of October one thousand eight
hundred and thirty he might or would be chargeable, then and in any
such case it shall and may be lawful for the commissioners of excise,
and they are hereby authorized and required, to demand and collect the
duties charged on all the beer brewed by such brewer previous to the
said tenth day of October one thousand eight hundred and thirty; and
the said brewer shall be liable to the payment of all such duties, and the
same shall and may be levied, collected, and enforced under the laws,
provisions, and regulations now in force for collecting and securing the
duties on beer.

XX. And whereas it is expedient to provide for continuing the draw-
back now payable on beer or ale exported, until the fifth day of April
one thousand eight hundred and thirty-one, on such beer as shall have
been brewed in Great Britain, and charged with duty, and on which
duty has been paid, and which may be exported before the said day; be
it therefore enacted, That until the fifth day of April one thousand eight
hundred and thirty-one, the drawback of fourteen shillings and two-
pence, now payable on the exportation of every barrel of beer, shall be
paid and payable on the exportation of all beer and ale which shall have
been brewed and charged with duty before the fourteenth day of April one
thousand eight hundred and thirty, and which any brewer of beer shall
have declared to be intended for exportation, and of which an account
shall have been taken under any orders or directions of the lords com-
missoners of his Majesty's treasury, or of the commissioners of excise,
issued for that purpose, and which shall have been kept stored in vats or
casks of not less than eighteen hundred gallons imperial standard gal-
lon measure content, and according to the rules and regulations con-
tained in such orders or directions: Provided always, that such draw-
back shall not be allowed on any beer which shall not have been kept
and stored in casks of the full size of eighteen hundred gallons, nor in
any case where the rules and regulations contained in any such orders or
directions shall not have been in every respect observed and fulfilled.

XXI. That all such beer shall be exported, and the drawbacks
thereon paid, under the laws, enactments, and regulations relating
to the exportation of beer in force before the passing of this act:
Provided always, that every exporter of such beer intending to claim
the said drawback of fourteen shillings and twopence shall, on every export-
tation thereof after the tenth day of October one thousand eight hundred
and thirty, in addition to the other oaths now required to be taken by
the exporter or shipper of beer, make oath that the beer about to be ex-
ported is beer brewed before the fourteenth day of April one thousand
eight hundred and thirty, and which was declared for exportation as
allowed under the orders or directions of the lords commissioners of the
treasury or commissioners of excise.

XXII. And whereas an act was passed in this present session of par-
liament, intituled An Act to permit the general Sale of Beer and Cyder by
Retail in England, whereby the commissioners of excise are authorized
and empowered to grant licences to persons to retail ale or beer or cyder
without such persons obtaining or producing a certificate or authority
granted to such persons by justices of the peace or magistrates; be it
further enacted, That nothing in the said act or in this or any other act
contained shall extend or be deemed or construed to extend in any man-
ner to interfere with the licences now required by law to be taken out
and renewed by brewers of and dealers in beer, and persons keeping
common inns, alehouses, and victualling houses, and selling beer, ale,
and cyder, and wines and spirituous liquors, by retail, to be drank or
consumed on the premises, but that all and every brewers and brewer of
and dealer in beer shall take out such licences as are now by law re-
quired to be taken out by such brewers and dealers respectively; and
every person who shall sell any beer or ale in quantities not less than
four gallons and a half or two dozen reputed quart bottles, to be drank
or consumed elsewhere than on the premises where sold, shall be
deemed a dealer in beer; and every person who shall keep a common
inn, alehouse, or victualling house, and sell beer, ale, and cyder, and
wines and spirituous liquors, by retail, to be drank and consumed on the
premises, shall take out the several licences now by law required, under
the same rules, regulations, restrictions, powers, authorities, provisions,
penalties, and forfeitures as such licences are now granted and issued
under.

XXIII. And whereas in the city of Edinburgh, and in other cities,
towns burghs, and places in that part of Great Britain called Scotland, by
several statutes heretofore passed, certain rates, impositions, and duties
are imposed and collected on beer and ale, to and for the use of the said
cities, towns, burghs, and places, and are appropriated and applied to
certain purposes specified in the several statutes imposing the same, for
the levying and collecting of which said rates, impositions, and duties
the charges made by his Majesty's officers for levying and collecting
such revenue of excise, or an abstract thereof under the hands of the
officers of excise, have been available to the magistrates of the city of
Edinburgh, and the other cities, towns, burghs, and other places afores-
said, for levying and collecting the said rates, impositions, and duties:
And whereas by reason of the duties on beer and ale payable to his Ma-
jesty ceasing to be collected under the provisions of this act, the magis-
trates of the said cities, towns, burghs and other places will be deprived
of the means heretofore used for raising, collecting, and levying the said
rates, impositions, and duties; and it is therefore expedient, in order to
prevent any injury or loss to any of the said cities, towns, burghs, or
places in which such rates, impositions, or duties are payable, to provide
means for the due collection and payment thereof; be it therefore
No. 1.
1 W. 4, c. 51.

Brewers in such places to make monthly returns of the beer brewed by them.

An act for the better prevention of the corruption of the air by the operation of distilleries, and for the improvement of the manufacture of malt in Scotland. [Part VI.

enacted, That nothing in this act contained shall affect or be deemed or construed to affect, alter, or in any manner interfere with the right or title of the magistrates of the city of Edinburgh, or of any other city, town, burgh, or place in Scotland, or of any trustees or body corporate, or other person or persons having right by any of the statutes aforesaid to collect, receive, raise, and recover any rates, impositions, or duties now payable on beer or ale within the same; and that in order to the due collection, raising, levying, and recovering thereof, every brewer of beer or ale, liable to the payment of any such rates, impositions, and duties in the city of Edinburgh, or in any other city, town, burgh, or place, shall, from and after the tenth day of October one thousand eight hundred and thirty, at the end of every month make a true and particular entry or return to the magistrates, or the trustees, body corporate, or other person or persons having the right to collect such rates, impositions, and duties within the city, town, burgh, or place in which such brewer shall reside or carry on his brewery, or to such person or persons as the magistrates, trustees, body corporate, or other person or persons having such right shall appoint, of all beer or ale which such brewer shall have brewed or made in that month preceding; and such brewer shall also at the end of every month make a true and particular entry or return to the magistrates or the trustees or body corporate or person or persons having right as aforesaid, or to such other person or persons as shall be appointed in that behalf as aforesaid, of all beer or ale which such brewer shall have sold without the limits of the city, town, burgh, or place in which such brewer shall reside or carry on his brewery, or within which such votes, duties, and impositions shall be payable; and every such entry or return shall, if required by the magistrates or other person or persons aforesaid, be verified on the oath or affirmation (which oath or affirmation any one of the magistrates of the city, town, burgh, or place is hereby authorized and empowered to administer) of the said brewer, or his principal workman or servant; and it shall and may be lawful for the magistrates, trustees, body corporate, or other person or persons having such right as aforesaid, within every city, town, burgh, and place respectively, to collect, recover, levy, raise, and enforce the payment of the said rates, impositions, and duties payable within such city, town, burgh, and place respectively, according to the quantity of beer or ale mentioned in such two several entries or returns, in the manner, and by the same means, powers, penalties and forfeitures, and authorities, as they are now empowered to raise, levy, collect, and enforce the same, or as any other rates, impositions, and duties payable within any such city, town, burgh, or place may be raised, levied, collected, and enforced, or by ordinary action in any competent court: Provided always, that all and every brewer and other person and persons shall remain entitled to and shall receive all such allowances and drawbacks, in respect to such rates, impositions, and duties, as they are now entitled to.

XXIV. That if any brewer of beer or ale shall neglect or refuse to make any such entry or return, or to verify the same when required so to do, or shall make any false or untrue entry or return, every such brewer shall forfeit and pay the sum of twenty pounds, to be recovered and applied in the same manner and under the same powers, provisions, and authorities as any other penalty or forfeiture may be recovered or applied under any act or acts of parliament granting the rates, impositions, and duties on beer and ale in the city, town, burgh, or place in which such refusal or neglect shall occur, or such false or untrue entry be made.
WHEREAS it is expedient, for the better supplying the public with beer in England, to give greater facilities for the sale thereof than are at present afforded by licences to keepers of inns, alehouses, and victualling houses; be it therefore enacted, &c. That from and after the tenth day of October one thousand eight hundred and thirty it shall and may be lawful for any and every person who shall obtain a licence for that purpose under the provisions of this act to sell beer, ale, and porter by retail, in any part of England, in any house or premises specified in such licence; any thing in any act or acts heretofore made, or in force at the time of the passing of this act, to the contrary in anywise notwithstanding.

II. That it shall be lawful for every and any person, being a householder (other than and except such persons as are herein-after specially excepted), who shall be desirous of selling beer, ale, and porter by retail, shall take under the provisions of this act, to apply for and to obtain an excise out a licence to sell beer by retail. All persons licensed under this act may sell beer by retail.

Parties desiring to apply for such licence shall be required to furnish proof of the occupation and residence of the person or persons who shall be proposed as surety or sureties for the party so to be licensed; and any and every such licence which shall be taken out within the limits of the chief office of excise in London shall be granted under the hands and seals of two or more of the commissioners of excise for the time being, or of such persons as they the said commissioners of excise, or the major part of them, for the time being, shall from time to time authorise, employ, or direct for that purpose; and any and every such licence which shall be taken out in any part of England not within the said limits shall be granted under the respective hands and seals of the several collectors and supervisors of excise within their respective districts; and it shall be lawful for the said commissioners, or any two or more of them respectively, and for the person to be authorized, employed, or directed by the said commissioners or the major part of them, and also for all such collectors and supervisors, and they are hereby respectively authorized and required, within ten days after the application shall have been made for the same, and upon execution by the party and his surety or sureties of the bond herein-after mentioned, and any time after upon the execution of such bond, to grant such licence to the persons who shall apply for the same, the persons so applying first paying for such licence a duty of two pounds and two shillings, to be applied and accounted for as herein-after directed; and every such licence shall be dated on the day when the same shall be granted, and shall expire at the end of twelve calendar months after the day on which such licence shall be dated; and every such licence shall be according to the form in the schedule annexed to this act, and shall be duly registered in the proper department of the excise: Provided always, That no such licence shall authorize or entitle the party licenced to receive any licence to sell or retail wine or spirits, any thing in any act or acts of parliament to the contrary thereof notwithstanding; and that no such licence shall be granted to any person being a sheriff’s officer, or officer executing the legal process of any court of justice, nor to any person not being a householder assessed to the poor rates in the parish or place in which he shall be licensed to sell.

Licence duty.

No licence shall be granted to a sheriff’s officer or non-householders.

(1) See 4 and 5 W. 4, c. 65. post.
No. II. 1 W. 4, c. 64.

Register of licences.

Licences shall be produced for the inspection of magistrates.

Licence duty shall be under the management of the commissioners of excise, and carried to the consolidated fund.

Party requiring licence shall enter into a bond, with sureties, for payment of penalties.

No person licensed to sell beer shall be competent to be a surety. Persons licensed to retail beer shall put beer by retail, and that any licence granted to any such person shall be void to all intents and purposes; and a list or register of every licence so granted, specifying the name and place of abode of every person licensed, and of his sureties respectively, and the name and description of the house mentioned in such licence, shall be kept at the excise office, with respect to all licences granted by the commissioners of excise or any person authorized by them, and at the office or dwelling-house of every collector and supervisor of excise in their and his respective collections and districts; and such list or register shall at all times be produced to and shall be open to the inspection and perusal of any magistrate of the county or place where such licence shall be granted and where such house shall be situate; and a copy of such list or register shall once in every calendar month be transmitted by every such collector or supervisor to the clerk of the magistrates for the district in which such licence shall be granted; and any copy of or extract from such list or register, which shall or may be at any time required by the clerk to the magistrates, shall be given to him by such collector or supervisor whenever thereto required.

III. That the duty by this act imposed on licences to sell beer by retail shall be under the management of the commissioners of excise for the time being, and shall and may be respectively raised, levied, collected, answered, paid and recovered in such and the like manner, and in or by any or either of the general or special means, ways, or methods by which any other duties of excise on licences are or may be raised, levied, collected, answered, paid, or recovered; and all the monies arising by the duties by this act imposed and made payable as aforesaid, the necessary charges of raising and accounting for the same excepted, shall from time to time be paid into the receipt of his Majesty's exchequer at Westminster, and the said money so paid into the receipt of the exchequer as aforesaid shall be carried to and made part of the consolidated fund of the united kingdom of Great Britain and Ireland.

IV. Provided always, That it shall not be lawful for the commissioners of excise or any person authorized by them, nor for any collector or supervisor of excise, to grant or deliver any such licence to any person applying for the same, unless such person shall, before receiving such licence, or at the time of receiving the same, enter into a bond to the commissioners of excise with one sufficient surety in the penalty of twenty pounds or with two sufficient sureties in the penalty of ten pounds each, such surety or sureties being the person or persons named in the application of the party requiring the licence, or some other person or persons approved of by the said commissioners or by the person authorized to grant such licences; and such bond shall be executed by such person and his surety or sureties, conditioned for the payment by such person, or his surety or sureties, of any penalty or sum of money not exceeding the amount of such twenty pounds or ten pounds respectively, which shall be incurred for any offence against this act by the party to whom such licence shall be granted, or for the payment of such sum of twenty pounds or ten pounds respectively, in case any penalty incurred by such party licensed shall exceed such twenty pounds or ten pounds respectively; and it shall be lawful for the said commissioners, or the person so authorized by them, or for such collector or supervisor of excise respectively, to judge of and determine upon the sufficiency of any such surety or sureties: Provided always, That such bond shall not be subject or liable to the payment of any stamp duty whatever; any thing in any act or acts to the contrary notwithstanding.

V. Provided always, That no person licensed to sell beer by retail under the provisions of this act, and that no person not being a householder assessed to and paying the poor's rates within the parish in which the person licensed shall be resident, shall be deemed competent to be or shall be accepted as a surety in any such bond as aforesaid.

VI. That every person who shall be licensed to sell beer, ale, and porter by retail under the provisions of this act shall cause to be painted,
in letters three inches at least in length, in white upon a black ground, or in black upon a white ground, publicly visible and legible, upon a board to be placed over the door of the house or premises in which such person shall be licensed to sell beer by retail, the christian and surname of the persons mentioned in such licence, at full length, together with descriptive words “Licensed to sell Beer by Retail;” and every such person shall preserve and keep up such name and words so painted aforesaid during all the time that such person shall continue so licensed, upon pain that every person in any respect making default herein shall forfeit and pay for every such offence the sum of ten pounds.

VII. That no person shall sell any beer by retail under the provisions of this act, nor in any house or place not specified in such licence: Provided always, That it shall be lawful for any person so licensed to take out a fresh retail licence for the selling beer by retail before the expiration of any former retail licence, and so from year to year; and if any person not being duly licensed to sell beer as the keeper of a common yearly inn, alehouse, or victualling house, shall sell any beer by retail without Penalty on having an excuse retail licence in force authorizing such person so to do, selling without or after the expiration of any such licence, or without renewing such licence in manner aforesaid, or in any house or place not specified in such licence, or if any such person so licensed shall deal in or retail any wine or spirits, every such person so offending shall for every such offence forfeit and lose the sum of twenty pounds.

VIII. That the said last-mentioned fine, penalty, or forfeiture of twenty pounds shall and may be sued for, recovered, levied, mitigated, or distributed by such ways, means, and methods as any fine, penalty, or forfeiture may be sued for, recovered, levied, mitigated, or distributed by any law or laws of excise; and that one moiety of every such fine, penalty, or forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

IX. That all the powers and authorities, directions, rules, regulations, methods, penalties, forfeitures, clauses, matters, and things which and by an act made in the eighth year of the reign of his late Majesty George the fourth, intituled An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland, or by any other law now in force relating to his Majesty’s revenue of excise, are provided and established for enforcing, regulating, managing, raising, levying, collecting, paying, mitigating, recovering, adjudging, or distributing the penalties thereby imposed, and all matters and things therein relating to excise licences, (except where otherwise provided by this act, or repugnant thereto,) shall and may be exercised, practised, applied, used, and put in execution in and for the enforcing, regulating, managing, raising, levying, collecting, paying, mitigating, recovering, adjudging, or distributing the said penalty of twenty pounds, and all matters and things relating to the said licences hereby authorized and required to be granted as aforesaid, as fully and effectually to all intents and purposes as if all and every the said powers, authorities, directions, rules, regulations, methods, penalties, said powers, authorities, directions, rules, regulations, methods, penalties, clauses, matters, and things were particularly repeated and re-enacted in this present act, any thing herein-after contained to the contrary thereof in anywise notwithstanding.

X. Provided always, That persons trading in partnership, and in one house or premises only, shall not be obliged to take out more than one licence in any one year for selling any beer by retail under the provisions of this act: Provided also, That no one licence which shall be granted by virtue of this act shall authorize or empower any person or persons to sell any beer, ale, or porter, under the provisions of this act, in any house or place other than the house or place mentioned in such licence for selling beer, ale, and porter by retail under the provisions of this act, and in respect whereof such licence shall be granted.

Proviso for partners.

Licence shall not extend to any other house.
XII. That it shall be lawful for any one justice acting for any county or place where any riot or tumult shall happen, or for any two or more justices where any riot or tumult may 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 such justice or 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, and to be guilty of an offence against the tenor of the licence granted to such person.

XIII. That every person under this act licensed to sell beer by retail shall sell or otherwise dispose of all such beer by retail (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 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 two justices; and such penalty shall be over and above all penalties to which the offender may be liable under any other act.
and every house or place where he shall commit such offence; and if any person shall at any time, during any term in which it shall not be lawful for beer to be sold by retail on the premises of any offender, sell any beer by retail on such premises, knowing that it was not lawful to be sold, such offender shall forfeit any sum not less than ten pounds or more than twenty pounds, as the convicting justices shall adjudge.

XIV. That no person licensed to sell beer by retail under this act shall save or keep his house open for the sale of beer, nor shall sell or retail beer, nor shall suffer any beer to be drank or consumed, in or at such house, at any time before the hour of four of the clock in the morning or after ten of the clock in the evening of any day in the week, nor at any time between the hours of ten of the clock in the forenoon and one of the clock in the afternoon, nor at any time between the hours of three and five of the clock in the afternoon, on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; and if any such person shall keep his house open for selling beer, or shall sell or retail beer, at any time after the hour of ten of the clock in the evening or before the hour of four of the clock in the morning of any day, or between the hours of ten of the clock in the forenoon and one of the clock in the afternoon, or between the hours of three and five of the clock in the afternoon, on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving, such person shall forfeit the sum of forty shillings for every offence; and every separate sale shall be deemed a separate offence.

XV. That all penalties under this act, save and except the penalty before mentioned for selling beer by any person not duly licensed, shall and may be recovered upon the information of any person whatsoever before two justices acting in petty sessions; and that every such penalty shall be prosecuted and proceeded for within three calendar months next after the commission of the offence in respect of which such penalty shall be incurred; and every person licensed under this act who shall be convicted, before two justices so 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 under this act, or of any offence for which any penalty is imposed by this act, 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 twelve calendar months next preceding of some offence against the tenor of his licence or against this act, be adjudged by such justices to be guilty of a first offence against the provisions of this act, and to forfeit and pay any penalty by this act imposed for such offence, or if no specific penalty be imposed for such offence, then any sum not exceeding five pounds, together with the costs of the conviction; and 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 twelve calendar months next preceding of one such offence only, such person shall be adjudged by such justices to be guilty of a second offence against the provisions of this act, and to forfeit and pay any penalty by this act imposed for such offence, or if no specific penalty be imposed, then any sum not exceeding ten pounds, together with the costs of the conviction; and 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 eighteen calendar months next preceding of two such separate offences, and if proof shall be adduced to the satisfaction of the justices that such person so charged is guilty of the offence charged against him, such person shall be adjudged to be guilty of a third offence against the provisions of this act, and to forfeit and pay any penalty imposed by this act in respect of such offence, or if no specific penalty shall be imposed, then to forfeit and pay the sum of fifty pounds, together with the costs of the conviction.
This document is not legible due to the quality of the image. It appears to be a page from a legal or historical text, discussing matters related to laws, justice, and possibly procedures involving recognizances or some form of legal guarantees. The text is fragmented and requires clearer visibility to extract meaningful information.
t they shall appoint, such sum as shall in the opinion of such court be sufficient to indemnify such justices from all costs and charges whatever to which such justices may have been so put; and the said treasurer is hereby authorized to pay the same, which shall be allowed to m in his accounts.

XVIII. That in every case in which any appeal shall be made, by any person convicted of any offence under the provisions of this act, to the session or quarter session, it shall be lawful for the constable or officer of the parish or place in which shall be situate the house kept by the person charged shall carry on all proceedings necessary to obtain an 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 officer before whom such offender shall have been convicted to order the sheriff of the county or place in and for which such justices 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 execute and to deliver to such constable or other peace officer, or to such witness or witnesses; and the said treasurer is hereby authorized to pay, to such constable or other peace officer, or to any person authorized to receive the same, such money as aforesaid, and the said treasurer shall be allowed the same in his accounts.

XIX. That in case any person licensed under this act shall be convicted of any offence against this act, and shall not pay the penalty incurred by such conviction, it shall be lawful for the justice convicting such offender, after the expiration of one calendar month next after such conviction, to summon any surety or sureties named in the bond entered into and executed by such person and his surety or sureties at the time obtaining his licence, to appear before the said justices, and show why the penalty mentioned in such bond should not be paid by such surety or sureties, or so much thereof as shall be sufficient to pay such penalty incurred by the party licensed, or to satisfy so much of such penalty so incurred as shall remain unpaid; and in case any such surety or sureties do not show any sufficient cause to the contrary, it shall be lawful for such justices to adjudge that such penalty, if not paid, or so much thereof as aforesaid, shall be paid by such surety within fourteen days; and in case such penalty, or so much thereof as aforesaid, shall not be paid within fourteen days, it shall be lawful for such justices, if they all think fit, to issue their warrant, and to levy the amount of such penalty, or so much thereof as aforesaid, by distress and sale of the goods and chattels of such surety, together with the costs of such distress and sale; and the certificate of the commissioners of excise, or theirficer, or other persons by this act authorized to grant any license, of the date of such bond, and the names and descriptions of the surety or sureties in such bond, shall be sufficient evidence of such bond, and of all contents and execution thereof, against any surety or sureties, in any proceedings under this act.

XX. That any person summoned as a witness to give evidence before penalty on witnessee justices or sessions touching any of the matters aforesaid, either nesses not appear as the part of the complainant or of the person accused, who shall neg- tending, or refuse to appear at the time and place for that purpose appointed, ad who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such justices or sessions, who appearing shall refuse to be examined on oath or affirmation and
give evidence, shall on conviction before such justices forfeit and pay for every such offence any sum not exceeding ten pounds.

XXI. That in every case in which under the authority of this act any justices may be levied by distress.

If offender have not sufficient goods whereon to levy, justices may commit him.

Proviso for offenders paying penalties, &c. to gaoler.

Application of penalties.

If justices of liberties, &c. do not attend at sessions the county justices may act.

Powers hereby given to justices of counties not to extend to the cinco ports.

XXII. That any justices before whom any penalty shall be recovered under the provisions of this act shall award, if they 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, or in case no part of such penalty shall be awarded to the prosecutor then the whole of such penalty shall be awarded to be paid and shall be paid to the treasurer of the county within which such offence shall be committed, to be applied by the said treasurer towards defraying the expenses of such county, and in aid of the county rates of such county.

XXIII. That whenever at any session 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, 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, to act within such liberty or place, and with the justice or justices thereof who shall be present at any such sessions as aforesaid, for the purpose of hearing complaints as to offences against this act; any law, custom, or usage to the contrary notwithstanding.

XXIV. Provided always, 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 cinco ports or either of the two ancient towns, or any of the corporate or other members or liberties of the cinco ports or two ancient towns; but that it shall be lawful for the justices of and for each of the principal cinco ports and two ancient towns, and the liberties thereof, and for the justices of and for the liberties thereof, and the corporate members, to act within the same respectively as they have been accustomed, and for them or any of them to act within each of the corporate members immediately belonging or subordinate to such prin-
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Principal cinque port or ancient town, with the justice or justices of each such corporate member, for the purpose of hearing complaints as to offences against this act in all such cases in which the justices of the county are herein-before 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.

XXV. And in order to prevent frivolous and vexations 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,)

"to wit.} BE it remembered, That on this day of in the year A. B. of was duly convicted before us, C. D. and E. F., two of his Majesty's justices of the peace in petty sessions 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 permit the general sale of beer and cyder by retail in England, besides the costs of this conviction, which we the said justices do hereby assess at the sum of pursuant to the statute in such case made and provided. Given under our hands and seals the day and year above written.

XXVI. That the justices before whom any such conviction shall have been made shall return the same, or cause the same to be returned, to be returned to the next general session or quarter session of the peace holden for the county or place wherein the offence shall have been committed, and such conviction shall be then and there delivered to the clerk of the peace or other person acting as such, to be by him filed on 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 one shilling, shall be legal evidence of every such conviction.

XXVII. That no conviction under this act, nor any adjudication made Writ of certior upon appeal therefrom, shall be quashed for want of form, nor shall be orari not to be removed by writ of certiorari or otherwise into any of his Majesty's su- allowed. perior 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 convic- tion to sustain the same.

XXVIII. That every action against any justice, constable, or other Actions against person, for or on account of any matter or thing whatsoever done or justice, &c. 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.

XXIX. Provided always, That nothing in this act contained shall ex- tend to alter or in any manner to affect any of the rights or privileges of the universities of Oxford or Cambridge, or any of the powers and authori- ties vested by charter or otherwise in the chancellors, masters, and scholars of the said universities, and their successors, or in 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 in any way to affect any licence to the keeper of any inn, alehouse, or victualling house, unless in so far as relates to the sale of beer by retail; nor to prohibit any person not to prohibit the sale of beer at fairs as heretofore.
Licences to retail cyder may be granted under the regulations of this act, on payment of 1/1s. duty.

Provisions and penalties of this act with respect to the sale of beer to apply to the sale of cyder.

Persons licensed to retail beer may also retail cyder.

Covenants against houses, &c. being used as public houses to extend to persons licensed under this act.

Rules for the interpretation of this act.

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.

XXX. And whereas it is expedient that the sale of cyder and Perry by retail should be licensed in like manner and should be subject to the like regulations as the sale of beer; be it therefore enacted, That from and after the tenth day of October one thousand eight hundred and thirty, it shall be lawful for any person desirous of selling cyder and Perry by retail to apply for and to obtain an excise licence for that purpose, under the same regulations in all respects (except as herein-after is otherwise provided) as are in this act prescribed and contained with respect to persons desirous of selling beer, ale, and porter by retail, and of being licensed for that purpose; and that all the clauses, regulations, and provisions in this act contained relating to the sale of beer by retail, and to the licences for selling the same, and to the sureties for the parties licensed, and to the conduct of the parties licensed, and to all other matters whatever respecting the selling of beer by retail and the retailers thereof, and the licences for the same, and the houses where the same are sold, and the penalties against the parties licensed, shall be taken and deemed to be applicable to the sale of cyder and Perry by retail, and to licences for the same, and to the sellers of cider and Perry by retail, as if cyder and Perry, and the retailers thereof, were expressly mentioned and specified in and throughout this act: Provided always, that the person receiving a licence for selling cyder or Perry by retail shall pay for such licence a duty of one pound one shilling, and no more, instead of the duty of two pounds two shillings herein-before mentioned, and which said duty of one pound one shilling shall be applied in like manner as the said duty of two pounds two shillings is herein-before directed to be applied; and every such licence shall be according to the form in the schedule annexed to this act: Provided also, that any person licensed under this act to sell beer by retail may sell also cyder and Perry by retail without receiving a separate licence for that purpose; but that no person licensed to sell cyder and Perry by retail, and paying for such licence, as herein provided, the sum of one pound and one shilling, shall be at liberty to sell beer by retail.

XXXI. Provided always, That any and every covenant or clause of restriction contained in any lease or contract between any landlord and tenant, whereby the trade or business of a victualler or publican is prohibited from being carried on in any house, building, or place mentioned or comprised in such lease or contract, or whereby any such house, building, or place is prohibited from being used as a public house or alehouse, shall apply and extend and shall be construed to apply and extend to every person who shall be licensed to sell beer, ale, or porter, or cyder or Perry, under the provisions of this act, and to any and every house specified and mentioned in the licence granted to such person.

XXXII. 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 word "Person," and the word "Party," shall be deemed to include any number of persons and parties; and that the word "Licence," 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 licences, days, times, houses, or places; and that the word "Beer" shall in all cases be deemed to include beer, ale, and porter; and that the word "Cyder" shall in all cases be deemed to include cyder and Perry; 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, tithe, vill, extra-parochial place, or any place maintaining its own poor; 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 several words in this act shall not be restricted, although the same may be subsequently referred to in the singular number or masculine gender only.

SCHEDULE to which this Act refers.

FORM OF LICENCE.

We the undersigned, being of the commissioners of the excise [or I the undersigned, being a person authorized and employed by the commissioners of excise to grant licences for selling beer [or cyder and perry, as the case may require] by retail, or being a collector or supervisor of excise for the collection or district of ] do hereby authorize and empower A. L. now being a householder, and dwelling at in the parish of within the limits of the chief office of excise [or within the limits of the said collection or district], to sell beer, ale, and porter [or cyder and perry] by retail in the dwelling house of the said A. L. and in the premises thereunto belonging, the said A. L. having duly entered into a bond, with D. S. of and E. S. of as his surety [or sureties], pursuant to the act in such case made: Provided, and upon condition, that he or she [does not sell any beer, ale, or porter made otherwise than from malt and hops] [omit these words in licences to retail cyder and perry]; nor mix or cause to be mixed any drugs or other pernicious ingredients in any beer, ale, or porter [or in any cyder or perry]; nor fraudulently dilute, deteriorate, or adulterate any beer, ale, or porter [or any cyder or perry]; nor sell any beer, ale, or porter [or any cyder or perry] knowing the same to have been fraudulently diluted, deteriorated, or adulterated; nor use, in selling any beer, ale, or porter [or any cyder or perry] any measures which are not of the legal standard; nor wilfully or knowingly permit any drunkenness or any violent or quarrelsome or other disorderly conduct in his [or her] house or premises; nor knowingly suffer any unlawful games or any gaming whatsoever therein; nor knowingly permit or suffer persons of notoriously bad character to assemble and meet together therein; nor permit or suffer any beer, ale, or porter [or any cyder or perry] to be drank or consumed in or upon or to be conveyed from or out of his [or her] premises between the hours of ten of the clock in the forenoon, and one of the clock in the afternoon, nor between the hours of three and five of the clock in the afternoon, on Sundays, Christmas Day, and Good Friday, or any day appointed for a public fast or thanksgiving, nor at any time before the hour of four of the clock in the morning, or after the hour of ten of the clock in the evening, of any day; but do maintain good order and rule therein; and all provisions for billeting officers and soldiers in victualling houses, contained in any act for punishing mutiny and desertion, and for the better payment of the army and their quarters, are to extend and apply to the house and premises mentioned in this licence: And this licence shall continue in force from the day of next until the day of the next ensuing, and no longer; provided, and upon condition, that the said A. L. shall not in the meantime become a sheriff's officer, or officer for executing the process of any court of justice, nor shall in the meantime cease to be a householder; and this licence shall cease and determine, and shall become void, in case any of the conditions or regulations contained therein shall be transgressed, or shall not be observed by the said A. L. Given under our hands and seals [or my hand and seal] this day of One thousand eight hundred and
XI. That it shall be lawful for any one justice acting for any county or place where any riot or tumult shall happen, or for any two or more justices where any riot or tumult may 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 such justice or 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, and to be guilty of an offence against the tenor of the licence granted to such person.

XII. That every person under this act licensed to sell beer by retail shall sell or otherwise dispose of all such beer by retail (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 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 two justices; and such penalty shall be over and above all penalties to which the offender may be liable under any other act.

XIII. That every seller of beer, ale, and porter by retail, having a licence under the provisions of this act, who shall permit any person or persons to be guilty of drunkenness or disorderly conduct in the house or premises mentioned in such licence, shall for every such offence forfeit the respective sums following; and every person who shall in any way transgress or neglect, or shall be a party in transgressing or neglecting, the conditions and provisions specified in such licence, or shall allow such conditions or provisions to be in any way transgressed or neglected, in the house or premises so licensed, shall be deemed guilty of disorderly conduct; and every person so licensed who shall permit any such disorderly conduct shall for the first offence forfeit any such sum, not less than forty shillings nor more than five pounds, as the justices before whom such retailer shall be convicted of such offence shall adjudge; and for the second such offence, any sum not less than five pounds nor more than ten pounds; and for the third such offence, any sum not less than twenty pounds nor more than fifty pounds; and it shall be lawful for the justices before whom any such conviction for such third offence shall take place to adjudge, if they shall so think fit, that such offender shall be disqualified from selling beer by retail for the space of two years next ensuing such conviction, and also (if they shall so think fit) to adjudge that no beer shall be sold by retail by any person in the house or premises mentioned in the licence of such offender; and if any person so licensed as aforesaid shall knowingly sell any beer, ale, or porter made otherwise than from malt and hops, or shall mix or cause to be mixed any drugs or other pernicious ingredients with any beer sold in his house or premises, or shall fraudulently dilute or in any way adulterate any such beer, such offender shall for the first offence forfeit any sum not less than ten pounds nor more than twenty pounds, as the justices before whom such offender shall be convicted of such offence shall adjudge; and for the second such offence such offender shall be adjudged to be disqualified from selling beer, ale, or porter by retail for the term of two years, or to forfeit any sum of money not less than twenty pounds nor more than fifty pounds, at the discretion of the justices before whom such offender shall be adjudged guilty of such second offence; and if any offender convicted of such offence as last aforesaid shall during such term of two years sell any beer, ale, or porter by retail, either in the house and premises mentioned in the licence of such offender, or in any other place, he shall forfeit any sum not less than twenty-five pounds nor more than fifty pounds, and shall be subject to a like penalty at any
and every house or place where he shall commit such offence; and if any person shall at any time, during any term in which it shall not be lawful for beer to be sold by retail on the premises of any offender, sell any beer by retail on such premises, knowing that it was not lawful to be sold, such offender shall forfeit any sum not less than ten pounds nor more than twenty pounds, as the convicting justices shall adjudge.

XIV. That no person licensed to sell beer by retail under this act shall have or keep his house open for the sale of beer, nor shall sell or retail beer, nor shall suffer any beer to be drank or consumed, in or at such house, at any time before the hour of four of the clock in the morning nor after ten of the clock in the evening of any day in the week, nor at any time between the hours of ten of the clock in the forenoon and one of the clock in the afternoon, nor at any time between the hours of three and five of the clock in the afternoon, on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; and if any such person shall keep his house open for selling beer, or shall sell or retail beer, at any time after the hour of ten of the clock in the evening or before the hour of four of the clock in the morning of any day, or between the hours of ten of the clock in the forenoon and one of the clock in the afternoon, or between the hours of three and five of the clock in the forenoon, on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving, such person shall forfeit the sum of forty shillings for every offence; and every separate sale shall be deemed a separate offence.

XV. That all penalties under this act, save and except the penalty herein-before mentioned for selling beer by any person not duly licensed, shall and may be recovered upon the information of any person whomsoever before two justices acting in petty sessions; and that every such penalty shall be prosecuted and proceeded for within three calendar months next after the commission of the offence in respect of which such penalty shall be incurred; and every person licensed under this act who shall be convicted, before two justices so acting in and for the division or place in which shall situate the house kept or theretofore kept by such person, of any offence against the tenor of the licence to him granted under this act, or of any offence for which any penalty is imposed by this act, 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 twelve calendar months next preceding of some offence against the tenor of his licence or against this act, be adjudged by such justices to be guilty of a first offence against the provisions of this act, and to forfeit and pay any penalty by this act imposed for such offence, or if no specific penalty be imposed for such offence, then any sum not exceeding five pounds, together with the costs of the conviction; and 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 twelve calendar months next preceding of one such offence only, such person shall be adjudged by such justices to be guilty of a second offence against the provisions of this act, and to forfeit and pay any penalty by this act imposed for such offence, or if no specific penalty be so imposed, then any sum not exceeding ten pounds, together with the costs of the conviction; and 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 eighteen calendar months next preceding of two such separate offences, and if proof shall be adduced to the satisfaction of the justices that such person so charged is guilty of the offence charged against him, such person shall be adjudged to be guilty of a third offence against the provisions of this act, and to forfeit and pay any penalty imposed by this act in respect of such offence, or if no such specific penalty shall be imposed, then to forfeit and pay the sum of fifty pounds, together with the costs of the conviction.
XVI. Provided always, That it shall and may be lawful for the party
convicted of any such third offence to appeal to the general sessions or
quarter sessions of the peace then next ensuing, unless such sessions
shall be held within twelve days next after such conviction, and in that
case to the then next subsequent sessions, and in such case the party so
convicted shall before such justices so convicting forthwith enter into a
recognizance, with two sufficient sureties, personally to appear at the said
general session or quarter session, and to abide the judgment of the
court thereupon, and to pay such costs as shall be by the court awarded;
which recognizances such justices are hereby authorized to require and
take; or, in failure of the party convicted entering into such recogni-
zance, such conviction shall remain good and valid to all intents and
purposes; and the said justices who shall take such recognizance from
the party convicted are also hereby required to bind the person who shall
make such charge in a recognizance to appear at such general or quarter
sessions as aforesaid, then and there to give evidence against the person
so charged, and in like manner to bind any other person who shall have
any knowledge of the circumstances of such offence; and it shall be law-
ful for the said court of general session or quarter session to adjudg such
person to be guilty of any such third offence against the provisions of
this act, as the case may be, and such adjudication shall be final to all in-
tents and purposes; and it shall be lawful for such court of general ses-
SION or quarter session to punish such offender by fine not exceeding the
sum of one hundred pounds, together with the costs of such appeal, or to
adjudg the licence granted to and held by or on behalf of such offender
to be forfeited and void, or to adjudg that no beer shall be sold by retail
in the house or premises mentioned in the licence of such offender for the
term of two years from the date of such adjudication, or to punish such
offender by such fine as aforesaid, and to adjudg such premises to be
disqualified for the sale of beer as aforesaid, and such licence to be for-
feited and void; and if such licence shall be adjudg'd to be forfeited and
void, it shall thenceforth be void accordingly; and whenever in such case
or in any other case the licence of such offender shall be adjudg'd to be
void, such offender shall from and after such adjudication be deemed and
taken to be incapable of selling beer, ale, or porter by retail, in any house
kept by him, for the space of two 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.

XVII. That whenever it shall happen that any appeal respecting
which any recognizance shall be entered into in pursuance of this act
shall be dismissed, or that the conviction appealed against shall be
affirmed, or that such appeal shall be 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 having entered into such recognizance shall
pay to the justices before whom such recognizance shall have been en-
tered into, or to whomsoever they shall appoint, such sum by way of
costs as shall in the opinion of such court be sufficient to indemnify
such justices from all costs and charges whatsoever to which such jus-
tices may have been put in consequence of the intention or declared in-
tention of such party to appeal; and if such party shall refuse or
neglect to pay forthwith 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, or for any time not exceeding six calendar
months, unless such sum be sooner paid; and in every case in which
the conviction so appealed against shall be reversed it shall be lawful
for such court (if it shall think fit) to adjudge and order that the trea-
surer of the county or place in and for which such justices whose judgment
shall have been so reversed shall have acted on the occasion when they
shall have given such judgment shall pay to such justices, or whomso-
however they shall appoint, such sum as shall in the opinion of such court be sufficient to indemnify such justices from all costs and charges whatsoever to which such justices 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.

XVIII. That in every case in which any appeal shall be made, by any person convicted of any offence under the provisions of this act, to the general session or quarter session, it shall be lawful for the convicting 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 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 offender shall have been convicted 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 expenses 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.

XIX. That in case any person licensed under this act shall be convicted of any offence against this act, and shall not pay the penalty incurred by such conviction, it shall be lawful for the justices convicting such offender, after the expiration of one calendar month next after such conviction, to summon any surety or sureties named in the bond entered into and executed by such person and his surety or sureties at the time of obtaining his licence, to appear before the said justices, and show cause why the penalty mentioned in such bond should not be paid by such surety or sureties, or so much thereof as shall be sufficient to pay any penalty incurred by the party licensed, or to satisfy so much of such penalty so incurred as shall remain unpaid; and in case any such surety shall not show any sufficient cause to the contrary, it shall be lawful for such justices to adjudge that such penalty, if not paid, or so much thereof as aforesaid, shall be paid by such surety within fourteen days; and in case such penalty, or so much thereof aforesaid, shall not be paid within fourteen days, it shall be lawful for such justices, if they shall think fit, to issue their warrant, and to levy the amount of such penalty, or so much thereof as aforesaid, by distress and sale of the goods and chattels of such surety, together with the costs of such distress and sale; and the certificate of the commissioners of excise, or their officer, or other persons by this act authorized to grant any license, of the date of such bond, and the names and descriptions of the surety or sureties in such bond, shall be sufficient evidence of such bond, and of the contents and execution thereof, against any surety or sureties, in any proceedings under this act.

XX. That any person summoned as a witness to give evidence before any justices or sessions touching any of the matters aforesaid, either party not attending or refusing 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 justices or sessions, or who appearing shall refuse to be examined on oath or affirmation and
XIV. That no person selling or licensed to sell beer or cyder, spirits or wine, by retail, to be drank or consumed on the premises, shall have or keep his house or other place of sale open for the sale of spirits, wine, or beer, nor shall sell or retail spirits, wine, or beer, nor shall suffer any spirits, wine, or beer to be drank or consumed in or at such house or other place, at any time between the hours of eleven of the clock in the night and seven of the clock in the morning, nor at any time before two of the clock in the afternoon on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; and if any such person shall keep his house or other place of sale open for selling or shall sell spirits, wine, or beer at any time between the hour of eleven of the clock at night and the hour of seven of the clock in the morning, or at any time before two of the clock in the afternoon on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving, such person shall forfeit the sum of two pounds for any such offence; and every separate sale shall be deemed a separate offence, and all sales on any one day shall be deemed and considered and may be prosecuted as separate offences: Provided always, That nothing herein contained shall extend to prohibit the sale of spirits, wine, or beer to a traveller.

XV. That it shall and may be lawful for any justice of the peace, or for any chief constable, or for any churchwarden or overseer herein-after mentioned, or for any constable authorized for the purpose by any such justice, within the limits of his jurisdiction, to enter into any house or place kept by any person selling or having a licence to sell spirits, wine, or beer by retail, at any time between the hours of eleven of the clock on Saturday night and two of the clock in the afternoon of Sunday, or between the hours of eleven of the clock on any other night and seven of the clock in the morning, and to remove from and put out of such house or place any person who shall be so found within such prohibited hours in such house or place (not being a lodger or inmate of such house or place), and who shall appear to be or to have recently been drinking, tipping, or gaming therein; and that if any such person shall not, when thereto required by such justice of the peace, chief or other constable, churchwarden, or overseer as aforesaid, remove from and quit such house, or shall forcibly resist such justice, constable, churchwarden, or overseer, it shall and may be lawful for any constable, churchwarden, or overseer to apprehend and take into custody any such person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any justice of the peace within whose jurisdiction such house or place shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, or shall so forcibly resist such justice, constable, churchwarden, or overseer, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding twenty shillings nor less than five shillings; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the house of correction for any time not exceeding one week.

XVI. That if any offender convicted in manner aforesaid shall be a soldier on full pay, and attached to any regiment in his Majesty’s service stationed or being within the jurisdiction of such justice, a communication of such conviction shall be forthwith made by such justice to the commanding officer of such regiment, and the offender so convicted shall be detained until delivered over to the commanding officer, or his order, to be amenable to military discipline.

XVII. That if any person selling or licensed to sell spirits, wine, or beer by retail, or any person aiding or assisting such retailer, shall prevent or endeavour to prevent, by threats or violence or otherwise, any such justice, or chief or other constable, churchwarden, or overseer, in that behalf authorized under this act, from entering any house or place, or for searching for any such person or persons as aforesaid, or shall
assault or otherwise resist any such justice, or chief or other constable, churchwarden, or overseer as aforesaid, every such person so offending shall forfeit and lose a sum not exceeding the sum of ten pounds.

XVIII. That if any person selling or licensed to sell spirits, wine, or beer shall for the space of ten minutes after demand made of entrance delay or neglect to admit any justice, or chief or other constable, churchwarden, or overseer as aforesaid into any house or place of such person, for the purpose of making such search as aforesaid, such person so offending shall forfeit and lose a sum not exceeding the sum of two pounds.

XIX. That every person selling or licensed to sell spirits, wine, or beer by retail, in whose house or place any person shall be found to be or to have been recently drinking, tippling, or gaming at any hour or time at which the sale of spirits or beer is prohibited by this act, shall upon conviction thereof forfeit and pay the sum of two pounds.

XX. That it shall be lawful for the parishioners of the several parishes in Ireland at vestry assembled, once in every year, or oftener if necessary, to appoint such number of persons, not exceeding five, as to them shall seem meet, to be Overseers of persons and houses in which spirit or beer shall be sold by retail within every such parish respectively; and every Overseer so appointed shall have as full and ample power and authority for carrying the provisions of this act into execution within such parish as any constable or other peace officer hath or may have by virtue of this act; and every such Overseer shall for the purposes of this act be and be deemed and taken to be a constable or peace officer.

XXI. That it shall be lawful for any one justice acting for any county, city, or place where any riot or tumult shall happen, or for any two or more justices where any riot or tumult shall be apprehended and expected to take place, to order or direct that every person selling spirits or beer by retail, and keeping any house or place for that purpose, situate within their respective jurisdictions, and in or near the place where such riot or tumult shall happen or be expected to take place, shall close his house or place at any time and for such length of time as such justice or justices shall order or direct; and every person to whom such order shall be given, and who shall keep open such house or other place in violation of such order, shall forfeit and lose the sum of two pounds.

XXII. That for the recovery of any penalty imposed by this act (and for the recovery of which no other provision is hereby made) an information may be exhibited by any person whosoever before any one or more of his Majesty’s justices of the peace for the county, city, town or place wherein the offence shall have been committed or the person or persons committing the same shall be found; and such information shall and may be heard, adjudged, and determined within the district of Dublin metropolitan by any two divisional justices in some one of the public offices therein, and in every other part of Ireland by any two or more of his Majesty’s justices of the peace for such county, city, town, or place, in petty sessions assembled; and any two or more of such divisional justices or justices of the peace shall and they are hereby authorized and required, upon such information having been so exhibited as aforesaid, and upon the appearance of the person and persons against whom such information shall have been exhibited, or, in default of such appearance, upon proof of the service of such summons on such person or persons as herein-after mentioned, to proceed to the examination of the fact or facts in such information alleged, and to give judgment for any such penalty or penalties which, upon the due examination of one or more credible witness or witnesses upon oath (and which oath the said justices are hereby authorized and empowered to administer), or upon the voluntary confession of the party accused, shall be found to have been incurred, together with the legal costs of the conviction; and such justices respectively shall and they are hereby authorized and required thereupon to award and grant a warrant or warrants under their hands.
No. III. 3 & 4 W. 4, c. 68.

Information to be laid within one month after offence, and notice thereof given within a week after.

Parties to be summoned to appear.

Justices of the peace may mitigate penalty.

Appeal:

XXIV. That it shall be lawful for such justice or justices of the peace respectively to mitigate any penalty annexed by this act to the offence for which any information shall have been exhibited before such justice or justices respectively, so as such mitigation shall not in any case reduce such penalty to less than one fourth thereof; and that the cause of such mitigation shall be set forth upon such conviction.

XXV. That in case any person or persons against whom any information shall have been exhibited under this act shall feel aggrieved by the judgment given thereon, it shall be lawful for such person or persons, upon giving such notice as herein-after mentioned, to appeal therefrom to the justices assembled at the next general or quarter sessions of the peace or if there be not one week between the time of the adjudication and the next general quarter sessions, then to the general quarter sessions of the peace next after the expiration of such week, to be held in and for the county, city, town, or place in which such judgment so appealed against shall have been given; and it shall be lawful for the justices of the peace at such general or quarter sessions to hear, adjudge, and finally determine such appeal; and if upon any such appeal any defect in form shall be found in the information, or in any part of the proceedings thereon or relating thereto, or in the record thereof, every such defect of form shall and may thereupon be rectified and amended by order of such justices or the major part of them assembled at such general or quarter sessions, any thing in this or any other act or acts of parliament to the contrary notwithstanding.

XXVI. Provided always, That no such appeal as aforesaid shall be allowed unless the party or parties appellant shall, within forty-eight hours after the giving of the judgment appealed against, give notice in writing of such appeal to the clerk of the justices or sessions from whose judgment such appeal shall be made, and shall lodge such notice at the office or with the clerk of the peace at such general or quarter sessions as aforesaid respectively by and before whom such appeal is to be finally adjudged and determined: Provided also, That nothing herein or in any other act of parliament contained shall be deemed or construed to deprive any person or persons who shall feel aggrieved by any conviction, order, or proceeding made or had under this act, of the writ of certiorari in respect thereof.

XXVII. That no appeal shall stay or prevent the execution of any warrant or process on any conviction unless the party convicted shall before the convicting justice or justices enter into a recognizance, with two sufficient sureties, in a sum equal to double the amount of the penalty or penalties in which the said party shall have been convicted, and of the costs awarded, if any, which recognizance shall be conditioned, that the party so appealing shall personally appear at the proper general quarter sessions, and abide the judgment of the court thereupon, and pay such costs, if any, as shall be by the court awarded; which recognizance such justice or justices is and are hereby authorised to require and take of the party convicted entering into such recogni-
sance; and the justice or justices who shall take such recognizances is
and are also hereby required to bind the person who shall make the
charge on which such judgment shall have been given in a recognizance
conditioned that he shall appear at such general or quarter sessions
aforesaid, then and there to give evidence against the person so charged,
and to in like manner bind any other person who shall have any know-
ledge of the circumstances of such offence.

XXVIII. That upon every such appeal as aforesaid it shall be lawful
for the justices of the peace at the general or quarter sessions to rehear
upon oath the merits of the case whereon the original judgment ap-
pealed against shall have been given, and to reverse or confirm in the
whole or in part the judgment appealed against, or to give such new or
different judgment as they in their discretion shall in that behalf think
fit; and such justices of the peace at general quarter sessions shall
in such new or different judgment have the same power of mitigating
as is herein-before by this act given to justices in judgments given by
them: Provided always, That it shall be lawful for such justices of
the peace at such general quarter sessions as aforesaid, at their discre-
cration, to state specially the facts of any case on which such appeal
shall be made, for the opinion of his Majesty's court of king's bench in
Ireland.

XXIX. That when any such appeal shall be dismissed, or the adjudica-
tion appealed against shall be affirmed, or such appeal shall be aban-
doned, it shall be lawful for the court to which such appeal shall have
been made or intended to be made to adjudge and order that the party
appealing shall pay to the party in whose favour such adjudication has
been made such reasonable costs as shall in the opinion of such court
be meet.

XXX. That any person duly and necessarily summoned as a witness
to give evidence before any justice or justices, or any court of general
or quarter sessions, touching any of the matters aforesaid, either on the
part of the complainant or of the person accused, who 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 justices, or sessions,
or who appearing shall refuse to be examined on oath or affirmation,
and give evidence, shall forfeit the sum of two pounds, which sum shall
be levied, recovered, and enforced in like manner as any penalty imposed
by this act.

XXXI. That where any judgment appealed against under this act
shall be affirmed, such judgment may be enforced and executed by the
original convicting justice or justices of the peace respectively in like
manner as if there had been no appeal.

XXXII. That where any judgment not appealed from, or any judg-
ment affirmed on appeal, is by this act required to be enforced and exec-
cuted by the justice or justices by whom the same shall have been given,
it shall be lawful for such justice or justices of the peace, and he or they
is and are required hereby, to award and grant a warrant or warrants
under his or their hand or hands to any constable or peace officer au-
thorizing such constable or peace officer to levy the penalty or penalties
or sum or sums of money so adjudged upon the goods and chattels of
such person or persons so convicted, and either to detain and keep
such goods and chattels in the house or place where the same shall
have been found, or to remove the same to some convenient place of
safety.

XXXIII. That where any judgment is by this act required to be
awarded, enforced, and executed by the justices of the peace at the ge-
eral quarter sessions, on appeal or otherwise, it shall be lawful for such
justices of the peace at the general quarter sessions, and they are hereby
authorized and required, to award and grant a warrant or warrants un-
der their hands, or under the hands of any two justices respectively, to
any constable or peace officer, authorizing such constable or peace

Justices at
quarter ses-
sions, on ap-
peal, to ex-
mune only the
evidence before
given, and in
case of any
new judg-
mint to have
the like
power of miti-
gating as the
original jus-
tices.

Court to ad-
judge costs in
case of dis-
missal or aban-
donment of
appeal.

Penalty on wit-
to give evidence before any justice or justices, or any court of general
or quarter sessions, touching any of the matters aforesaid, either on the
part of the complainant or of the person accused, who 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 justices, or sessions,
or who appearing shall refuse to be examined on oath or affirmation,
and give evidence, shall forfeit the sum of two pounds, which sum shall
be levied, recovered, and enforced in like manner as any penalty imposed
by this act.

Proceedings
upon determi-
nation of
appeal.

Justices shall
grant warrants
for the levy of penalties or judgments to be
enforced by
them.
No. III. 3 & 4 W. 4, c. 68.

In levy warrants, any time not less than six nor exceeding ten days, may be appointed for sale of distress.

Penalty and expenses to be deducted from the sale, and the overplus to be returned.

A copy of the warrant may be taken.

Where sufficient distress cannot be found, a warrant may issue for the arrest of the person.

Proviso for offenders paying penalty to gaolers.

On default of payment of penalties, pro-

officer to levy the penalty or penalties or sum or sums of money so adjudged upon the goods and chattels of such person or persons so convicted, and either to detain and keep such goods and chattels in the house or place where the same shall have been found, or to remove the same to some convenient place of safety.

XXXIV. That it shall be lawful in any such levy warrant to order and direct therein that the goods and chattels upon which such levy shall be made shall be sold and disposed of so soon as conveniently may be after a certain time to be limited in such warrant for the sale thereof (so as that such time be not less than six days nor more than ten days from the day of seizure), unless the penalty or penalties or sum and sums of money for which such levy shall be made shall, within the time limited for the payment thereof as aforesaid, be paid and satisfied.

XXXV. That it shall be lawful for the constable or peace officer making such levy, and he is hereby empowered and required, to deduct the penalty and penalties or sum and sums of money for which such levy shall be made, and all reasonable charges and expenses attending such levy, not exceeding one shilling in the pound on the amount specified in such warrant, out of the money arising by such sale as aforesaid, and to return the overplus, if any, to the proprietor or proprietors of the goods and chattels upon which such levy shall have been made, or to the person legally entitled thereto; and such officer shall, if required, show such warrant to the person upon whose goods and chattels such levy shall be made, and shall suffer such person or persons to take a copy thereof.

XXXVI. That for want of sufficient goods and chattels whereon such penalty and penalties or sum and sums of money, with the charges and expenses aforesaid, may be levied, and on a return in writing made upon any levy warrant by any constable or peace officer to whom such warrant may have been directed, to the justices by whom such warrant shall have been granted, or to any two or more of the justices of the peace within whose jurisdiction any such warrant shall have been issued, that such constable or peace officer cannot find, within the jurisdiction in which such warrant shall have been issued, any goods and chattels of the person against whom such warrant shall have been granted whereon the same can be levied, or on a return as aforesaid, that part of such penalty and penalties or sum and sums of money, charges, and expenses, has been levied or paid, and that the constable or peace officer cannot find any further goods and chattels of the person or persons against whom such warrant shall have been granted beyond the goods and chattels already seized and sold as aforesaid, within the jurisdiction as aforesaid, whereon the residue of such penalty and penalties or sum and sums of money, charges, and expenses can be levied, it shall be lawful for such justices to commit such person to the common gaol or to the house of correction of the county or place for which such justices shall then be acting for any term not exceeding one calendar month if the penalty or penalties or sum remaining due on foot thereof shall not be above five pounds, for any term not exceeding two calendar months if the penalty or penalties or the sum remaining due on the foot thereof shall be above five 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 or penalties or sum remaining due on foot thereof, if such offender shall pay or cause to be paid to the gaoler or keeper of the gaol or house of correction, or to whomsoever such justice or justices shall have appointed, the penalty or penalties or sum remaining due on foot thereof, at any time previous to the expiration of the time for which such offender shall so have been committed, such offender shall be forthwith discharged.

XXXVII. That in case any person convicted of any offence against this act shall not pay the penalty and costs awarded by such conviction, or upon any appeal therefrom, it shall be lawful for the justice or justices
in quarter sessions assembled convicting such offender, after the expiration of one calendar month next after such conviction or order, in case of appeal, to summon any surety or sureties named in the bond or recognizance entered into and executed by such person and his surety or sureties at the time of obtaining his licence or making such appeal, to appear before the said justice or justices, and show cause why the penalty mentioned in such bond or recognizance should not be paid by such surety or sureties, or so much thereof as shall be sufficient to pay any penalty or costs so incurred, or to satisfy so much of such penalty or costs as shall remain unpaid; and in case any such surety shall not show any sufficient cause to the contrary, it shall be lawful for such justice or justices to adjudge that such penalty if not paid, or so much thereof as aforesaid, shall be paid by such surety within fourteen days; and in case such penalty, or so much thereof as aforesaid, shall not be paid within fourteen days, it shall be lawful for such justice or justices to issue a warrant, and levy the amount of such penalty, or so much thereof as aforesaid, by distress and sale of the goods and chattels of such surety, together with the costs of such distress and sale.

XXXVIII. That no conviction made upon appeal therefrom, shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any mere formal defect therein, provided that it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same.

XXXIX. That one moiety of every fine, penalty, and forfeiture by this act imposed, and not expressly directed to be otherwise applied, shall, after deducting all further necessary charges of levy not hereinbefore provided for, be paid to the use of his Majesty, his heirs and successors, and the other moiety to him who shall inform, discover, or sue for the same, or to the poor of the parish in which such offence shall have been committed, at the discretion of the justices who shall award the same.

XL. Provided always, That every provision, clause, matter, and thing contained in any statute herebefore passed repugnant to the provisions hereof is hereby made (if any such there be), be and the same are hereby repealed.

[No. IV.] 4 & 5 W. IV. c. 85.—An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cyder by Retail in England.

WHEREAS much evil has arisen from the management and conduct of houses in which beer and cyder is sold by retail under the provisions of an act passed in the first year of the reign of his present Majesty, intituled An Act to permit the general Sale of Beer and Cyder by Retail in England, and it expedient to amend the provisions of the said act in certain particulars; be it therefore enacted, &c. That from and after the commencement of this act it shall be lawful for the commissioners of excise, or other persons duly authorized, to grant licences for the sale of beer, ale, porter, cyder, or Perry, under the provisions of the said recited act, to any person applying for the same, but that such licence shall not authorize the person obtaining it to sell beer or cyder to be drank or consumed in the house or on the premises specified in the same licence, unless the same be granted upon the certificate hereinafter required.

II. That every person applying for a licence to sell beer or cyder by retail, intending the same to be drank in the house or on the premises, shall, in addition to the application setting forth the particulars required by the said recited act, annually produce to and deposit with the commissioners of excise, collector, supervisor, or other person authorized to grant such licence within the parish, township, or place in which the
No. IV.  
4 & 5 W 4,  
c. 85.  

The premises to be disposed of under the commissioners of excise a certificate of good character signed by six rated inhabitants of the parish, &c., and certified by one of the overseers. If not ten rated inhabitants in the place the certificate of the majority of them.

Penalty on overseers refusing to certify as required.

Permitting drinking beer in a neighbourhood house or in any shed, &c., with intent to evade the provisions of the act, to be deemed drinking on the premises.

To what persons provisions for billeting soldiers under mutiny acts shall extend.

Justices of the peace to regulate the times of opening and closing houses.

person so applying intends to sell beer or cyder by retail, a certificate signed by six persons residing in and being and describing themselves to be inhabitants of such parish, township, or place, and respectively rated therein to the poor at not less than six pounds, or occupying a house therein rated to the poor at not less than six pounds, none of whom shall be maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cyder by retail, nor owners or proprietors of any house or houses licensed to sell such liquors or beer or cyder by retail, stating that the person applying for the licence is of good character, and that at the foot of such certificate one of the overseers of the parish, township, or place shall certify (if the fact be so) that such six persons are inhabitants respectively rated as aforesaid; and such certificate and licence shall respectively be in the forms of the schedule annexed to this act.

Provided always, That in any parish, township, or district maintaining its own poor in which there are not ten inhabitants rated to the relief of the poor to the amount of six pounds each, or not occupying houses respectively rated to the poor at six pounds each, (not being maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cyder by retail,) the certificate of the majority of such inhabitants of such parish, township, or district maintaining its own poor, as are rated to the amount of six pounds each, shall be deemed to be a sufficient certificate for the purposes of this act.

III. That if any overseer of any parish, township, or place shall, after application made to him by or on behalf of the person applying for the licence required by this act, refuse or neglect to certify, if the fact be so, that the persons who have signed such certificate are inhabitants rated respectively as aforesaid, he shall forfeit and pay any sum of money not exceeding five pounds, to be recovered before any justice of the peace acting for the county in which such parish, township, or place shall be situate, on complaint of the person by whom the application shall have been made, unless such overseer of the poor shall show to the satisfaction of such justice reasonable cause for such neglect or refusal.

IV. That if any person licensed to sell beer or cider not to be consumed upon the premises shall, with intent to evade the provisions of this act, take or carry, or authorize or employ or permit or suffer any person to take or carry, any beer or cyder out of or from the house or premises of such licensed person for the purpose of being sold on his account, or for his benefit or profit drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever belonging to such licensed person, or hired, used, or occupied by him, such beer or cyder shall be deemed and taken to have been drunk or consumed upon the premises, and the person selling the same shall be subject to the like forfeitures and penalties as if such beer or cider had been actually drunk or consumed in any house or upon any premises licensed only for the sale thereof as aforesaid.

V. That the provisions in respect of billeting soldiers in victualling houses contained in any act of parliament for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall extend only to such persons licensed under this act and the said recited act as shall be licensed to sell beer or cyder to be drunk and consumed in the house or on the premises, and shall not extend or be deemed or construed to extend to such persons as shall be licensed to sell beer or cyder not to be consumed on the premises; any thing in the said recited act or this act to the contrary notwithstanding.

VI. That it shall be lawful for the justices of the peace of every county, riding, division, franchise, liberty, city, town, and place, in petty sessions assembled, and they are hereby required, to fix once a year, within thirty days after the passing of this act in this year, and in every future year, 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, the hours at which houses and premises licensed to sell beer under this act shall be opened and closed: Provided always,
That any person thinking himself aggrieved by any such order to be so made may appeal to the justices of the peace in quarter sessions assembled, at any time within four calendar months after the making of such order, giving to the justices by whom such order shall have been made fourteen days' notice of his intention to appeal, and the decision of the said justices so assembled in quarter sessions shall be final and conclusive: Provided also, That the hour so to be fixed for opening any such house shall not in any case be earlier than five of the clock in the morning, nor for closing the same later than eleven of the clock at night, or before one o'clock in the afternoon on Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; and the hours so fixed from time to time by such justices, with reference to the districts and places within their respective jurisdictions, shall be deemed and taken to be the hours to be observed and complied with under this act as fully as if the same had been specially appointed by this act.

VII. That it shall be lawful for all constables and officers of police, and they are hereby authorized and empowered, to enter into all houses which are or shall be licensed to sell beer or spirituous liquors to be consumed upon the premises when and so often as such constables and officers shall think proper; and if any person having such licence as aforesaid, or any servant or other person in his employ or by his direction, shall refuse to admit or shall not admit such constable or officer of police into such house or upon such premises, such person having such licence shall for the first offence forfeit and pay any sum not exceeding five pounds, together with the costs of the conviction, to be recovered within twenty days next after that on which such offence was committed before one or more justices of the peace; and it shall be lawful for any two or more justices before whom any such person shall be convicted of such offence for the second time to adjudge (if they shall think fit) that such offender shall be disqualified from selling beer, ale, porter, cyder, or perry by retail for the space of two years next after such conviction, or for such shorter space of time as they may think proper.

VIII. That if any person shall, in any certificate required by this act, certify any matter as true, knowing the same to be false, or shall make use of any certificate for the purposes of this act, knowing such certificate to be forged, or the matters certified therein to be false, every such person shall, on conviction of such offence before two or more justices of the peace, forfeit and pay the sum of twenty pounds; and every licence for the sale of beer or cyder by retail which shall be granted to any person who shall have made use of any such certificate in order to obtain the same, such person knowing such certificate to be forged, or the matters certified therein to be false, shall be void to all intents and purposes; and any person who shall have made use of such certificate shall for ever hereafter be disqualified from obtaining a licence to sell beer or cyder by retail under the provisions of the said recited act.

IX. That no licence for the sale of beer or cyder by retail to be consumed or drank in the house or on the premises shall be granted, except upon the certificate hereby required: Provided always, That in all extra-parochial places the certificate required by this act may be signed and given by inhabitants rated to the poor at six pounds in any adjoining parish or parishes.

X. That in case any complaint shall be laid before two justices of the Retailers complaint against any person licensed for any offence against the tenor of this licence, or against this act or the said recited act, it shall be lawful for the said justices (if they shall think fit) to require such person to produce his licence before them for their examination; and if such person shall wilfully neglect or refuse so to do he shall forfeit and pay for such offence such sum, not exceeding five pounds, as the said justices shall think proper; and such person shall and may be convicted, pro-
The powers, provisions, and penalties of 1 W. 4, c. 64, to apply to persons licensed under this act, and to their sureties, &c.

Recited act to continue in force, except as hereby altered.

Duties on beer licences under the 1 W. 4, c. 64, repealed, and new duties granted in lieu thereof.

Such duties to be under the management of commissioners of excise, and to be recovered and accounted for under the provisions of recited act. Not to affect duty on licences to retail cider and perry; but such licences to state particulars.

ceeded against, and dealt with for such offence in all respects in the same manner, mutatis mutandis, as is directed by the said recited act with regard to persons guilty of a first offence against the said act; and the penalty imposed for such offence shall be applied in the same manner as a penalty for a first offence against the said act is thereby directed to be applied.

XI. That all the powers, regulations, proceedings, forms, penalties, forfeitures, and provisions contained in the said recited act with reference to persons licensed under the said act, and to the offences committed by such persons against the said act, or against the tenor of any licence granted under the said act, and also with reference to the sureties of such persons, and to persons doing the things thereby prohibited without the licence required by the said act, shall (except where they are altered by this act or are repugnant thereto) be deemed and taken to be applicable to all persons licensed under this act, and to all offences committed by such persons of the same description as the offences mentioned in the said act, and to the sureties of all such persons in respect of such offences, and to all persons doing, without the licence required by this act, things of the same description as the things prohibited without the licence required by the said act, as fully and effectually as if all the said powers, regulations, proceedings, forms, penalties, forfeitures, and provisions had been repeated and re-enacted in this act, with reference to persons licensed under this act, and to the sureties of such persons, and to persons acting without the licence required by this act; and also that all the powers, regulations, and provisions in the said act contained, authorizing any party convicted to appeal to the general session or quarter sessions of the peace against any conviction under the said act, shall also extend and apply to any convictions under this act.

XII. That all the provisions of the said recited act shall be deemed and taken to be in full force, save and except where the same are altered by this act; and that so much of the said act as relates to the interpretation of certain words therein mentioned shall be applied to the interpretation of the same words used in this act.

XIII. That from and after the passing of this act the duties payable on excise licences for the selling of beer by retail under the provisions of the said recited act shall cease and determine, and that in lieu of such duties there shall be levied, collected, and paid upon the licences hereby authorized to be granted the duties following; (that is to say,)

For and upon every licence to be taken out by any person for the selling by retail of beer not to be drank or consumed in or upon the house or premises where sold, the annual sum of one pound one shilling:

For and upon every licence to be taken out by any person for the selling by retail of beer to be drank or consumed in or upon the house or premises where sold, the annual sum of three pounds three shillings.

XIV. That the said last-mentioned duties shall be under the management of the commissioners of excise, and shall be raised, levied, collected, and recovered, and accounted for and paid in the same manner and by the same means, and under the same regulations and provisions, pains, penalties, and forfeitures, as are prescribed in the said recited act with respect to the duties hereby repealed; all which said regulations and provisions, pains, penalties, and forfeitures, shall apply to the duties hereby imposed, and shall be enforced in respect of the same as fully and effectually as if repeated and re-enacted in this act.

XV. Provided always, That nothing herein contained shall affect, or be deemed or construed to affect, the amount of duty payable according to the provisions of the said recited act on licences to retail cyder and perry; but in every such licence shall be specified whether the same is granted for the sale of cyder and perry by retail to be drank or consumed not in or upon the house or premises where sold, or for the retail of cyder and perry to be drank and consumed in or upon the house and premises where sold.
XVI. That no licence to be granted under the said recited act and this act for the sale of beer or cyder shall authorize any person to take out or hold any licence for the sale of wine, spirits, or sweets or made wines, or mead or meethelin; and if any person licensed under the said recited act and this act to sell beer or cyder shall permit or suffer any wine or spirits, sweets or made wines, mead or meethelin, to be brought into his house or premises to be drunk or consumed there, or shall suffer any wine, spirits, sweets, mead or meethelin, to be drunk or consumed in his house or premises by any person whomsoever, such person shall, over and above any excise penalty or penalties to which he may be subject, forfeit twenty pounds, to be recovered, levied, mitigated, and applied in the same manner as other penalties (not being excise penalties) are by this act to be recovered, levied, mitigated, and applied, or spirits to be consumed on

or premises. Licences under this act not to authorize persons to hold licences for sale of wine.

Penalty on persons licensed under this act permitting wine on premises.

XVII. That every person not being duly licensed to sell beer, cyder, and perry as the keeper of a common inn, alehouse, or victualling house who shall sell any beer or cyder or perry by retail not to be drank or consumed in or upon the house or premises where sold, without having an excise retail licence in force authorizing him so to do, shall forfeit ten pounds; and every person not being duly licensed to sell beer, cyder, and perry as the keeper of a common inn, alehouse, or victualling house who shall sell any beer, cyder, or perry by retail to be drank or consumed in or upon the house or premises where sold, without having an excise retail licence in force authorizing him so to do, whether such person shall or shall not be licensed to sell beer to be drank or consumed off the premises where sold, shall forfeit twenty pounds; which said penalties shall be sued for and recovered, mitigated and applied, by the same means and under the same provisions as any other penalty may be sued for and recovered, mitigated and applied, under any law or laws of excise.

XVIII. That every person who shall be licensed to sell beer or cyder or perry by retail, under the authority of the said recited act and this act, shall, on the board by the said act required to be placed over the door of every person licensed under the said, paint or cause to be painted and kept thereon, after the words "Licensed to Sell Beer or Cyder by Retail," the additional words "Not to be Drunk on the Premises," or "To Be Drunk on the Premises," as the case may be, on pain of forfeiting the penalty by the said act imposed for not having such board affixed and continued over the door.

XIX. And whereas doubts are entertained as to what is a selling of What is a retail selling of beer, or of any cyder or perry, in any less quantity than four gallons and a half, shall be deemed and taken to be a selling by retail.

XX. And whereas doubts have been entertained whether persons licensed to sell beer or cyder under the said act of the first year of his Majesty's reign, who shall sell spirits or wine, or sweets or made wines, or mead or meethelin, without being licensed so to do, are liable to the penalties imposed by the laws of excise for selling spirits or wine, or sweets or made wines, or mead or meethelin without licence; be it therefore declared and enacted, That all persons licensed under the said recited act and this act, selling wine or spirits, or any sweets or made wines, or mead or meethelin, shall be liable to and shall incur all the penalties imposed by the laws of excise for selling spirits or wine, sweets or made wines, mead or meethelin, without licence.

XXI. Provided always, That such certificates shall not be required as to any house situated within the cities of London and Westminster, or within any parish or place within the bills of mortality, nor within any city or town corporate, nor within the distance of one mile from the place used at the last election as the place of election or polling place of any town returning a member or members to parliament, provided that the population, to be determined according to the last parliamentary census that shall have been taken in such city, town corporate, or town return-
No. IV. 4 & 5 W. 4, c. 85.

Service of summons or order.

Commencement of act.

Alehouses. [Part VI.

ng a member or members to parliament, shall exceed five thousand:
Provided always, that no licence for the sale of beer, ale, porter, cyder, or perry by retail on the premises in the cities of London and Westminster, or in any parish or place within the bills of mortality, or in any such city or town corporate, or town returning a member or members to parliament as herein-before mentioned, shall be granted from and after the fifth day of April one thousand eight hundred and thirty-six, unless the house or premises required to be specified as the house or premises in which beer or cyder is intended to be sold shall be of the value of ten pounds per annum.

XXII. Provided always, That no summons or order issued by any justice of the peace or other magistrate shall be deemed to be legally served unless it shall be served by some constable, special constable, police or other peace officer.

XXIII. That this act shall commence and take effect from and after the tenth day of October in the present year.

SCHEDULE to which the foregoing Act refers.

Form of Certificate.

WE, the undersigned, being inhabitants of the parish [or Township, as the case may be] of and respectively rated to the poor at not less than six pounds per annum, and none of us being maltsters, common brewers, or persons licensed to sell spirituous liquors, or being licensed to sell beer or cyder by retail, do hereby certify, That A. B., dwelling in street [here specify the street, lane, &c.] in the said parish [or township, &c.] is a person of good character.

[Here insert the day of signing the certificate.]

(Signed) E. F. 
G. H.
I. K. 
L. M. 
N. O. 
P. Q. 

[Here state the residence of each of the persons signing.]

I do hereby certify, That all the above-mentioned persons whose names are subscribed to this certificate are inhabitants of the parish [or township, &c.] of rated to six pounds to the relief of the poor of the said parish.

C. D. 
[Overseer of the parish or township, &c.]
Date.

Form of Licence.

WE, the undersigned, being of the commissioners of excise [or I, the undersigned, being a person authorized and employed by the commissioners of excise to grant licences for selling beer, ale, and porter [or cyder and perry, as the case may require] by retail, or being a collector or supervisor of excise for the collection or district of ] do hereby authorize and empower A. B., now being a householder, and dwelling in a house in [here specify street, &c.] in the parish [or township, &c.] of within the limits of the chief office of excise [or within the limits of the said collection or district], to sell beer, ale, and porter [or cyder and perry] by retail, in order that it may be consumed in the said dwelling.
house of the said A. B. and in the premises thereunto belonging, the
said A. B. having duly entered into a bond with D. S. of
and E. S. of as his [or her] surety [or
sureties], and having deposited a certificate, signed by six persons, vide-
licit, [here set out the names and residences of the persons signing the cer-
tificate] and by C. D. the overseer of the said parish [or township, &c.]
according to the statute in such case made; provided and upon condi-
tion that the said A. B. do not sell any beer, ale, or porter made other-
wise than from malt and hops [omit these words in licences to retail cyder
and perry], nor mix or cause to be mixed any drugs or other pernicious
ingredients in any beer, ale, or porter [or in any cyder or perry], nor
fraudulently dilute, deteriorate, or adulterate any beer, ale, or porter, or
any cyder or perry, nor sell any beer, ale, or porter, [or any cyder or
perry] knowing the same to have been fraudulently diluted, deteriorated,
or adulterated, nor use, in selling any beer, ale, or porter [or any
cyder or perry], any measures which are not of the legal standard,
or wilfully or knowingly permit any drunkenness, or any violent or
quarrelsome or other disorderly conduct in his [or her] house or
premises, nor knowingly suffer any unlawful games or any gaming
whatssoever therein, nor knowingly permit or suffer persons of no-
toriously bad character to assemble and meet together therein, but do
maintain good order and rule therein, nor have or keep his [or her]
house or premises open for the sale of beer, ale, or porter [or cyder or
perry], nor sell any beer, ale, or porter [or cyder or perry], nor suffer
the same to be drunk or consumed in or at such house or premises at
any time which, by any order of the justices of the peace made in pur-
suance of an act passed in the fifth year of his present Majesty's reign,
intituled, An Act to amend an Act passed in the First Year of His present
Majesty, to permit the general Sale of Beer and Cyder by Retail in Eng-
land, shall be declared to be unlawful, or at any time before the hour of
one in the afternoon, or between the hours of three and five of the clock
in the afternoon, or after the hour of ten of the clock in the evening, on
any Sunday, Good Friday, Christmas Day, or any day appointed for a
public fast or thanksgiving; and [in cases where the licence shall be
granted for beer or cyder to be consumed on the premises] all provisions for
billeting officers and soldiers in victualling houses contained in any act
for punishing mutiny and desertion, and for the better payment of the
army and their quarters, are to extend and apply to the house and pre-
mises mentioned in this licence; and this licence shall continue in force
from the day of the next
until the day of then next en-
suing, and no longer; provided and upon condition that the said A. B.
shall not in the meantime become a sheriff's officer or officer for execut-
ing the process of any court of justice; nor shall the said A. B. in the
meantime cease to be rated to the relief of the poor in respect of the said
house and premises; and this licence shall cease and determine and
shall become void in case any of the conditions or regulations contained
therein shall be transgressed, or shall not be observed by the said A. B.
Given under our hands and seals [or my hand and seal] this
day of one thousand eight hundred and
as
APPRENTICES, YOUNG PERSONS EMPLOYED IN FACTORIES, &c.

[No. 1.] I & 2 W. IV. c. S9.—An Act to repeal the Laws relating to Apprentices and other Young Persons employed in Cotton Factories and in Cotton Mills, and to make further Provisions in lieu thereof(1). [15th October 1831.]

59 G. 3, c. 66. WHEREAS an act was passed in the fifty-ninth year of the reign of his Majesty king George the third, intituled An Act to make further Provisions for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein:

60 G. 3, c. 5. And whereas another act was passed in the sixtieth year of his said Majesty, intituled An Act to amend an Act to make further Provision for the Regulation of Cotton Mills and Factories, and for the Preservation of the Health of young Persons employed therein:

6 G. 4, c. 63. And whereas another act was passed in the sixth year of the reign of his late Majesty king George the fourth, intituled An Act to make further Provisions for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein:

10 G. 4, c. 51. And whereas another act was passed in the tenth year of his late Majesty, intituled An Act to amend the Law relating to the Employment of Children in Cotton Mills and Factories:

10 G. 4, c. 63. And whereas another act was passed in the tenth year of his late Majesty, intituled An Act to render void an Act to amend the Law relating to the Employment of Children in Cotton Mills and Factories: And whereas it is expedient that the said acts should be repealed, and that other regulations and provisions should be enacted in lieu thereof: Be it therefore enacted, That from and after the first day of November one thousand eight hundred and thirty-one the said recited acts shall be and the same are hereby repealed.

Recited acts repealed.

Persons under 21 years of age not allowed to work at night.

II. And whereas it has of late become a practice in cotton mills and cotton factories to employ a great number of young persons of both sexes late at night, and in many instances all night; and certain regulations have become necessary to preserve the health and morals of such persons; be it therefore further enacted, That from and after the first day of November one thousand eight hundred and thirty-one no person under twenty-one years of age shall be allowed to work in the night, (that is to say,) between the hours of half past eight of the clock in the evening and half past five of the clock in the morning, in any of the cotton manufactories of the united kingdom, where steam or water power is used to propel or work the machinery used in such mills or factories.

Persons under 18 years not to work more than certain hours.

III. That no person under the age of eighteen years shall be employed in any such mill or factory, in any description of work whatsoever, in the twisting, spinning, carding, or weaving of cotton, or in any way preparing or manufacturing that material, or in cleaning any machinery or mill work, more than twelve hours on any one day, nor more than nine hours on a Saturday.

Time for meals.

IV. That there shall be allowed to every such person, in the course of every day, not less than one and half hour for meals.

Extension of hours of working in certain cases.

V. Provided always, That if at any time in any such mill, manufactory, or buildings as are situated upon streams of water, time shall be lost in consequence of the want of a due supply or of an excess of water, or by reason of its being impounded in higher reservoirs, then and in every such case, and so often as the same shall happen, it shall be lawful

(1) See the 3 & 4 W. 4, c. 103, post.
for the occupier of any such mill, manufactory, or building to extend the
time of labour of sixty-nine hours per week herein-before allowed, at the
rate of three hours per week, until such lost time shall have been made
good, but no longer; such time to be worked between the hours of five
of the clock in the morning and nine of the clock in the evening: Pro-
vided also, that no time shall be recoverable after it has been lost six
calendar months.

VI. That when any extraordinary accident shall happen to the steam
engine, water-wheel, weir, or watercourses, main shafting or main gear-
ing of any such mills, manufactories, or buildings, by which time shall
be lost, then and in every such case such time may be worked up at the
rate of one hour a day for the ten following days, but no longer.

VII. And whereas, during periods of great drought and of floods,
the power of water-wheels on some streams is so far diminished that
the whole of the machinery cannot be worked at one and the same
place; it be therefore enacted, That such parts of the machinery as may
have not been worked during the day, owing to the want, or excess of
water, may lawfully be worked in the night by persons not under the
age of sixteen years: Provided always, That in such case no part of the
machinery in any such mill shall be suffered to be worked by persons
under the age of twenty-one years a longer time in any one week than is
permitted by the former provisions of this act.

VIII. That in cotton mills or factories no child shall be employed in
No children to do any description of work until he or she shall have attained the age of nine
years.

IX. That no owner or occupier of any mill or factory aforesaid shall
Parents and become liable to any penalty or penalties which he or she may incur by
guardians to be employing or overworking any child or children under the ages herein-
liable to penalties for false before mentioned, where such owner or occupier have employed such
false statements of the ages of child or children in consequence of his or her having received a certifi-
children.
cate of such child or children being of the proper age required by this
act under the hand of their parents, guardians, natural or legal protec-
tors; and in any case where the person or persons shall certify himself,
herself, or themselves to be of the full age of twenty-one years, with
intent that any of the provisions of this act may be evaded, then, in
the former case, the said parents, guardians, natural or legal protec-
tors, giving such false certificate, and in the latter case the said person
or persons giving such false certificate, shall be liable for each offence
to a penalty not exceeding five pounds, to be recovered in the manner
herein provided for the recovery of other penalties under this act.

X. That no justice of the peace, being also a proprietor or occupier
Justices of of any such mill, manufactory, or building where the spinning or ma-
peace being
ufacturing of cotton is carried on, or the father, son, or brother of masters, &c.
any such proprietor or occupier, shall act as a justice of the peace under not to act.
this act.

XI. That the whole of the ceilings and interior walls of every such
Factories, &c. mill, manufactory, or building where the process of manufacturing is
to be white-
carried on, shall be washed with quicklime and water once every year,
annually.
except such parts as are painted.

XII. That no information filed, nor any summons issued, shall be
Quashing of
quashed for informality or want of form.
informations.

XIII. That all informations for offences against this act shall be laid
within twenty-one days subsequently to the offence being committed;
and the summons shall be served within six days of the date of the in-
formation.

XIV. That in all cities, boroughs, or corporate towns where the ma-
In cases of
ufacture of cotton is carried on, and where the magistrates for the time
being are disqualified by the foregoing clause from administering this
acts being
act, then and in every such case, and so often as the same shall happen,
disqualified,
it shall be lawful for the magistrates of the county in which the offence
other magis-
may be committed (and not otherwise disqualified as aforesaid) to admi-
trates may bear
nister, and they are hereby authorized and empowered to hear, examine,
and determine any offences committed against the provisions of this act in any such cities, boroughs, or corporate towns; or it shall be lawful for the complainant to remove the cases of information or complaint from the said cities, boroughs, or corporate towns to any other court of session or petty session, not exceeding twelve miles from the place where the offence shall have been committed; any law, charter, usage, or custom to the contrary notwithstanding.

XV. That it shall not be deemed necessary in any information, summons, or warrant issued in pursuance of this act, to set forth the name or other designation of each and every the partners in any such mill or factory, but that it shall be lawful to insert in such information, summons, or warrant the name of the ostensible occupier, or title of the firm by which the occupier or occupiers employing the workpeople of every such mill or factory are usually designated and known.

XVI. That the service of such summons or warrant on any occupier, principal manager, conductor, or agent of any such mill or factory, shall be good and lawful service.

XVII. That the occupier or occupiers of every such mill or factory shall on each and every day enter or cause to be entered in a book to be kept for that purpose, to be called "The Time Book," a true and correct account of the time which the steam engine or water-wheel and machinery of such mill or factory shall have been in operation during such day; and such book shall be produced for inspection before any justice of the peace acting for the division where such mill is situated, whenever any such justice shall, by notice in writing, require the same.

XVIII. That in case it shall be proved, to the satisfaction of the justices before whom any information under this act shall be heard, that the steam engine or water-wheel or propelling machinery of any such mill or factory was in operation for the regular process of manufacture, on the day mentioned in such information, before five of the clock in the morning or after nine of the clock in the evening, then it shall and may be lawful for such justices to convict the party complained against, unless it shall be proved by one or more credible witness or witnesses, to the satisfaction of such justices, that the person or persons alleged to have been overworked had not been employed in any manner contrary to the provisions of this act on the day mentioned in such information.

XIX. That no appeal shall be allowed against any conviction under this act, neither shall such conviction be removable by certiorari or bill of advocation into any court whatever.

XX. That it shall be lawful for any justice of the peace before whom any complaint or information shall be laid under this act to issue his or their summons, at the request of any party complaining, to any witness or witnesses to appear and give evidence before such justice at the time and place for hearing and determining such complaint, and which time and place shall be specified in such summons; and if any person or persons so summoned to appear as a witness or witnesses as aforesaid shall not appear before such justice at the time and place specified in such summons, or offer such reasonable excuse for the default, or appearing according to such summons shall not submit to be examined as a witness or witnesses, and give his or her or their evidence before such justice touching the matter of such complaint, then and in every such case it shall be lawful for such justice, and they are hereby authorized, (proof on oath, in the case of any person not appearing according to such summons, having been first made before such justices of the due service of such summons on every such person by delivering the same to him or her, or by leaving the same, twenty-four hours before the time appointed for such person to appear before such justices, at the usual place of abode of such person,) by warrant under the hands of such justices, to commit such person or persons so making default in not appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of such justices, there to remain without bail or mainprize for any period not exceeding three calendar months nor less
Apprentices.

than one month, or until such person or persons shall submit himself or herself or themselves to be examined, and give his, her, or their evidence before such justices aforesaid.

XXI. That every occupier, manager, or foreman of such mill, manufactory, or building, or any part thereof, who shall act contrary to Penalty for or offend against any of the provisions of this act, shall for every such offending offence forfeit and pay any sum not exceeding twenty pounds nor less than ten pounds, at the discretion of the justices before whom such offender shall be convicted, one half whereof shall be given to the complainant or prosecutor, together with all costs of prosecution and conviction, and the other half for the benefit of the poor of England, Ireland, or Scotland, in such parish, township, or place where such offence shall be committed. Provided always, That in certain cases the magistrates hearing the said cases shall be empowered to deduct the costs before the division and award of the penalty; and provided always, that only one penalty shall be recoverable for one day; and provided further, that it shall not be deemed necessary for the complainant or prosecutor to name in any summons or information the particular township in which such offence shall have been committed, but it shall be lawful to set forth in such summons or information the name of the parish where such offence may have been committed.

XXII. That all informations of offences for which any penalty is imposed under this act shall and may be heard before any two or more justices of the peace, not being disqualified as aforesaid, acting in and for the place where the offence shall have been committed or case heard; and all penalties and forfeitures by this act imposed, and all costs and charges attending the prosecution and conviction of such offender or offenders, shall and may be levied by distress and sale of the offender’s goods and chattels, by warrant under the hand and seal of any two or more justices of the peace acting for the county, stewartry, riding, division, or place where such offence shall have been committed, rendering the overplus (if any) to the party or parties offending, and which warrant such justices are hereby empowered and required to grant upon conviction of the offender by confession or upon the oath of one or more credible witness or witnesses (which oath such justices are hereby empowered to administer); and in case such distress cannot be found, and such penalties, forfeitures, and costs shall not be forthwith paid, it shall and may be lawful for such justices, and they are hereby empowered and required, by warrant under their hands and seals, to commit such offender or offenders to the common gaol or house of correction of the county, stewartry, riding, division, or place where the offence shall be committed, for any time not exceeding three calendar months nor less than one month, unless the said penalty, forfeiture, and costs shall respectively be sooner paid and satisfied.

XXIII. 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 specially pleading the same.

[No. II.] 3 & 4 W. IV. c. 63.—An Act to render valid Indentures of Apprenticeship allowed only by Two Justices acting for the County in which the Parish from which such Apprentices shall be bound, and for the County in which the Parish into which such Apprentices shall be bound, shall be situated; and also for remedying defective Executions of Indentures by Corporations. [28th August 1833.]

WHEREAS by an act passed in the fifty-sixth year of the reign of his late Majesty king George the third, intituled An Act to regulate the binding of Parish Apprentices, it is amongst other things enacted, That
in all cases where the residence or establishment of business of the person or person to whom any child shall be bound shall be within a different county or jurisdiction of the peace from that within which the place by the officers whereof such child shall be bound shall be situated, and in all other cases where the justices of the peace for the district or place within which the place by the officers whereof such child shall be bound shall be situated, and who shall sign the allowance of the inden- ture by which such child shall be bound, shall not have jurisdiction, every indenture by which such child shall be bound, at any time after the first day of October therein mentioned, shall be allowed, as well by two justices of the peace for the county or district within which the place by the officers of which such child shall be bound shall be situated, as by two justices of the peace for the county or district within which the place shall be situated wherein such child shall be intended to serve; Provided always, That no indenture shall be allowed by any justice of the peace for the county into which such child shall be bound, who shall be engaged in the same business, employment, or manufacture in which the person to whom such child shall be bound is engaged; and notice shall be given to the overseers of the poor of the parish or place in which such child shall be intended to serve an apprenticeship, before any justice of the peace for the county or district within such parish or place shall be shall allow such indenture, and such notice shall be proved before such justice shall sign such indenture, unless one of such overseers shall attend such justice and admit such notice: And whereas, in many instances, petty sessions are held weekly in market towns near adjoining the borders of the county in which such market towns are situate, and the justices holding such petty sessions act as well for the county adjoining as for the county where such petty sessions are held, and transact the business for large districts in both counties at such weekly petty sessions on market days, to the great advantage, convenience, and saving of expense to the several parishes and villages whose officers have to attend such petty sessions: And whereas since the passing of the said act of the fifty-sixth year of the reign of his late Majesty king George the third numerous indentures of apprenticeship have been allowed by two justices attending and acting at such petty sessions for the county within which the place by the officers whereof such child shall be bound is situated, and by the same two justices acting also as justices for the county within which the place is situated wherein such child shall be intended to serve, such justices conceiving that, as they were acting justices for both counties, they were entitled to allow such indenture accordingly: And whereas doubts have lately arisen whether the allowances of such two justices, although they act as justices for both counties, are valid and effectual, or whether it is not necessary that such indenture should be allowed by four justices, two acting for one county, and two for the other only; and the settlement of the numerous persons who have already served and are now serving under indentures allowed by two justices acting for both counties in manner aforesaid will be set aside, to their manifest injury; Be it therefore enacted, &c., That from and after the passing of this act all indentures for the binding of parish apprentices which have been previous to the passing of this act allowed, and shall hereafter be allowed, by two justices of the peace acting as well for the county or district within which the place by the officers of which such child shall be bound shall be situated, as for the county or district within which the place shall be situated wherein such child shall be intended to serve, shall be deemed and taken to be as good, valid and effectual, to all intents and purposes, as if the same had been allowed by two justices of the peace acting only for the county or district in which the place from which such child shall be bound is situated, and also by two other justices of the peace acting only for the county or district within which the place shall be situated in which such child shall be intended to serve.
II. And whereas, by divers acts of parliament heretofore made and passed, the directors, guardians, acting guardians, or other officers of incorporated hundreds, parishes, and other districts are by the said acts of parliament respectively authorized to bind poor children apprentices in the manner by the said acts of parliament respectively prescribed and directed: And whereas the said directors, guardians, acting guardians, and other officers have bound out poor children apprentices by indentures, to which the said directors, guardians, acting guardians, and other officers have been, by their description as directors, guardians, acting guardians, or other officers of such incorporated hundreds, parishes, and other districts respectively, made parties of the one part, or to which they have, by their said descriptions respectively, been binding parties, and which indentures have been executed by the said directors, guardians, acting guardians, and other officers by affixing thereto the seal of the corporation of which they are directors, guardians, acting guardians, and officers respectively and in no other manner by them: And whereas doubts have been entertained as to the effect and validity of indentures so executed; and it is desirable to remove such doubts; be it declared and enacted, That from and after the passing of this act in all cases where any indentures for the binding out poor children apprentices have been heretofore or shall be hereafter executed by any directors, guardians, acting guardians, or other officers of any hundreds, parishes, or other districts now incorporated or hereafter to be incorporated under and by virtue of any act of parliament, by affixing thereto the seal of the corporation of which they are or shall be directors, guardians, acting guardians, or other officers respectively, such execution of the said indentures respectively shall be deemed and taken to be a good, valid, and effectual execution of the said indentures respectively by the said directors, guardians, acting guardians, or other officers of such incorporated hundred, parishes, or other districts respectively.

III. And whereas it is expedient that justices of the peace in every city, borough, or town corporate should have concurrent jurisdiction with county magistrates in apprenticing any child or children within the limits of such city, borough, or town corporate; be it therefore enacted, That from and after the passing of this act every indenture for the binding of parish apprentices within any city, borough, or town corporate, shall be allowed by two justices of the peace, one of such justices acting for and on behalf of the county, and the other of such justices acting for and on behalf of the city, borough, or town corporate within the limits of which such child shall be bound.

IV. Provided always, That nothing in this act contained shall be construed to affect or set aside any decision or judgment made or given in any court of judicature respecting any such indentures.

[No. III.] 3 & 4 W. IV. c. 103.—An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom. [29th August 1833.]

WHEREAS it is necessary that the hours of labour of children and young persons employed in mills and factories should be regulated, insomuch as there are great numbers of children and young persons now employed in mills and factories, and their hours of labour are longer than is desirable, due regard being had to their health and means of education: Be it therefore enacted, &c., That from and after the first day of January one thousand eight hundred and thirty-four no person under eighteen years of age shall be allowed to work in the night, (that is to say,) between the hours of half-past eight o'clock in the evening and half-past five o'clock in the morning, except as herein-after provided, in or about any cotton, woollen,worsted, hemp, flax, tow, linen, Persons under 18 years of age not allowed to work at night in the mills or factories herein described.
or silk mill or factory, wherein steam or water or any other mechanical power is or shall be used to propel or work the machinery in such mill or factory, either in scutching, carding, roving, spinning, piecing, twisting, winding, throwing, doubling, netting, making thread, dressing or weaving of cotton, wool, worsted, hemp, flax, tow, or silk, either separately or mixed, in any such mill or factory situate in any part of the united kingdom of Great Britain and Ireland: Provided always, That nothing in this act shall apply or extend to the working of any steam or other engine, water-wheel, or other power in or belonging to any mill or building or machinery when used in that part of the process or work commonly called fulling, roughing, or boiling of woollens, nor to any apprentices or other persons employed therein, nor to the labour of young persons above the age of thirteen years when employed in packing goods in any warehouse or place attached to any mill, and not used for any manufacturing process: Provided also, That nothing in this act shall apply or extend to any mill or factory used solely for the manufacture of lace.

II. That no person under the age of eighteen years shall be employed in any such mill or factory in such description of work as aforesaid more than twelve hours in any one day, nor more than sixty-nine hours in any one week, except as herein-after provided.

III. Provided always, That if at any time in any such mill, manufactory, or buildings situated upon any stream of water, time shall be lost in consequence of the want of a due supply or of an excess of water, or by reason of its being impounded in higher reservoirs, then and in every such case and so often as the same shall happen it shall be lawful for the occupier of any such mill, manufactory, or building to extend the time of labour in this act prescribed at the rate of three hours per week until such lost time shall have been made good, but no longer, such time to be worked between the hours of five of the clock in the morning and nine of the clock in the evening: Provided also, That no time shall be recoverable after it has been lost six calendar months.

IV. That when any extraordinary accident shall happen to the steam engine, water-wheel, weirs, or watercourses, main shafting, main gearing, or gas apparatus of any such mill, manufactory, or buildings, by which not less than three hours labour at any one time shall be lost, then and in every such case such time may be worked up at the rate of one hour a day, in addition to the aforesaid and herein-after restricted hours of labour, for the twelve following working days, but not after.

V. And whereas during periods of drought and of floods the power of water-wheels on some streams is wholly interrupted, or so far diminished that the machinery or part or parts of the machinery dependant upon such power cannot be regularly worked at one and the same time, and in consequence thereof a certain portion of the time of such persons as are employed in the working of such machinery may be lost in each day during such period of drought or floods; be it therefore enacted, That it shall be lawful for the occupier of any mill, manufactory, or building, when time is so lost, then and in every such case and so often as the same shall happen, to extend the hours between which persons under eighteen years of age are herein-before allowed to work, (videlicet, from five of the clock in the morning till nine in the evening,) as herein-before limited, to such period as may in such case be necessary to prevent the loss of time, and no longer: Provided always, That no child or young person within the respective ages prescribed by this act shall be actually employed a greater number of hours within the twenty-four hours of any one day than this act declares to be lawful; and provided also, that no child under thirteen years of age shall be employed after the hour of nine of the clock in the evening nor before the hour of five in the morning.

VI. That there shall be allowed in the course of every day not less than one and a half hours for meals to every such person restricted as herein-before provided to the performance of twelve hours work daily.
VII. That from and after the first day of January one thousand eight hundred and thirty-four it shall not be lawful for any person whatsoever to employ in any factory or mill as aforesaid, except in mills for the manufacture of silk, any child who shall not have completed his or her ninth year of age.

Employment of children under nine years

VIII. That from and after the expiration of six months after the passing of this act it shall not be lawful for any person whatsoever to employ, keep, or allow to remain in any factory or mill as aforesaid for a longer time than forty-eight hours in any one week, nor for a longer time than nine hours in any one day, except as herein provided, any child who shall not have completed his or her eleventh year of age, or after the expiration of eighteen months from the passing of this act any child who shall not have completed his or her twelfth year of age, or after the expiration of thirty months from the passing of this act any child who shall not have completed his or her thirteenth year of age:

Provided nevertheless, That in mills for the manufacture of silk, children under the age of thirteen years shall be allowed to work ten hours in any one day.

IX. That all children and young persons whose hours of work are regulated and limited by this act shall be entitled to the following holidays; videlicet, on Christmas Day and Good Friday the entire day, and not fewer than eight half days besides in every year, such half days to be at such period or periods, together or separately, as may be most desirable and convenient, and as shall be determined on by the master of such children and young persons: Provided nevertheless, That in Scotland any other days may be substituted for Christmas Day and for Good Friday, both or either, as such master may determine.

X. That if any child within the age herein-before restricted to nine hours of day labour shall have been employed in any one day for less than nine hours in one factory or mill, it shall be lawful for any person to employ such child in any other factory or mill on the same day for the residue of such nine hours; provided that such employment in such other mill or factory shall not increase the labour of such child to more than nine hours in any one day, or to more than forty-eight hours in any one week.

XI. That from and after the expiration of six months after the passing of this act it shall not be lawful for any person to employ, keep, or allow to remain in any factory or mill any child who shall not have completed his or her eleventh year of age, without such certificate as is herein-after mentioned, certifying such child to be of the ordinary strength and appearance of a child of the age of nine years, nor from and after the expiration of eighteen months after the passing of this act any child who shall not have completed his or her twelfth year of age, without a certificate of the same form, nor from and after the expiration of thirty months after the passing of this act any child who shall not have completed his or her thirteenth year of age, without a certificate of the same form, which certificate shall be taken to be sufficient evidence of the age respectively certified therein.

XII. That for the purpose of obtaining the certificate herein-before required in the case of children under the age of eleven, twelve, or thirteen years respectively, the child shall personally appear before some surgeon or physician of the place or neighbourhood of its residence, and shall submit itself to his examination; and unless the surgeon or physician before whom the child has so appeared shall certify his having had a personal examination or inspection of such child and also that such child is of the ordinary strength and appearance of children of or exceeding the age of nine years, and unless also such certificate shall within three months of its date be countersigned by some inspector or justice, or in that part of the united kingdom called Scotland by some inspector or justice or burgh magistrate, such child shall not be employed in any factory or mill.
XIII. That the certificates herein-before required in the case of children under the age of eleven, twelve, or thirteen years respectively shall be in the form following:

Form of certificate of surgeon or physician.

I [name and place of residence] surgeon [or physician] do hereby certify, That A. B. the son [or daughter] of [name and residence of parents, or if no parents, then the residence of the child] has appeared before me, and submitted to my examination; and that the said [name] is of the ordinary strength and appearance [according to the fact] of a child of at least nine years of age [or if apparently above nine, say exceeding].

XIV. That from and after the commencement of the several periods herein-before appointed for restricting the employment of children under the ages of eleven, twelve, and thirteen years respectively, it shall not be lawful to employ, keep, or allow to remain in any factory or mill any person between the said ages respectively and the age of eighteen for more than nine hours in any day, nor between the hours of nine o'clock in the evening and five o'clock in the morning, without first requiring and receiving from such person a certificate in proof that such person is above the age of eleven, twelve, and thirteen respectively, which certificate, if a new certificate shall be required, shall be in such form as may be ordered by any inspector.

XV. Provided nevertheless, That the penalties and punishments herein-after provided against any person not requiring or not receiving such certificate shall not be levied, if upon the complaint or proceeding for the enforcement of such penalties it shall appear to the satisfaction of the inspector or justice, or in that part of the united kingdom called Scotland to the satisfaction of the inspector or justice or burgh magistrate by or before whom such proceeding shall be had, that the person so employed more than nine hours in the day, or between the hours of nine o'clock in the evening and half-past five o'clock in the morning, without such certificate, was at the time of the alleged offence above the age of eleven, twelve, or thirteen respectively.

XVI. That in case any inspector or justice or burgh magistrate shall refuse to countersign any such certificate, he shall state in writing his reasons for such refusal, and the parents of such child may thereupon take the certificate to the justices of the peace at petty sessions for the place or district of the child's residence, who are hereby empowered and required to decide upon the validity of such refusal; and every such act of any such petty sessions shall be free of all charge, cost, or expense whatsoever.

XVII. And whereas by an act, intituled An Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills and Cotton and other Factories, passed in the forty-second year of the reign of his late Majesty George the third, it was amongst other things provided, that the justices of the peace for every county or place in which such mill was situated should appoint yearly two persons not interested in or in any way connected with such mills or factories in such county to be visitors of such mills or factories, which visitors so appointed were empowered and required by the aforesaid act to enter such factories at any time they might think fit, and examine and report in writing whether the same were conducted according to the laws of the realm, and also to direct the adoption of such sanitary regulations as they might, on advice, think proper; And whereas it appears that the provisions of the said act with relation to the appointment of inspectors were not duly carried into execution, and that the laws for the regulation of the labour of children in factories have been evaded, partly in consequence of the want of the appointment of proper visitors or officers whose special duty it was to enforce their execution; be it therefore enacted, That upon the passing of this act it shall be lawful for his Majesty by warrant under his sign manual to appoint during his Majesty's plea-
sure four persons to be inspectors of factories and places where the
labour of children and young persons under eighteen years of age is
employed, and in the case of the death or dismissal of any of them to
appoint another in the place of such deceased inspector, which said sev-
eral inspectors shall carry into effect the powers, authorities, and pro-
visions of the present act; and such inspectors or any of them are
hereby empowered to enter any factory or mill, and any school attached
or belonging thereto, at all times and seasons, by day or by night, when
such mills or factories are at work, and having so entered to examine
therein the children and any other person or persons employed therein,
and to make inquiry respecting their condition, employment, and educa-
tion; and such inspectors or any of them are hereby empowered to take
or call to their aid in such examination and inquiry such persons as they
may choose, and to summon and require any person upon the spot or
elsewhere to give evidence upon such examinations and inquiry, and to
administer to such person an oath.

XVIII. That the said inspectors or any of them shall have power and
are hereby required to make all such rules, regulations, and orders as
may be necessary for the due execution of this act, which rules, regula-
tions, and orders shall be binding on all persons subject to the provisions
of this act; and such inspectors are also hereby authorized and required
to enforce the attendance at school of children employed in factories ac-
cording to the provisions of this act, and to order tickets or such other
means as they may think fit for vouchers of attendance at such schools;
and such inspectors are also hereby required to regulate the custody of
such tickets or vouchers, and such inspectors may require a register of
them to be kept in every school and factory; and such inspectors are
also hereby authorized and required to order a register of the children
employed in any factory, and of their sex and hours of attendance, and
of their absence on account of sickness, to be kept in such factory; and
all registers, books, entries, accounts, and papers kept in pursuance of
this act shall at all times be open to such inspectors, and such inspectors
may take or cause to be taken for their own use such copy as they may
think proper; and such inspectors shall also make such regulations as
may be proper to continue in force any certificates, tickets, or vouchers
required by this act, and such certificates, tickets, or vouchers so con-
tinued in force shall have the same operation and effect as new certifi-
cates, tickets, or vouchers; and such inspector shall order and is hereby
authorized to order the occupier of any factory or mill to register or
cause to be registered any information with relation to the performance
of any labour in such mill or factory, if such inspector deem such in-
formation necessary to facilitate the due enforcement of any of the pro-
visions of this act or of any of the regulations which he may make
under the authority of this act; and such inspector is hereby authorized
to order such occupier of any mill or factory to transmit, in such manner
as may be directed in such order, any information with relation to the
persons employed or the labour performed in such mill or factory that
such inspector may deem requisite to facilitate the performance of his
duties or any inquiry made under the authority of this act.

XIX. That it shall be lawful for one of his Majesty’s principal secre-
taries of state, if he shall see fit, upon the application of any inspector,
to appoint any one or more persons to superintend, under the direction
of any inspector, the execution of the provisions of this act, and of all
rules, regulations, and orders made under the authority thereof; and
such person shall be paid by such salary as may be determined by one
of his Majesty’s principal secretaries of state; and such person so ap-
pointed shall have authority to enter any school-room, counting-house,
or any part of any factory or mill, excepting such part or parts as may
be used for manufacturing processes; and if any constable or peace
officer shall be required by any inspector to perform any continuous
service, it shall be lawful for such inspector to allow a special recom-
pence to such constable or peace officer for such service: Provided ne-
vertheless, That any such orders may be altered or disallowed by one of his Majesty's principal secretaries of state, on complaint made to him by memorial from any party interested.

XX. That from and after the expiration of six months from the passing of this act every child herein-before restricted to the performance of forty-eight hours of labour in any one week shall, so long as such child shall be within the said restricted age, attend some school to be chosen by the parents or guardians of such child, or such school as may be appointed by any inspector in case the parents or guardians of such child shall omit to appoint any school, or in case such child shall be without parents or guardians; and it shall and may be lawful, in such last mentioned case, for any inspector to order the employer of any such child to make a deduction from the weekly wages of such child as the same shall become due, not exceeding the rate of one penny in every shilling, to pay for the schooling of such child; and such employer is hereby required to pay the sum so deducted according to the order and direction of such inspector.

XXI. That after the expiration of six months from the passing of this act it shall not be lawful to employ or continue to employ in any factory or mill any child restricted by this act to the performance of forty-eight hours of labour in any one week, unless such child shall, on Monday in every week next after the commencement of such employment, and during every succeeding Monday or other day appointed for that purpose by an inspector, give to the factory master or proprietor, or to his agent, a schoolmaster’s ticket or voucher, certifying that such child has for two hours at least for six out of seven days of the week next preceding attended his school, excepting in cases of sickness, to be certified in such manner as such inspector may appoint, and in case of any holiday, and in case of absence from any other cause allowed by such inspector, or by any justice of the peace in the absence of the inspector; and the said last-mentioned ticket shall be in such form as may be settled by any inspector.

XXII. That wherever it shall appear to any inspector that a new or additional school is necessary or desirable to enable the children employed in any factory to obtain the education required by this act, such inspector is hereby authorized to establish and procure the establishment of such school.

XXIII. That if upon any examination or inquiry any inspector shall be of opinion that any schoolmaster or schoolmistress is incompetent or in any way unfit for the performance of the duties of that office, it shall and may be lawful for such inspector to disallow and withhold the order for any payment or any salary to such schoolmaster or schoolmistress as herein-before provided.

XXIV. That if any child within the several ages herein-before restricted to the performance of nine hours of day labour shall be kept or allowed to remain in any room or place whatsoever where any machinery is used, or shall be kept or allowed to remain on any premises within the outer walls of any factory or mill, for any longer time than nine hours during any one day, or for any longer time than the residue of such nine hours in the case of any child which has been previously employed for any shorter time during the same day in any other factory or mill, the occupier of such factory or mill shall, without any evidence of the employment of such child, be liable to the same penalty and punishment as for employing such child for such longer period: Provided nevertheless, That no place, yard, or play-ground open to the public view shall be considered part of the premises on which children shall not be allowed to remain beyond the hours herein-before stated: And be it further provided, That the children may be allowed to remain in any school-room attached to such factory or mill, or in any other waiting-room or parts of the premises where no machinery is used, and which shall at all times be open to the inspection of any mill warden or peace officer duly appointed under the provisions of this act.
XXV. That notice of any general order or regulation applying to more than one mill or factory, made by any inspector, if published for two successive weeks in one or more newspapers published in the town, place, or county where any such mill or factory is situate, shall in all cases, at the end of seven days after the second publication thereof, have the same effect in attaching a responsibility upon any offender against such order or regulation as a notice personally served upon such offender: Provided nevertheless, That such notice shall not be to the exclusion of any other special notice which any inspector may deem expedient or proper.

XXVI. That the interior walls, except such parts as are painted, of every mill or factory or building where the process of manufacturing is carried on, shall be limewashed, and the ceilings of all rooms which have rooms or lofts above them, and all ceilings which are plastered, shall be whitewashed once every year, unless permission to the contrary, in writing, be granted by any inspector.

XXVII. That a copy or copies of such abstract of this act, and also such copy or copies of any regulation or regulations made in pursuance of this act, as any inspector shall direct, shall be hung up and affixed in a conspicuous part or in the several departments of every mill or factory; and such copy or copies of such abstract and of such rules or regulations, so hung up and affixed, shall be signed by the master or manager or overseer of such mill or factory; and such copy or copies shall be renewed by such master, manager, or overseer so often as any inspector may direct.

XXVIII. That if any person shall give, sign, countersign, endorse, or in any manner give currency to any false certificate, knowing the same to be untrue, or if any person shall forge any certificate, or shall forge any signature or endorsement on any certificate, or shall knowingly and wilfully give false testimony upon any point material to any certificate of any inspector or schoolmaster, such person shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any inspector or justice, be liable to be imprisoned for any period not exceeding two months in the house of correction in the county, town, or place where such offence was committed.

XXIX. That in case of the employment of any child contrary to the provisions of this act, or for a longer time than is herein-before limited and allowed, or without a due compliance with the provisions of this act touching the education of children, or the certificates of surgeons or magistrates, the parent or parents of such child, or any person having any benefit from the wages of such child, shall be liable to a penalty of twenty shillings, unless it shall appear to the satisfaction of the justice or inspector that such unlawful employment has been without the wilful default of such parent or person so benefited as aforesaid.

XXX. That if any offence shall be committed against this act, for which the master of any factory or mill is legally responsible, and it shall appear to the satisfaction of any justice or inspector that the same has been committed without the personal consent, concurrence, or knowledge of such master, by or under the authority of some agent or servant or workman of such master, it shall be lawful for such inspector or justice to summon such agent or servant or workman before him to answer for such offence, and such agent or servant or workman shall be liable to the penalties and punishment for such offence herein provided, and such inspector or justice shall convict such agent or servant or workman in lieu of such master.

XXXI. That if any employer of children in any factory or mill shall, by himself or by his servants or workmen, offend against any of the provisions of this act, or any order or regulation of any inspector made in pursuance hereof, such offender shall for such offence (except in the case of any offence for which some other penalty or punishment is specially provided, forfeit and pay any sum not exceeding twenty pounds, nor less than one pound, at the discretion of the inspector or justice before whom
such offender shall be convicted: Provided nevertheless, that if it shall appear to such inspector or justice that such offence was not wilful nor grossly negligent, such inspector or justice may mitigate such penalty below the said sum of one pound, or discharge the person charged with such offence.

XXXII. That if any person shall knowingly and wilfully obstruct any inspector in the execution of any of the powers entrusted to him by this act, such person shall for every such offence forfeit and pay a sum not exceeding ten pounds.

XXXIII. That such inspector shall have the same powers, authority, and jurisdiction over constables and peace officers, as regards the execution of the provisions of this act, as may by law be exercised by his Majesty's justices of the peace over such constables and peace officers.

XXXIV. That all proceedings for the enforcement of any penalty or punishment imposed by or under the authority of this act may be had before any inspector or justice of the peace acting in and for the town, place, county, or division where the offence shall be committed; and the inspector or justice before whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this act may adjudge that such person shall pay the same either immediately or within such period as the said inspector or justice shall think fit; and in case such sum of money shall not be paid immediately or at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charges of such distress; and for want of sufficient distress such offender shall be imprisoned in the common gaol for any term not exceeding one calendar month where the sum to be paid shall not exceed five pounds, or for any term not exceeding two calendar months in any one case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

XXXV. That all complaints for offences against this act shall be preferred at or before the time of the visit, duly notified, of any inspector next after the commission of such offence; and written notice of the intention to prefer the complaint for such offence shall by the complainant be given within fourteen days after the commission of such offence to the party or parties complained against: Provided always, that no more than one penalty for a repetition of the same offence shall be recoverable, except after the service of the written notice as aforesaid.

XXXVI. That it shall not be deemed necessary in any summons or warrant issued in pursuance of this act to set forth the name or other designation of each and every the partners in any such mill or factory, but that it shall be lawful to insert in such summons or warrant the name of the ostensible occupier or title of the firm by which the occupier or occupiers employing the workpeople of every such mill or factory are usually designated and known.

XXXVII. That the service of such summons or warrant on any occupier, principal manager, conductor, or agent of any such mill or factory shall be good and lawful service.

XXXVIII. That it shall be lawful for the inspectors or any of them, or for any justice of the peace, upon any complaint, or upon any investigation under this act without any complaint, to administer an oath to any witness, and to summon any witness forthwith to appear and give evidence before him or them, or at a time and place appointed for hearing such complaint or making such investigation, or to order such witness to be brought before him by any constable or peace officer; and if such witness shall not appear according to such summons, proof upon oath having been given of the due service of such summons, or shall resist such constable or peace officer, or shall not submit to be examined as a witness, it shall be lawful for such inspectors and justices by warrant under their hand and seal to commit such person for such non-appearance, resistance, or non-submission to the county prison, or prison of the place where such offence was committed, there to
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remain without bail or mainprise for any time not exceeding two calendar months.

XXXIX. Provided nevertheless, That, except in the case of resistance to any constable or peace officer, it shall be lawful for the inspector or justice by whom such person shall have been committed to discharge such person from prison, if such person shall show any cause to such inspector or justice which shall be deemed satisfactory as an excuse for such non-appearance, or if such person shall afterwards submit himself to be examined to the satisfaction of such inspector or justice, and the order of such inspector or justice for such discharge shall be a sufficient warrant to any gaoler or prison-keeper.

XL. That every conviction under this act before any inspector or justice shall be made according to the form in the schedule to this act to be annexed; which conviction shall be certified to the next general quarter sessions, there to be filed amongst the records of the county, riding, or division, and shall have the force of an act of record, whether the same shall be by an inspector or by a justice of the peace for such county, riding, or division; and no conviction or other proceeding of any inspector or justice under this act shall be deemed illegal for any mere informality.

XLI. That if any person who shall have been sentenced or adjudged to pay any penalty or forfeiture under this act shall neglect or refuse to pay the same, it shall be lawful for the inspector or magistrates before whom such person shall have been convicted to issue his warrant to distrain the goods and chattels of such person; and if no sufficient distress shall be found, it shall be lawful for the said inspector or magistrates, upon such fact being certified by the constable having the execution of such distress warrant, to commit such person to the house of correction or common gaol of the town, county, or place where such offence was committed for any time not exceeding two months; and the said warrant of distress, commitment, and certificate of the constable may be in the forms contained in the schedule to this act annexed.

XLII. That no appeal against any conviction under this act shall be allowed, except in the case of a conviction for the forgery of any certificates, vouchers, or other documents required by this act, or by any inspector under the authority of this act, neither shall any conviction, except in the case herein last excepted, be removable by certiorari or bill of advocacy into any court whatever.

XLIII. That any justice or inspector by whom any complaint under this act is determined shall, if he so thinks fit, give to the complainant or prosecutor one half of any penalty imposed for any offence against any of the provisions of this act, together with all costs of prosecution and conviction, and the remainder of the penalty, or the whole if he shall think fit, shall be applied as such justice or inspector may direct for the benefit of any school wherein children employed in mills or factories are educated in such township or place where such offence shall be committed: Provided always, That only one penalty shall be recoverable for any one description of offence from any one person for any one day; and that it shall not be deemed necessary for the complainant or prosecutor to name in any summons the particular township in which such offence shall have been committed, but it shall be lawful to set forth in such summons the name of the parish where such offence may have been committed: Provided always, That such summons shall be issued upon complaint being made upon oath.

XLIV. That every inspector shall be and is hereby authorized to order any constable or peace officer to provide for such inspector a convenient place for holding any sitting; and the expense of providing such place shall be defrayed in the manner and proportions and by the person or persons herein appointed for the payment of any special remuneration to any constable or peace officer.

XLV. That every inspector shall keep full minutes of all his visits and proceedings, and shall report the same to one of his Majesty's prin-
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Proceedings of inspectors required to be uniform.

Burgh magistrates in Scotland to exercise same powers as justices of peace in England.

Act not to extend to persons on repairs.

The act 1 & 2 W. 4, c. 39, repealed, except as it repeals any other acts.

Construction of terms.

Public act.

XLVI. That in all cases in which any justices or justice of the peace are or is required to act or do any thing in any manner under this act, or are or is named therein, and whenever the subject matter of any one of the enactments or provisions of this act shall arise within that part of the united kingdom called Scotland, the burgh magistrates shall be held to have and shall have within the limits of their own jurisdiction the same powers, duties, and authorities, and which they are hereby required to exercise, as are by this act conferred upon the said justices of the peace, and are required to be exercised by them.

XLVII. Provided always, That nothing in this act contained shall apply to mechanics, artizans, or labourers under the prescribed ages working only in repairing the machinery or premises.

XLVIII. That from and after the first day January one thousand eight hundred and thirty-four the act passed in the first and second years of the reign of his present Majesty, intituled An Act to amend the Laws relating to Apprentices and other Persons employed in Cotton Mills, and to make further Provisions in lieu thereof, shall be repealed, and the same is hereby repealed, except as to any act or acts repealed by the same.

XLIX. That any words in this act denoting the masculine gender shall be construed to extend to persons of either sex, and any words denoting the singular number shall be construed to extend to any number of persons or things, if the subject matter or context shall admit of such an interpretation, unless such construction shall be in express opposition to any other enactment.

L. That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others.

The SCHEDULE to which this Act refers.

Form of Conviction.

County of [town of ] BE it remembered, That on the as the fact may be] to wit. ] day of in the year A. B. [describe the offender] was, upon the complaint of C. D. [or upon the view of C. D., one of his Majesty's inspectors of factories], convicted before E. F., one of his Majesty's inspectors of factories, or justices of the peace of and for, &c. [as the case may be], in pursuance of an act passed in the fourth year of the reign of his Majesty king William the fourth, for [describe the offence]. Given under my hand and seal the day and year above mentioned.
Apprentices.

Warrant to distrain for Forfeiture

To the Constable, &c.

County of

WHEREAS A. B. of in the said
to wit. county, is this day convicted before me C. D. one of his Majesty’s inspectors of factories, [or justices of the peace in and for the said county,] upon the oath of a credible witness [or upon my own view, as the case may be,] for that he the said A. B. hath [here set forth the offence, describing it particularly in the words of the statute or rule, as near as can be], contrary to the statute [or rule, if the offence is against some rule or regulation or order of an inspector,] in that case made and provided, by reason whereof the said A. B. is adjudged to have forfeited the sum of £ , to be distributed as herein-after mentioned: These are therefore in his Majesty’s name to command you to levy the said sum of £ by distress of the goods and chattels of him the said A. B.; and if within the space of four days next after such distress by you taken, the said sum of £ together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels by you so distrained, and out of the money arising by such sale that you do pay [according to the award of the justice], returning the overplus, on demand, to him the said A. B., the reasonable charges of taking, keeping, and selling the said distress being first deducted; and if sufficient distress cannot be found of the goods and chattels of the said A. B. whereon to levy the said sum of £ that then you certify the same to me, together with this warrant. Given under my hand and seal the day of .

C. D.

Return of Constable upon Warrant of Distress where no Effects.

I A. B., constable of in the county of hereby certify and make oath, That by virtue of this warrant I have made diligent search for the goods of the within-named and that I can find no sufficient goods whereon to levy the same. As, witness my hand the day of .

Sworn before me the day and year

A. B.

C. D.

Commitment for Want of Distress.

County of

To the constable of in the county of , and to the keeper of the common gaol [or house of correction] at in the said county.

WHEREAS A. B. of in the said county, was, on the day of convicted before me C. D. esquire, one of his Majesty’s justices of the peace in and for the said county, [or inspector of factories, as the fact may be], upon the oath of a credible witness, [or upon my own view, as the case may be,] for that he [here set forth the offence] contrary to the statute made in the year of the reign of his Majesty king William the fourth for [according to the title of the act, or contrary to a certain rule or order or regulation of his Majesty’s inspectors of factories,] and the said A. B. by reason thereof hath been adjudged to forfeit and pay the sum of : And whereas on the day of in the year afore-said, I did issue my warrant to the constable of to levy the said sum of by distress and sale of the goods and chattels of him the said A. B., and to distribute the same as in my said warrant was mentioned: And whereas it duly appears to me, upon the oath of
the said constable, that he hath used his best endeavours to levy the
said sum on the goods and chattels of the said A. B., but that no suffi-
cient distress can be had whereon to levy the same: These are therefore
to command you the said constable of aforesaid to appre-
hend the said A. B., and him safely to convey to the common gaol [or
house of correction] at in the said county, and there deliver
him to the keeper thereof, together with this precept; and I do also
command you the said keeper to receive and keep in your custody the
said A. B. for the space of , unless the said sum shall be
sooner paid, pursuant to the said conviction and warrant; and for so
doing this shall be your sufficient warrant. Given under my hand and
seal the day of .

C. D.

[No. IV.] 4 W. IV. c. 1.—An Act to explain and amend an
Act of the last Session of Parliament, for regulating the
Labour of Children and Young Persons in the Mills and
Factories of the United Kingdom. [20th February 1834.]

WHEREAS by an act passed in the last session of parliament, inti-
tuled An Act to regulate the Labour of Children and Young Persons in
the Mills and Factories of the United Kingdom, it was enacted among
other things that certain provisions of the said act should come into
operation at the end of eighteen months, and certain other provisions
also at the end of thirty months, after the passing of the said act; and
it is expedient that the periods mentioned in the said provisions respec-
tively should be construed to be calendar months, not lunar months:
Be it therefore enacted, &c., That the said periods of eighteen months
and thirty months mentioned in the said act shall be construed and
taken to mean periods of eighteen calendar months and thirty calendar
months respectively.

II. And whereas it is provided by the said act, that in mills for the
manufacture of silk, children under the age of thirteen years shall be
allowed to work ten hours in any one day; and doubts have arisen wheth-
er, according to the true construction of the said act, children in such
mills can be allowed to work ten hours every working day in the week;
be it therefore further enacted, That in mills for the manufacture of silk,
children under the age of thirteen years shall be allowed to work
ten hours every working day in the week; and that this enactment shall
be substituted in the place of the provision herein-before referred to,
and be taken in all respects as part of the said act.

[No. V.] 4 & 5 W. IV. c. 35.—An Act for the better
Regulation of Chimney Sweepers and their Apprentices,
and for the safer Construction of Chimneys and Flues.
[25th July 1834.]

WHEREAS an act was passed in the twenty-eighth year of the reign
of his late Majesty king George the third, intituled An Act for the
better Regulation of Chimney Sweepers and their Apprentices, the provi-
sions whereof have been found insufficient to guard and protect children
of tender years apprenticed to chimney sweepers against various casual-
ties incident to the practice of cleansing flues by climbing: Be it there-
fore enacted, &c. That from and after the passing of this act the said act
of the twenty-eighth year of the reign of his said late Majesty shall be and
the same is hereby repealed.

Recited act repealed.
II. That from and after the passing of this act no child who shall not have attained the age of ten years shall be bound or put apprentice to any person using the trade or business of a chimney sweeper.

No child under 10 years to be apprenticed to a chimney sweeper.

III. That from and after the passing of this act no chimney sweeper or other person who shall not be a housekeeper in the parish or other place in which such chimney sweeper or other person shall reside, and be rated to the relief of the poor of such parish, or assessed for payment of taxes in such other place, shall take or be deemed capable of taking an apprentice to learn or to practice the business of a chimney sweeper, or of employing in such trade any child under the age of fourteen years.

IV. That all indentures, covenants, promises, and bargains hereafter to be made or taken of or for the hiring, taking, employing, retaining, or keeping of any child who shall be under the age of ten years, as or in the nature of an apprentice or servant in the capacity of a chimney sweeper, shall be absolutely void in law to all intents and purposes.

V. Provided always, That nothing in this act contained shall extend, or be deemed, taken, or construed to extend, to vacate or cancel any indenture of apprenticeship that shall have been actually in conformity with the said recited act made and executed previous to the passing of this act for binding any boy as an apprentice to any person using the trade of a chimney sweeper, but that such indenture of apprenticeship shall in all respects continue and be in as full force and effect as if this act had not been passed.

VI. Provided always, That every person using the trade of a chimney sweeper having or retaining or employing in his service any apprentice or apprentices who shall be under fourteen years of age, shall provide for each such apprentice, so long as he shall remain under the age of fourteen, a leathern cap, to be worn by such apprentice when out upon his duty, having a brass plate set or affixed on the front thereof, with the name or names of the master or mistress engraved thereon, and also the name of the apprentice and the date of his indenture of apprenticeship; and every master or mistress neglecting to provide such apprentice in his or her service, being under the age of fourteen, with such leathern cap and brass plate so affixed and engraved as aforesaid, shall for every such offence forfeit any sum not exceeding five pounds nor less than forty shillings.

VII. That from and after the passing of this act no person in the trade of a chimney sweeper shall hire, use, retain, or employ any child under the age of fourteen years, other than an apprentice bound according to the provisions of or previous to the passing of this act, and also other than such boy or boys as shall be upon trial with any master or mistress chimney sweeper as herein-after provided; and that every such person or persons so hiring, using, retaining, or employing any such child, other than an apprentice as aforesaid, or boy on trial as aforesaid, shall for every such offence forfeit any sum not exceeding ten pounds nor less than forty shillings.

VIII. That any person or persons requiring or compelling any apprentice or person of any description to ascend a chimney flue for the purpose of extinguishing fire therein shall be held and adjudged to be guilty of a misdemeanor, and be liable to be proceeded against accordingly.

IX. And to the end that the age and time of the continuance of service of every apprentice bound pursuant to the provisions of this act may certainly appear, it is further enacted, That every binding of a child as an apprentice to any person using or carrying on the trade of a chimney sweeper, and whether such binding shall be by a parish officer or by the parent or next friend of the child, and also every assignment of such apprentice, shall take place by and with the consent of two of his Majesty's justices of the peace acting in and for any county, stewardry, riding, city, town corporate, borough, division, or place within the united kingdom of Great Britain and Ireland, such consent and appro-
Apprentices.

No. V. 4 & 5 W. 4, c. 35.

Age of the apprentice to be inserted in the indenture.

Boys not to be let out to hire.

Boys to have a trial of the business previous to being apprenticed.

Justices to examine boys who have been upon trial before binding, and if boys are unwilling shall refuse their sanction.

Limitation of boys on trial.

X. That the age of every such child so to be bound apprentice shall be mentioned and inserted in such indenture, being taken truly from the copy of the entry in the register book wherein the time of his being baptized is or shall be entered (where the same can or may be had), which copy shall be given and attested by the minister, vicar, or curate of the parish or place wherein such child’s baptism shall be registered, without fee or reward, and may be written upon paper or parchment; and where no such copy of any entry of such child being baptized can be had, such justices of the peace shall as fully as they can inform themselves of his age, and from such information shall insert the same in the said indenture; and the age of such child so inserted and mentioned in the said indenture (in relation to the continuance of his service) shall be taken to be his true age without any further proof thereof.

XI. That no person exercising the trade or business of a chimney sweeper shall let out to hire by the day or otherwise, to any other person, for the purpose of chimney sweeping, any child already an apprentice or that shall hereafter be bound apprentice under the directions of this act.

XII. And whereas it is advisable that before any boy shall be bound by indenture to learn the business of a chimney sweeper, a previous trial of such business should take place on the part of the boy, under proper regulations; be it therefore further enacted, That before any boy shall be bound as an apprentice by indenture as herein provided, it shall be lawful for the intended master of such boy to have and receive such boy in such master’s house upon trial for any time not exceeding two calendar months from the commencement of such trial, and during such period of trial to permit and suffering such boy to ascend chimneys and to work in all respects as an apprentice in the said business of a chimney sweeper: Provided always, That before the commencement of such trial such boy, with his parent, next friend or guardian, or parish officer, and such intended master, shall go before any two justices of the peace acting in and for the county, stewartry, riding, city, town corporate, borough, division, or place where such intended master shall reside, and shall enter and register with the clerk to the said justices the name and residence of the intended master, and also the name, residence, and age of such boy, and the names and residences of the parties accompanying such boy, and also the intended period of trial, which shall be deemed to commence on the day after such entry and register, and shall not exceed the term of two calendar months from such day: Provided also, That such boy shall at the commencement of such trial be of the full age of ten years, to be ascertained as herein directed in other cases.

XIII. That the justices of the peace before whom any boy shall be brought for the purpose of being bound to a chimney sweeper, and which boy shall have been upon trial with the intended master or mistress, shall ascertain from such boy whether he is willing and desirous to follow the business of a chimney sweeper, and to be bound to such master or mistress; and in case such boy shall be unwilling to be bound, such justices shall and they are hereby required to refuse to sanction or approve of such binding.

XIV. That no master or mistress chimney sweeper shall have more than two boys at any one time on trial, as herein-before provided, nor more than four apprentices at one and the same time.

XV. That from and after the passing of this act it shall not be lawful for any master or mistress chimney sweeper, or for any journeyman, ser-
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vant, or apprentice of any chimney sweep, or for any person whom-
soever acting as a chimney sweep, to call or hawk the streets in any
city, town, or village, or elsewhere, for employment in his or her trade
as a chimney sweep; and if any person, chimney sweep, journey-
man, servant, or apprentice, shall offend herein, he shall be subject and
liable for every such offence to forfeit and pay a sum not exceeding forty
shillings.

XVI. That if any such master or mistress shall misuse or evil-treat
his or her apprentice, or if the said apprentice shall have any just cause
to complain of the forfeiture or breach of any of the covenants, provi-
sions, or agreements to be expressed and contained in the indenture,
according to the form in the schedule hereunto annexed, on the part and
behalf of such master or mistress, then and in such case such master or
mistress, being convicted thereof, shall forfeit and pay for every such
offence any sum not exceeding ten pounds nor less than forty shillings.

XVII. That it shall and may be lawful for any two or more justices
of the peace, and they are hereby authorized and empowered, to inquire
into, and examine, hear, and determine, all complaints of hard or ill
usage exercised by the several and respective masters or mistresses
towards their apprentices, whether such complaints be preferred by any
such apprentice or apprentices, or by any other person, and also all
complaints of masters or mistresses against such apprentice or appren-
tices, and to make such orders therein respectively as any justice or
justices is or are now enabled by law to do in other cases between mas-
ters and apprentices.

XVIII. And whereas it is expedient that for the better security from
accidents by fire or otherwise an improved construction of chimneys
and flues should hereafter be adopted; be it therefore further enacted,
That all withs and partitions between any chimney or flue which at any
time after the passing of this act shall be built or rebuilt shall be of
brick or stone, and at least equal to half a brick in thickness; and every
breast, back, and with or partition of any chimney or flue, hereafter to
be built or rebuilt, shall be built of sound materials, and the joints of
the work well filled in with good mortar or cement, and rendered or
stuccoed within; and also that every chimney or flue hereafter to be
built or rebuilt in any wall, or of greater length than four feet out of
any wall, not being a circular chimney or flue of twelve inches in diam-
eter, shall be in every section of the same not less than fourteen in-
ches by nine inches: and no chimney or flue shall be constructed with
any angle therein which shall be less obtuse than an angle of one hun-
dred and twenty degrees, and every salient or projecting angle in any
chimney or flue shall be rounded off four inches at the least; upon pain
of forfeiture, by every master builder or other master workman who
shall make or cause to be made such chimney or flue, of the sum of one
hundred pounds, to be recovered, with full costs of suit, by any person
who shall sue for the same in any of his Majesty's courts of record at
Westminster: Provided nevertheless, and be it enacted, That nothing
in this clause contained shall be construed to prevent chimneys or flues
being built at angles with each other of ninety degrees and more, such
chimneys or flues having therein proper doors or openings not less than
six inches square.

XIX. That all convictions for penalties and forfeitures by this act
imposed for any offence against the same shall be made by any two or
more justices of the peace, either by confession of the offender or
upon the oath or affirmation of one or more, credible witness or wit-
nesses.

XX. That all penalties and forfeitures by this act imposed for any Penalties
offence, neglect, or default against the same, and the costs and charges
attending the recovery thereof, shall be levied by distress and sale of
the goods and chattels of the offender or person liable or ordered to pay
the same respectively, by warrant under the hands and seals of two or
more justices of the peace acting for the county, stewartry, riding, city,
In default of payment of penalty, parties convicted to be sent to prison.

Inhabitants may be witnesses.

Distress not be deemed unlawful for want of form.

Plaintiff not to recover for any irregularity if tender of sufficient amends be made.

Appeal.
Apprentices.

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 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 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.

XXV. That no conviction, or adjudication made on appeal thereupon, 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.

XXVI. That this act shall be and continue in force until the first day of January in the year one thousand eight hundred and forty, and from thence until the end of the then next session of parliament.

The SCHEDULE to which this Act refers.

Form of Indenture.

This indenture, made the day of the year of the reign of our sovereign lord by the grace of God, of the united kingdom of Great Britain and Ireland, king, defender of the faith, and in the year of our lord between A. B. and C. D., churchwardens and overseers of the poor of the parish of in the county of [or E. F. the father or next friend of the boy to be placed out, as the case may be,] of the one part, and L. M. of number in street in the parish of in the county of chimney sweep, of the other part, witnesseth, that the said churchwardens and overseers of the poor, [or the said E. F., as the case may be,] by and with the consent and approbation of G. H. and I. K., two of his Majesty's justices of the peace acting in and for the county, stewardry, riding, city, town, borough, division, or place, [as the case may be,] signed as hereunder written, put and bind N. O. of the said parish, township, or place, being of the age of years [as the case may be], to be apprentice to the said L. M., he having now other apprentice or apprentices and no more [as the case may be], to learn the trade or business of a chimney sweep, and with him [or her] to dwell, remain, and serve from the day of the date of these presents, for and during the term of years from hence next ensuing fully to be complete and ended, during all which time he the said N. O. as such apprentice his said master [or mistress] faithfully shall serve and obey, his [or her] secrets keep, and his [or her] lawful commands every where gladly do and perform; he shall not haunt alehouses or
gaming houses, nor absent himself from the service of his said master
[or mistress] day or night without his [or her] leave, but in all things
as a faithful apprentice shall behave himself towards his said master [or
mistress] and all his [or her's] during the said term: And the said
L. M. in consideration of the good-will which he [or she] hath and
beareth towards the said apprentice, and of the faithful service so to be
performed by him, doth hereby covenant, promise, and agree with the
said churchwardens and overseers of the poor [or the said E. F., as the
case may be], that he [or she] the said N. O. his [or her] said appren-
tice, in the trade or business of a chimney sweeper, which he [or she]
now useth, shall and will teach and instruct, or cause to be taught and
instructed, in the best manner that he [or she] can, and shall and will
provide and allow unto the said apprentice, during all the said term,
competent and sufficient meat, drink, washing, lodging, apparel, and all
other things necessary for the said apprentice; and that the said L. M.
executors, administrators, or assigns, shall not nor will assign
over this present indenture, or the apprentice bound thereby, without
the consent and approbation in writing of two or more such justices of
the peace, to be signified according to the form of the approbation here-
derunder written: And whereas, from the nature of the business or employ-
ment of a chimney sweeper, it is necessary for the boys employed in
climbing to have a dress particularly suited to that purpose, which dress
is only fit for that part of the occupation, the said L. M. doth hereby
also covenant, promise, and agree to and with the said churchwardens
and overseers of the poor [or the said E. F., as the case may be] to find
and allow such suitable dress for the said apprentice as often as need or
occasion shall be and require, and provide for and deliver to the said
apprentice once in every year at least during the term aforesaid, over
and above the said dress proper for climbing, one whole and complete
suit of clothing, with suitable linen, stockings, cap or hat, and shoes;
and further, that the said L. M. shall and will at least once in every
week cause the said apprentice to be thoroughly washed and cleansed
from soot and dirt; and shall and will require the said apprentice to
attend the public worship of God on the sabbath day, and permit and
allow him to receive the benefit of any other religious or useful instruc-
tion; and that the said apprentice shall not wear his sweeping dress on
that day; and that the said L. M. shall not nor will compel or oblige or
permit the said apprentice to call the streets; and further, shall not nor
will compel or oblige the said apprentice to exercise his business between
the hours of eight at night and four o’clock in the morning from the
first day of November to the last day of March inclusive; nor shall the
said L. M. or any person or persons whomsoever by his [or her] di-
rections, require or force the said apprentice to climb or go up
any chimney which shall be actually on fire, nor make use of any vio-
Ient or improper means to force him to climb or go up any chimney, but
shall in all things treat his [or her] said apprentice with care and hu-

Form of Approbation by Justices.

We, G. H. and I. K., two of his Majesty’s justices of the peace acting
in and for the county, stewartry, riding, city, town, borough, division,
or place, [as the case may be,] having inspected and examined the within-
named N. O. [the boy to be placed out or assigned over], and it having
been proved to our satisfaction that he is of the age of ten years and up-
wards, do hereby consent to and approve of his being bound [or assigned
over] as an apprentice to the within-named L. M. [the master or mis-
tress], according to the terms and stipulations expressed in the within-
written indenture.
PART VI.
CLASS III.

BANKS DESTROYING, AND OTHER TRESPASSES.
[There have been no recent acts upon these subjects.]

PART VI.
CLASS IV.

BASTARDS.
[For the provisions of the 4 & 5 W. 4, c. 76, relating to Bastards, see post, title, Poor.]

PART VI.
CLASS V.

BENT.
[See the act amending the laws relating to Sewers, ante 539, title, Inferior Courts.]
PART VI.
CLASS V.—A.

BREAD.

[No. I.] 2 W. IV. c. 31.—An Act to regulate the Baking Trade in Ireland. [23d May 1832.]

WHEREAS it is expedient to regulate the sale of bread in Ireland, and in manner herein-after mentioned: Be it therefore enacted, That all bread which shall hereafter be sold or exposed or offered for sale in Ireland shall be made of any of the several ingredients herein-after mentioned; that is to say, of the flour or meal of wheat, barley, rye, oats, buckwheat, Indian corn, peas, beans, rice, or other grain, or of potatoes, such ingredients being mixed with common salt, pure water, eggs, milk, yeast, barm, leaven, or pottoye yeast, or with any of such last-mentioned ingredients, in such proportions as the makers or sellers of bread shall think fit.

II. That bread shall henceforth be sold in Ireland by weight only, and not by measure; and that it shall not be competent for any person or persons to maintain any suit or action at law or equity for the price or value of any bread sold in Ireland otherwise than by weight; and that every person who shall sell or expose or offer for sale in Ireland any bread shall keep continually in some convenient part of the shop, or carry with him, if the bread be carried about for sale, a beam and scales, with proper weights, in order that every person who may purchase any such bread may, if he or she shall think proper, require the same to be weighed in his or her presence.

III. That if any person shall sell or expose or offer for sale any bread by measure, or otherwise than by weight, or shall sell or offer or expose for sale any bread made wholly or in part of any ingredient or thing not herein-before mentioned, or shall sell or expose or offer for sale any bread in any shop or other place in which such beam, scales, and weights as aforesaid shall not be there kept, in manner aforesaid, for the purpose aforesaid, or shall, when thereunto required by any person who may be desirous or about to purchase any such bread, refuse, in the presence of such person, to weigh the same in such scales and with such weights as aforesaid, each and every person so offending shall for each and every such offence incur a fine not exceeding five pounds or less than five shillings, as the magistrate or magistrates, justice or justices, before whom such offender shall be convicted, shall think fit to order and direct; and in default of payment of such fine within three days after notice of such conviction, it shall be lawful to and for the justice or justices before whom such offender shall have been convicted, by his or their warrant or warrants under his or their hand and seal, to cause such offender to be apprehended and committed to the house of correction of the city, county, or place where the offence shall have been committed or where the offender shall have been apprehended, there to remain for any time not exceeding one calendar month from the time of such commitment, as such justice or justices shall think fit to order.

IV. That all fines imposed under this act shall be applied to the benefit of the hospital, infirmary, or dispensary of the parish in which such offence shall have been committed.

V. That in all cases where any conviction shall be had for any offence or offences committed against this act, the form of conviction shall be in the words or to the effect following; (that is to say,)

"BE it remembered, That on the day of in the year of the reign of
A. B. is convicted before me [or us], justice [or justices] of the peace  
for the  
of having [as the offence shall be]; and do adjudge him [or her] 
I [or we] the said  
to forfeit and pay the sum of 
Given under my hand and seal [or our hands and seals] the day and 
year aforesaid.'

VI. That any person so convicted under this act shall have the power to appeal against such conviction, on giving sufficient security that he will prosecute such appeal, to the next general quarter sessions of the peace for the county, city, or place where such conviction shall have been made.

VII. Provided always, That nothing in this act contained shall be construed to extend to any county, city, town, or district in Ireland for places in which a particular statute for regulating the baking trade or the assize of which particular bread is now in force and shall continue to be in force.

VIII. That nothing in this act contained extends or shall be construed to extend to the making or sale of such bread as is usually made and sold under the denomination of French or fancy bread, or rolls or cakes.

IX. That this act, and every matter and thing therein contained, shall have effect and be in force from and after the expiration of one calendar month next after the passing thereof, and not sooner.

X. That this act shall be deemed and taken to be a public act, and shall be judically taken notice of as such by all judges, justices, and others, without being specially pleaded.
[For the clauses of the Highway Amendment Act relating to Bridges, see post, Part VI, Class XXII, Highways.]

[No. I.] 4 & 5 W. IV. c. 61.—An Act for the more effectually providing for the Erection of certain Bridges in Ireland. [13th August 1834.]

WHEREAS, according to the laws now in force in Ireland, where any river is the boundary between two counties, the expenses of building, rebuilding, repairing, enlarging, or altering any bridge over such river are to be defrayed by such two counties only, that is to say, a moiety by each; and no money can be paid by the treasurer of either of such counties on account of any presentment for any of the aforesaid purposes unless an equal sum shall have been presented to be raised for the same work upon the adjoining county: And whereas differences have been frequently found to exist between the grand juries of such adjacent counties with respect to the expediency of the building, rebuilding, altering, or improving or repairing of bridges so situated, by reason whereof the same have been in many instances suffered to fall into decay, to the great inconvenience of the public: And whereas the objections to making presentments for such bridges have been sometimes founded upon the supposition that the particular counties which alone would be thereby so charged would not derive from such bridge a benefit commensurate with the expence, whilst other neighbouring counties would gain a portion of such benefit without contributing in any degree to the burthen, and it is expedient to remove any foundation for such objections; be it therefore enacted, &c. That where at any time after the commencement of this act it shall be deemed expedient by the grand jury of any county or county of a city or town in Ireland that any bridge over any river forming a boundary between such county or county of a city or town and any other county or county of a city or town, or any approach to such bridge, shall be built, rebuilt, enlarged, altered, repaired, or in anywise improved, it shall and may be lawful for such grand jury to present a memorial to the lord lieutenant or other chief governor or governors of Ireland, stating the nature of the work proposed, and the reasons for which the same is considered to be useful or desirable, and praying that the powers by this act authorized to be exercised may be applied for the purpose of prosecuting and completing such work.

II. That thereupon it shall be lawful for such lord lieutenant or other chief governor or governors of Ireland, if he or they shall so think fit, to appoint any number of persons not exceeding five to inquire into and report upon the circumstances stated in such memorial, and to investigate the truth of the matters therein contained, and the propriety and expediency of complying with the prayer of such memorial; and that the person or persons so to be appointed, shall have full power to examine into the merits of such memorial and the grounds thereof, and for that purpose to receive such evidence, whether oral or documentary, to make or cause to be made such surveys and plans, and to collect such information as may be offered in support of or against the prayer of such memorial; and in case such person or persons shall, upon a consideration of all the facts submitted or proved to them or him, be of opinion that the provisions of this act shall be put into operation with respect to the subject matter of such inquiry, he or they shall so report to the said lord lieutenant or other chief governor or governors; and
such report shall be accompanied by a proper plan, estimate, and specification for the execution of the intended work, and also by a statement of the proportions in which the expenses thereof should be defrayed by the two counties between which the bridge shall be, and by such neighbouring counties, if any such, as ought to be contributory to such expenses.

III. That the said lord lieutenant or other chief governor or governors shall cause a copy of such report, plan, estimate, specification, and statement to be transmitted to the secretary of the grand jury of each and every county named in such statement as proper to be contributory to such expenses as aforesaid, to be by him laid before the grand jury at the next assizes; and each such grand jury shall take the same into consideration; and if any such grand jury shall determine that an appeal shall be made against such report on account of such county being made contributory to the expenses aforesaid, or on account of its being charged in an undue proportion for the said expenses, or on account of any objection to the plan, specification, estimate, or statement aforesaid, it shall be lawful for such grand jury to direct that such appeal shall be made to the said lord lieutenant or other chief governor or governors in council, in the name of such grand jury, on behalf of such county; and the grounds of such appeal shall be stated in writing, and signed by the foreman of such grand jury, and transmitted by him to the clerk of the privy council; and notice of every such appeal shall be inserted by or on behalf of such grand jury in the Dublin Gazette once in two successive weeks next after such appeal shall have been lodged with the clerk of the council as aforesaid; and it shall be lawful for such lord lieutenant or other chief governor or governors, by and with the advice and consent of his Majesty's privy council in Ireland, to hear and determine such appeal, and to make such order, disallowing or confirming such report, or for the varying, altering, or modifying such report, plan, estimate, specification, or statement, as shall seem meet.

IV. That upon such report if not appealed against, or in the case of any such appeal then upon such report, if the same shall be confirmed, or, if varied, altered, or modified, then upon the same as so varied, altered, or modified upon such appeal, it shall be lawful for the said lord lieutenant or other chief governor or governors, if he or they shall so think fit, by order to be signified through his or their chief or under secretary, to direct that the bridge in such report mentioned shall be built or rebuilt, or that the same or any of the approaches thereto shall be repaired, enlarged, widened, altered, or improved in the manner and according to the plan in such report approved of, or according to such other plan as may be approved of upon such appeal as aforesaid, and that the expenses of any such work, or in case any grant shall be made in aid of such work as herein-after mentioned, then the residue of such expenses, shall be raised off and from the several counties which may be specified for that purpose in such report or amended report, according to the shares and proportions thereby recommended or determined.

V. That, in order to provide for any expenses which may become necessary by the appointment of any person or persons for the purpose of examining into the subject matter of any memorial to be presented under this act, the grand jury presenting or authorizing any such memorial shall be and are hereby empowered and required to present to be levied off their own county such sum not being less than two hundred pounds as they may think fit, which sum shall be deposited with the treasurer of such county as a fund or security for the discharge of such expenses as aforesaid, and be by him, or such proportion thereof, paid over to such person or persons as shall be directed by the said lord lieutenant or other chief governor or governors to receive the same, in case a report shall be made that such memorial ought not to be complied with, but in case a compliance with the same shall be recommended and upon such report may direct that the bridge shall be built or repaired, and how the expense thereof shall be raised.

Lord lieutenant

Grand jury

making such

application to

present off their

own county a

sum for defray-

ing expenses of

commission, to

be lodged with

treasurer; but if

report be

favourable, the

expenses shall

be defrayed

out of the mo-
granted, then the money so deposited shall remain in the hands of such treasurer to the credit of the county, and the expenses attending the investigation of the matter of such memorial shall be deemed part of the charges for the work recommended, and shall be borne by the several counties liable thereto under the provisions of this act in the several proportions hereby directed.

VI. That when any such report as aforesaid shall have been received and approved of by the said lord lieutenant or other chief governor or governors, or if the same shall be appealed against, then upon the determination of such appeal, the order made upon the same shall be transmitted to the secretaries of the grand juries of the respective counties thereby directed to be liable to the charges of the said work, and shall be by them at the next assizes laid before such grand juries respectively, who shall thereupon present to be levied off their respective counties the sums appearing by such order to be respectively chargeable thereon.

VII. That such presentments may and shall be made without any previous application or approval by any special sessions under the provisions of an act passed in the third and fourth years of his present Majesty’s reign, intituled *An Act to amend the Laws relating to Grand Juries in Ireland*, or any other act or acts.

VIII. That the building, rebuilding, repairing, widening, enlarging, or improving of any bridge under the provisions of this act, or of any of the approaches thereto, and the execution of all works relating to the same, shall be carried on, conducted, and managed by and under the control and direction of the commissioners for the time being; and that all the provisions of the said last-mentioned act shall and may be applied and extended to the several works hereby authorized to be executed, so far as the same may be necessary, and may not be repugnant to or inconsistent with this act: And provided further, That nothing herein contained shall be construed to restrain or prevent the said last-mentioned commissioners from making any grant in aid of the erection of any bridge which may be proposed to be erected under the provisions of this act, in like manner and to such extent as they may be authorized by the said last recited act to make grants on the application of any grand jury; and such commissioners are hereby authorized, upon consideration of the report, with the plans, specifications, and estimates, to be prepared as herein-before provided, at their discretion, subject nevertheless to the consent and approbation of the lords commissioners of his Majesty’s treasury for the time being, to make such grant in aid of the erection of bridges in respect whereof the provisions of this act may be put in execution; and in the case of any such grant the amount thereof shall be deducted from the gross amount of the expense of erecting the same, and the residue only shall be levied off the several counties contributory to such expense in the proportions and manner prescribed by the order of the said lord lieutenant or other chief governor or governors as aforesaid.

IX. That it shall be lawful for any grand jury hereby required to present any sum of money for the purposes of this act to direct that the amount of such presentment shall be levied by any number of equal half-yearly instalments not exceeding twelve; and upon such presentment being made it shall be lawful for the said lord lieutenant or other chief governor or governors, if he or they shall so think fit, to order that the whole or such part as he or they shall deem proper of the money so presented, or the residue thereof in case of any grant being made as aforesaid, shall be advanced out of the sum of five hundred thousand pounds which by an act of the first and second year of his present Majesty, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, may be advanced to the said commissioners of public works, for the more speedy execution of the work to which such presentment shall relate, which sum so advanced shall be repaid in the proportions prescribed by any such order as aforesaid of the said lord lieu-
Bridges.

X. That if any surplus of any money presented under this act shall remain after the completion of the work for which the same shall have been raised, such surplus shall be refunded to the treasurers of the respective counties off which the said money shall have been raised in the like proportions as those in which such counties were made chargeable towards the expenses of such work; and in like manner any additional sum beyond the amount of the estimate which may be found necessary shall be presented in like proportions, pursuant to the order and directions of the said lord lieutenant or other chief governor or governors.

XI. And whereas by an act passed in the parliament of Ireland in the thirty-fifth year of the reign of his late Majesty king George the third, intituled *An Act for building a Bridge over the River Shannon at Portumna in the County of Galway*, certain persons therein named were constituted trustees for receiving subscriptions for building a bridge over the river Shannon where the ferry of Portumna then was, and the subscribers thereto were created, united, and elected into one company, and were thenceforth to be one body politic and corporate by the name of the commissioners for building a bridge over the river Shannon at Portumna, with certain powers and duties in the said act particularly mentioned and set forth; And whereas the said company was by the said act authorized to demand and receive certain sums therein specified in the nature of toll for passage over the said bridge, and also to raise money for the purposes of the said act in any manner which they or any eleven or more of them should judge necessary: And whereas the said commissioners afterwards caused a bridge to be erected and built across the said river Shannon pursuant to the provisions of the said act, and thereupon received and have since continued to collect the several tolls thereby given, as well for the purposes of maintaining and keeping in repair the said bridge as reimbursing the several persons subscribing money for the execution thereof: And whereas the said commissioners, in execution of the powers by the said act vested in them, have from time to time borrowed considerable sums of money on the credit of the said tolls, on account of which loans the said commissioners are now indebted to the extent of three thousand pounds or thereabouts: And whereas, notwithstanding the receipt of such tolls, and of the funds so produced on the credit thereof, the said bridge hath been neglected, and is now in such a state of dilapidation and decay as to be nearly impassable and useless, and it is therefore expedient that the management of the said bridge should be otherwise conducted, and the revenue arising therefrom more judiciously and properly applied; be it therefore enacted, That from and after the commencement of this act the said act of the thirty-fifth year of the reign of his late Majesty king George the third shall be and the same is hereby repealed, save and except as to any matters or things heretofore done or which have heretofore taken place under the authority thereof.

XII. Provided always, That nothing herein contained shall have the effect of reviving, creating, or validating any right of ferry or other right or privilege abolished or affected by the said act.

XIII. That the said bridge at Portumna, and all the right, title, interest, property, claim, and demand, in law or in equity, of the said body politic and corporate thereto, and in and to all tolls, revenues, profits, emoluments, income, and benefits arising therefrom or thereout, shall be and the same are hereby transferred to and vested in the said commissioners for the execution of the said act passed in the first and second years of the reign of his present Majesty, and their successors, in like manner as any public work to which the said last-mentioned act may now apply.
XIV. That it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland to appoint three or more persons for the purpose of investigating and reporting upon the respective proportions in which the counties likely to derive benefit from the said Portumna bridge shall contribute to the expenses of re-constructing and repairing the same, which persons so appointed shall be at liberty, if they should so think fit, to cause proper plans, maps, estimates, and specifications to be made, for the purpose of guiding their judgments upon the matter so submitted to them, the expenses whereof, and of all things by them directed as aforesaid, shall be deemed and taken to be part of the charges connected with the said bridge, and shall be defrayed in the like manner and in the same proportions as any other expenses attending the same.

One half the sum so required to be advanced out of consolidated fund, and the remainder to be raised off such counties.

XV. That one half of the sum necessary for the rebuilding or otherwise completing the said bridge and of the approaches thereto shall be paid and advanced out of the sum of five hundred thousand pounds which by the aforesaid act of the first and second year of his present Majesty may be advanced for the purpose of making roads, and building bridges in Ireland, upon warrants to be from time to time signed for that purpose by the lord lieutenant or other chief governor or governors of Ireland, and the other moiety thereof shall be raised off the respective counties which under the provision herein-before contained shall be reported by the person or persons in that behalf appointed to be liable to the expenses of the said bridge, and shall be apportioned among such counties in manner recommended by such report.

XVI. And forasmuch as the rebuilding the said Portumna bridge so intended to be built, and the repairing, preserving, enlightening watching, and supporting the same, will be attended with considerable expense; be it further enacted, That it shall be lawful to and for the said commissioners and their successors, and they are hereby authorized and empowered, to take and receive, or cause to be taken and received, in the nature of a toll, before any passage over the said bridge shall be permitted, any sum which the said commissioners or their successors shall direct not exceeding the following rates; (that is to say,)

For every coach, berlin, chariot, calash, chaise, or chair drawn by six or more horses or other beasts of burthen, the sum of four shillings sterling; and for every coach, berlin, chariot, calash, chaise, or chair drawn by any lesser number of horses or other beasts of burthen than six, or more than two, the sum of two shillings sterling:

For every coach, berlin, chariot, calash, chaise, or chair drawn with two horses or other beasts of burthen, the sum of one shilling sterling:

For every waggon, wain, cart, car, or other carriage with four wheels, drawn by four or more horses or other beasts of burthen, the sum of one shilling sterling; by less than four and more than one horse or other beast of burthen, the sum of sixpence sterling:

For every waggon, wain, cart, car, or other carriage with two wheels, drawn by more than two horses or other beasts of burthen, the sum of nine-pence sterling, and when empty the sum of sixpence sterling:

For every cart, car, or other carriage drawn by two horses or other beasts of burthen, the sum of sixpence sterling:

For every carriage commonly called a chaise or chair, with two wheels, drawn with one horse or other beast of burthen, the sum of threepence sterling; if with four wheels, the sum of four-pence sterling:

For every cart, car, or other carriage drawn by one horse or other beast of burthen, and not laden, the sum of two-pence sterling:

For every cart or other carriage drawn by one horse or other beast of burthen, and laden (except with hogs), the sum of three-pence sterling:

For every horse carrying one rider, the sum of two-pence sterling:

For every sledge, slide, or other carriage without wheels, drawn in any manner, the sum of one shilling; and for all carriages whatsoever
drawn in or by any other manner than as aforesaid, the sum of
sixpence:
For every horse, gelding, mare, mule, ass, or other beast of burthen,
laden or unladen and not drawing, the sum of two-pence sterling:
For every drove of oxen or neat cattle, the sum of one shilling and eight-
pence sterling per score, and so in proportion for a greater or lesser
number:
For every drove of calves, hogs, sheep, or lambs, the sum of ten-pence
sterling per score, and so in proportion for any greater or less
number:
For every dead hog, the sum of one halfpenny:
Which said respective sum and sums shall be demanded and taken in
the name of or as a per-centage toll or duty; and the money so to be
raised as aforesaid is and shall be hereby vested in the commissioners
and their successors for ever; and the said commissioners and their suc-
cessors shall be and are hereby empowered, by themselves or any per-
son or persons by them under their hands and seals thereto authorized,
to levy the tolls or duties by this act appointed and required to be paid,
upon any person or persons who shall, after demand made thereof,
neglect or refuse to pay the same, by distress of any carriage, horse, or
other cattle or goods upon which any such toll or duty is by this act im-
posed, or upon any other of the goods or chattels of any such person or
persons as ought to pay the same, and may detain the same until such
toll or duty, with the reasonable charges of such distressing or keeping,
shall be paid; and it shall and may be lawful to and for the person or
persons so distressing, after the space of four days after such distress
made and taken, to sell the goods distressed by public auction, returning
the overplus (if any), upon demand, to the owner, after such toll, duty,
and reasonable charges for distressing and keeping the same shall be
deducted and paid.

XVII. Provided always, That this act shall not extend or be construed to extend to charge with toll any horses or carriages belonging to his Majesty or any of the royal family; or for any horse, beast, cattle, or carriage of whatever description employed or to be employed in conveying, fetching, or guarding mails of letters and expresses under the authority of his Majesty’s postmaster-general, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning back from conveying or guarding the same; or for any soldiers upon their march or upon duty, or for any horse, beast, cattle, or carriages attending them, with their arms and baggage, or returning after having been so employed; or for any waggon, wain, cart, or other carriage whatever, or the horse or horses or other cattle drawing the same, which shall be employed in conveying any ordnance, barrack, or commissariat or other public stores of or belonging to his Majesty, or for the use of his Majesty or for the use of his Majesty’s forces; or for any chief constable, constable, or any person of higher or lower rank of or belonging to, any constabulary force or police, being on duty, or for any horse, mare, or gelding furnished by or for or belonging to any such constable, chief constable, or any other such person as aforesaid, rode by them in going to or returning from any place upon duty; and if any person shall claim and take the benefit of any of the exemptions by this act granted from the whole or any part of the several tolls hereby authorized to be taken, not being entitled to the same, such person or persons for every
such offence shall forfeit and pay any sum not exceeding five pounds.

XVIII. That it shall and may be lawful to and for the said commis-
sioners and their successors to erect and place a toll house or toll houses
and a toll gate or toll gates, at or near the said Portumna bridge; and
the said commissioners and their successors, and any person or persons
by them thereto authorized, are hereby empowered to receive at such
gate or gates the tolls or duties required by virtue of this act to be paid,
before the passage of any person, carriage, cattle, or goods through the
said gate or gates; and that any person forcing a passage through such
gate or gates, for himself or herself, his or her carriage, cattle, or goods,
and not paying the due and regulated tolls, or who shall wilfully and maliciously destroy, break, pull down, or damage any gate or gates, toll house or toll houses, or works erected by virtue of this act, or shall prevent or obstruct the erection of any such gate or gates, toll house or toll houses, or works, or shall obstruct the collectors appointed by the said commissioners in collecting the said tolls, or the persons employed for that purpose, may for every such offence be summoned personally, or by a summons left at his or her usual place of abode with some person living therein of the age of sixteen years and upwards, at the instance of the said commissioners or of the person or persons appointed by them to receive the same, one day before the day on which his or her appearance shall be required, to appear before one or more justices or justices of the peace for the King’s county or counties of Galway or Tipperary, who shall hear and determine the merits of such complaint in a summary way, by the oath or oaths of one or more witness or witnesses, which oath such justice or justices of the peace is and are hereby required to administer, or by the confession of the party, and to inquire into and determine upon any offence as aforesaid, and shall, in case of proof of any such offence, whether the party complained against appear or not, if the service of the summons be duly proved, adjudge the person or persons guilty of the same to pay to the said commissioners or their successors, or to the person or persons by them or their successors authorized, any sum not exceeding ten pounds, with the necessary costs and charges; and in case of non-payment of the same the sum to be adjudged by such justice or justices of the peace shall be levied, by warrant of distress under the hand and seal of such justice or justices of the peace, on the goods and chattels of the person or persons so adjudged to pay the same; and the goods and chattels so distrained shall and may on any day after four days from the time of distraining, and within two days, be publicly sold, and out of the produce thereof the sum so adjudged shall be paid to the person or persons empowered to receive the same; and the overplus (if any be), after deducting the costs and charges, shall be paid to the owner of such goods and chattels so distrained; and in case such distress cannot be made, then that the said justice or justices of the peace shall and may and he and they are hereby empowered to commit the said person or persons to the common gaol of the county in which he is a justice of the peace, there to remain without bail or mainprize for such time not exceeding three months as to the said justice or justices of the peace shall seem fit and meet.

Commissioners of public works may appoint collectors of such tolls;

XIX. That it shall and may be lawful to and for the said commissioners and their successors to nominate and appoint such person or persons to be receiver or receivers, collector or collectors of the said several tolls and duties as they shall think fit; and all persons by this act liable to pay the said tolls or duties or any of them are hereby required to pay the same, after the rates aforesaid, to such receiver or receivers, collector or collectors; and all such receivers or collectors shall respectively pay the same, at all time and times when thereto required, either to the treasurer of the said commissioners, or to such other person or persons as the said commissioners or their successors shall empower and appoint by writing under their hands and seals for that purpose; and that such receiver or receivers, collector or collectors aforesaid shall, upon oath, if required by the said commissioners or their successors, which oath the said commissioners are hereby empowered to administer from time to time, give in a true, exact, and perfect account, in writing under their respective hands, of all monies which they or every of them shall to such respective times have received, paid, and disbursed by virtue of this act, or by reason of their respective offices, for which oath no fee or reward shall be taken, and the same may be taken without any stamp; and in case any such receiver or receivers, collector or collectors of the said tolls and duties shall not make such account and payment as is by this act directed, then any justice or justices of the peace for the King’s county or counties of Galway or Tipperary shall commit such party or parties refusing
or neglecting so to do to the public gaol of the county of which he is a justice of the peace, there to remain without bail or mainprize until he or they shall have made a true account and payment as aforesaid, or compounded for the same with the said commissioners or their successors, and paid the money by every such composition stipulated to be paid.

XX. That it shall and may be lawful for the said commissioners or their successors to demise or let the said tolls appointed by virtue of this act, for any time not exceeding twenty-one years; and the said commissioners or their successors are hereby required and empowered, under their hands and seals, to appoint the said tenant or tenants thereof, his or their servant or servants, to receive and collect the said tolls for such term as aforesaid, and to erect such toll gate or toll gates as aforesaid; and the said commissioners are hereby empowered to make and ordain such rules and regulations as they or their successors, or any two or more of them, shall judge necessary and expedient, for the better collecting the tolls aforesaid.

XXI. That the several tolls by this act authorized to be collected and taken shall be applied in the first instance towards the expense of maintaining and repairing the said bridge at Portumna; and in the next place towards the repayment of any sum or sums of money hereunto advanced or borrowed from the said commissioners, or any other commissioner, under any act or acts for the advance of monies in aid of public works in Ireland, or paid out of the consolidated fund of the united kingdom by virtue of any such act or acts; and that the surplus arising therefrom, if any, shall be applied and disposed of in such manner as the commissioners for executing the office of lord high treasurer shall from time to time direct and appoint.

XXII. Provided always, That when any such surplus shall arise, it shall be lawful to lessen and reduce all or any of the tolls by this act arises, the tolls authorized to be taken in such manner as the commissioners for executing the office of lord high treasurer shall from time to time direct and appoint, so that at any time thereafter the amount of such tolls shall not be less or greater than may be requisite to supply the fund requisite for maintaining and repairing the said bridge at Portumna.

XXIII. That no person or persons shall keep or maintain any boat or boats to ply for hire ever or across the said river at any place between the distance of one mile above and one mile below the bridge intended to be built as aforesaid, or to carry or convey for hire any passenger or passengers, cattle, carriages, or goods which is or are subject or chargeable with toll or duty by this act, over or across the said river Shannon, except such person or persons as shall be licensed or appointed by the said commissioners or their successors.

XXIV. That the architects, managers, or persons employed to build the said bridge, or such other person or persons as the said commissioners or their successors shall appoint, shall have all and singular the same powers of raising and carrying away gravel, stones, earth, or other materials for the purpose of erecting the said bridge as are given by the laws now in force to any person employed or acting in or for the repairing of public roads, and subject to the same regulations and restrictions.

XXV. That wherever the word “County” occurs in this act the same construction of shall be construed to extend to and comprehend a county of a city or a the word county of a town as well as a county at large.
PART VI.

CLASS VII.

CARRIERS.

[No. I.] 1 W. IV. c. 68.—An Act for the more effectual protection of Mail Contractors, Stage Coach Proprietors, and other common Carriers for hire, against the loss of or injury to Parcels or Packages delivered to them for conveyance or custody, the value and contents of which shall not be declared to them by the Owners thereof.

[Inserted ante, Part IV. Class XIV. p. 509.]

[No. II.] 5 & 6 W. IV. c. 58.—An Act to repeal an Act of the Ninth Year of his late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the British Possessions on the Continent and Islands of North America; and to make further Provisions for regulating the Carriage of Passengers from the United Kingdom.

[Inserted ante, Part III. Class II. p. 306.]
PART VI.
CLASS VII—A.

CATTLE.

[No. I.] 5 & 6 W. IV. c. 59.—An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto.

[9th September 1835.]

WHEREAS frequent accidents arise from improperly driving cattle, and many and great cruelties are practised by improperly driving and conveying cattle to, at, and from public markets and otherwise, as well as in slaughtering and keeping and detaining the same without food and nourishment, to the great and needless increase of the sufferings of dumb animals and to the demoralization of the people, and whereby the lives and property of his Majesty's subjects are greatly endangered and injured: And whereas it is expedient to reduce into one act, and to alter, amend, and enlarge the powers and provisions of several acts now in force relating to the cruel and improper treatment of cattle, and the mischiefs arising from the driving thereof, and also to prevent as far as possible the cruel and improper treatment of cattle and other animals, and to make divers provisions in regard thereto: Be it therefore enacted, &c. That the act herein-after mentioned, (that is to say,) an act passed in the third year of the reign of his late Majesty king George the fourth, c. 71, and part intituled An Act to prevent the cruel and improper Treatment of Cattle, of the act so much of an act passed in the third year of the reign of his pre-3 W. 4, c. 19, sent Majesty, intituled An Act for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity for Three Years, as connects and enacts as follows, (that is to say,) "And whereas divers places in and about the metropolis are kept and used for the purpose of fighting or baiting of bears or other animals, at which places idle and disorderly persons commonly assemble, to the interruption of good order and the danger of the public peace; be it therefore enacted, that any person who shall, within five miles of Temple Bar, keep or use or shall act in the management or conducting of any premises or place whatsoever for the purpose of fighting or baiting of bears, cock-fighting, baiting or fighting of badgers or other animals, shall, on conviction thereof before any one justice of the peace, forfeit any sum not exceeding five pounds, and in default of immediate payment shall be liable to be imprisoned and kept to hard labour for any time not exceeding two months, unless the said penalty shall be sooner paid," shall be and the same are hereby severally repealed, and made null and void to all intents and purposes, save and except as to any penalties or forfeitures incurred and not recovered, and to any offences or other matters committed and done before the passing of this act.

II. That if any person shall from and after the passing of this act, wantonly and cruelly beat, ill-treat, abuse, or torture any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, dog, or any other cattle or domestic animal, or if any person who shall drive any cattle or other animal shall, by negligence or ill usage in the driving thereof, be the means whereby any mischief, damage, or injury shall be done by any such cattle or other animal, every such offender, being convicted of any or either of the said offences before any one justices of the peace for the city, town, or county in which any such offence shall have
been committed, shall for every such offence forfeit and pay (over and above the amount of the damage or injury (if any) done thereby, which damage or injury shall and may be ascertained and determined by such justice) such a sum of money, not exceeding forty shillings nor less than five shillings with costs, as to such justice shall seem meet; or the offender shall, in default of payment, be committed to the common gaol or house of correction for the city, town, or county in which such offence shall have been committed, there to be imprisoned for any time not exceeding fourteen days; provided that nothing in this act contained shall prevent or abridge any remedy by action against the employer of any such offender where the amount of the damage is not sought to be recovered by virtue of this act.

III. And whereas cruelties are greatly promoted and encouraged by persons keeping houses, rooms, pits, grounds, or other places for the fighting or baiting of dogs, bulls, bears, or other animals, and for fighting cocks, and by persons aiding or assisting therein, and the same are great nuisances and annoyances to the neighbourhood in which they are situate, and tend to demoralize those who frequent such places; be it therefore enacted, That from and after the passing of this act, if any person shall keep or use any house, room, pit, ground, or other place for the purpose of running, baiting, or fighting any bull, bear, badger, dog, or other animal (whether of domestic or wild nature or kind), or for cock-fighting, or in which any bull, bear, badger, dog, or other such animal shall be baited, run, or fought, every such person shall be liable to a penalty not exceeding five pounds nor less than ten shillings for every day in which he shall so keep and use such house, room, pit, ground, or place for any of the purposes aforesaid: Provided always, That the person who shall act as the manager of any such house, room, pit, ground, or other place, or who shall receive any money for the admission of any person thereto, or who shall assist in any such baiting or fighting, or bull-running, shall be deemed and taken to be the keeper of the same for the purposes of this act, and be liable to all such penalties as are by this act imposed upon the person who shall actually keep any such house, room, pit, ground, or other place for the purposes aforesaid.

IV. And whereas great cruelties are practised by reason of keeping and detaining horses, assæ, and other cattle and animals impounded and confined without food frequently for many days; for remedy whereof, be it enacted, That from and after the passing of this act every person who shall impound or confine, or cause to be impounded or confined, any horse, ass, or other cattle or animal, in any common pound, open pound, or close pound, or in any inclosed place, shall and he is hereby required to find, provide, and supply such horse, ass, and other cattle or animal so impounded or confined, daily with good and sufficient food and nourishment for so long a time as such horse, ass, or other cattle or animal shall remain and continue so impounded or confined as aforesaid; and every such person who shall so find, provide, and supply any such horse, ass, or other cattle or animal, with such daily food and nourishment as aforesaid, shall and may and he and they are hereby authorized and empowered to recover of and from the owner or owners of such cattle or animal not exceeding double the full value of the food and nourishment so supplied to such cattle or animal as aforesaid by proceeding before any one justice of the peace within whose jurisdiction such cattle or animal shall have been so impounded and supplied with food as aforesaid, in like manner as any penalty or forfeiture, or any damage or injury, may be recovered under and by virtue of any of the powers or authorities in this act contained, and which value of the food and nourishment so to be supplied as aforesaid such justice is hereby fully authorized and empowered to ascertain, determine, and enforce as aforesaid; and every person who shall have so supplied such food and nourishment as aforesaid shall be at liberty, if he shall so think fit, instead of proceeding for the recovery of the value thereof as last
Class VII—A.]

Cattle.

aforesaid, after the expiration of seven clear days from the time of impounding the same, to sell any such horse, ass, or other cattle or animal, openly at any public market (after having given three days public printed notice thereof) for the most money that can be then got for the same, and to apply the produce in discharge of the value of such food and nourishment so supplied as aforesaid, and the expenses of and attending such sale, rendering the overplus (if any) to the owner of such cattle or animal.

V. That in case any horse, ass, or other cattle or animal shall at any time so remain impounded or confined as aforesaid without sufficient daily food or nourishment more than twenty-four hours, it shall and may be lawful to and for any person or persons whomsoever from time to time and as often as shall be necessary to enter into and upon any such common pound, open pound, or close pound, or other inclosed place in which any such cattle or animal shall be so impounded or confined, and to supply such cattle or animal with such good and sufficient food and nourishment during so long a time as such cattle or animal shall so remain and continue impounded or confined as aforesaid, without being liable to any action of trespass or other proceeding by any person or persons whomsoever for or by any reason of such entry or entries for the purposes aforesaid.

VI. That in case any such person who shall so impound or confine, or cause to be impounded or confined, any such horse, ass, or other cattle or animal as aforesaid, shall refuse or neglect to find, provide, and supply such daily good and sufficient food and nourishment to such cattle and animal so impounded or confined as aforesaid, he and they shall for every day during which he or they shall so refuse or neglect to find, provide, and supply the same as aforesaid, forfeit and pay the sum of five shillings; which last sum and sums of money shall and may be recoverable by proceeding before any one justice of the peace in like manner as herein-before provided for the recovery of any penalty, forfeiture, damage, or injury as herein-before mentioned.

VII. And whereas great cruelty is practised by reason of diseased, old, and worn-out horses sold or taken to knackers or slaughtermen for the purpose of slaughter, being frequently resold or compelled to work, or kept without sufficient food; for remedy whereof be it further enacted, That if any person keeping or using any house or place for the purpose of slaughtering or killing any horse or cattle (which shall not be for butcher's meat) shall at any time hereafter slaughter or kill any horse or cattle (not being for butcher's meat) without having previously taken out a licence for that purpose, and without having previously affixed over the outer gate or entrance from the public highway to said licensed premises the board and inscription in manner and form prescribed according to the provisions of an act of parliament passed in the twenty-sixth year of the reign of king George the third, intituled An Act for regulating Houses and other Places kept for the Purpose of slaughtering Horses, every such person shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than ten shillings, or be liable to such punishment as in the said act is provided.

VIII. That every person so keeping or using any house or place for the purpose of slaughtering or killing horses or other cattle shall kill and slaughter every such horse or cattle within three days next after such horse or other cattle shall have been purchased by or brought and delivered to him, or any person in his service or employ, for the purposes of slaughter as aforesaid, and shall also in the meantime, and until such horse or other cattle shall have been so slaughtered, find and provide such horse or other cattle with good and sufficient daily food and nourishment, and shall also, at the time of receiving such horse or cattle for the purposes aforesaid, enter in the book which by the said act of the twenty-sixth of George the third is required to be kept by such person for the purposes in the said act mentioned, a correct description of the colour and gender of the horse so purchased by or de-
Cattle.

Any constable or peace officer, or the owner of any cattle, may seize offenders.

IX. And, for the more easy and effectual apprehension of all offenders against this act, be it further enacted, That when and so often as any of the said offences shall happen it shall and may be lawful to or for any constable or other peace officer, or for the owner of any such cattle or animal, upon view thereof, or upon the information of any other person (who shall declare his, her, or their name or names and place or places of abode to the said constable or other peace officer), to seize and secure by the authority of this act, and forthwith and without any other authority or warrant to convey any such offender before any one justice of the peace within whose jurisdiction the offence shall have been committed, to be dealt with according to law, and such justice shall forthwith proceed to examine upon oath any witness or witnesses who shall appear or be produced to give information touching any such offence (which oath the said justice is hereby authorized and empowered to administer.)

X. That if any person who shall be apprehended for having committed any offence against this act shall refuse to discover his name and place of abode to the justice before whom he shall be brought, such person refusing shall immediately be delivered over to a constable or other peace officer, and shall by him be conveyed to the common gaol or house of correction for the city, town, or county within which the offence shall have been committed, or in which the offender shall have been apprehended, there to remain for a space not exceeding one calendar month, or until he shall make known his name and place of abode to the said justice.

XI. That the prosecution of every offence punishable under this act shall be commenced within three calendar months next after the commission of the offence, and not otherwise; and the evidence of the party complaining shall be admitted in proof of the offence, and also the evidence of any overseer or inhabitant of the parish in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the overseers of the poor of such parish.

XII. That in every case of a conviction under this act, where the sum which shall be awarded for the amount of the damage or injury done, or which shall be imposed as a penalty by any such justice as aforesaid for any offence contrary to this act, shall not be paid either immediately upon or after the conviction, or within such period as such justice shall at the time of the conviction appoint, it shall be lawful for such justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such justice, for any term not exceeding fourteen days, where the amount of the sum awarded, or the penalty imposed or both (as the case may be), together with the costs, shall not exceed five pounds, and for any term not exceeding two calendar months where the amount, with costs, shall exceed five pounds; the commitment to be determinable in each of the cases aforesaid upon payment of the sum or sums awarded and costs.

XIII. That it shall be lawful for any one such justice as aforesaid, in all cases in which no other mode of proceeding is specially provided or directed by this act, or in any case where any person shall not be conveyed before any justice by the authority of this act, upon information or complaint made by any person of any offence against the provisions.
of this act, within fourteen days next after the commission of any such offence to summon the party accused to appear before such justice, or before any other justice of the peace, at a time and place to be by him named; and either on the appearance of the party accused or in default thereof it shall be lawful for such justice or any other justice, at the time and place to be appointed for such appearance, to proceed to examine into the matter, and upon due proof made thereof by voluntary confession of the party, or by oath of one or more credible witness or witnesses, to award, order, give judgment, or convict for the damage or injury, penalty or forfeiture, as the case may be.

XIV. That in every case where there shall be a conviction for any offence contrary to this act the same shall be drawn or made out according to the form following, or to the effect thereof, or as near thereto as the case shall require; (videlicet,)

`County [or as the ] B E it remembered, That on the day 
`case may be] of in the year of our Lord 
`at in the county of [or as the case may be] of 
`A. B. is convicted before me J. P., one of his Majesty's justices of the 
`peace for the said county [or as the case may be], for that he said 
`A. B. on the day of in the year 
`at in the said did 
`[here specify the offence, and on a second conviction state the first.] and 
`I the said J. P. do adjudge the said A. B. for his said offence to 
`forfeit and pay the sum of [here state the penalty ac-
`tually imposed, or the penalty and also the amount of the injury done, or 
as the case may be], and also to pay the sum of 
`[or, in case of a second or subsequent 
`conviction, to be there kept to hard labour] for the space of 
`unless the said sums shall be sooner paid; and I direct that the 
said sum of [the penalty] shall be paid as follows; that is to say, one 
moiety thereof to the overseers of the poor of the said parish of 
to be by them applied according to the directions of the statute 
in that case made and provided, and the other moiety thereof to C. D. 
[of [the prosecutor, or as the case may be]; and that the said 
`sum of [the sum for the amount of injury done, if any 
sum is awarded,] shall be paid to E. F. [or the said C. D., as the case 
may be]; and I order that the said sum of 
`shall be paid to the said C. D. Given under my hand and seal the 
day and year first above mentioned.'

XV. That any summons issued by any such justice requiring the Service of jus-
appearance of any defendant, against any of the provisions of this act, shall be deemed and taken to be well and sufficiently served in case either the summons or copy thereof be served personally on such person as aforesaid, or be left at his usual or last known place of abode, in whatever county the same may be so served or left.

XVI. That if any constable or other peace officer shall refuse or Penalty on 
neglect to serve or execute any such summons or warrant granted or constable re-
issued by any justice of the peace pursuant to any of the provisions of 
this act, every such constable or peace officer so offending, and being 
convicted thereof upon the information of any person before any justice 
of the peace, shall forfeit any sum not exceeding five pounds as shall be 
awarded by such justice, and in default of payment thereof shall be 
awarded by such justice to the county gaol or house of correction of 
the city, town, or county in which such justice has jurisdiction, there to 
be kept for the space of time not exceeding one calendar month, unless 
such penalty shall be sooner paid.

XVII. That all pecuniary penalties which shall be recovered before Distribution of 
any justice of the peace under the provisions of this act shall respec-
tively be divided, paid, and distributed in the following manner; (that is
to say,) one moiety thereof to the overseers of the poor of the parish in which any of the offences aforesaid shall have been committed, to be by such overseers applied in aid of the rates of their respective parishes, and the other moiety thereof, with full costs, to the person who shall inform and prosecute for the same, or to such other person as to such justice shall seem fit and proper; and that all and every sum or sums of money which shall or may be ascertained, determined, adjudged, and ordered by any justice of the peace, under the authority of this act, to be paid as the amount of any damage or injury occasioned by the commission of any of the offences herein-before mentioned, shall be paid to the person who shall or may have sustained such damage or injury according to the order or determination, and at the discretion of any such justice.

XVIII. That upon the hearing of any information or complaint exhibited or made under any of the provisions of this act, any person giving or making such information or complaint, or other person, shall be deemed and is hereby declared to be a competent witness, notwithstanding he may be entitled to any part of the pecuniary penalty, on the conviction of any offender, upon any such information or complaint as aforesaid.

XIX. That all actions and prosecutions which may be brought or commenced against any person for any thing done in pursuance or under the authority of this act shall be commenced within one calendar month next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of any such action, and specifying the cause thereof, shall be given to the defendant fourteen clear days at least before the commencement of any such action; and the defendant in such action may plead the general issue, and give this act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from or in respect of any matter or thing done in pursuance and by the authority of this act, or if any such action shall be brought after the expiration of one calendar month, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against him, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as every defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be had shall certify his approbation of the action and of the verdict obtained thereon.

XX. That in case any person shall consider himself aggrieved by any adjudication or conviction made by any justice of the peace under the authority of this act, such party shall and may appeal against such adjudication or conviction on giving fourteen days' notice of such appeal, and the cause and matter thereof, to such justice, to the next quarter sessions to be held next after the expiration of the said fourteen days in or for the town, city, riding, county, or division within which such adjudication or conviction shall have been made; and such court of quarter sessions shall hear and determine the said appeal, and award to the party appealing against or supporting such adjudication or conviction such costs as to them shall seem reasonable.

XXI. And in order to avoid the repetition, and to prevent any misconstruction of terms and expressions used in this act, be it further
enacted, That whenever in this act, with reference to any person, cattle, animal, matter, or thing, any word or words is or are used importing the singular number or the masculine or feminine gender only, yet such word or words shall be understood to include several persons or animals as well as one person or animal, and females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that where the word "cattle" is used alone in this act the same shall be understood and taken for any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, or lamb, or any other cattle or domestic animal.

PART VI.

CLASS VIII.

COAL MINES.

[There has been no recent enactment upon this subject.]
PART VI.
CLASS IX.

CONSTABLES.

[No. 1.] 1 & 2 W. IV. c. 41.—An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace.

[15th October 1831.]

WHEREAS it is expedient to amend the laws relative to the appointment of special constables, and to make other provisions for the better preservation of the public peace; be it therefore enacted, &c. That in all cases, where it shall be made to appear to any two or more justices of the peace of any county, riding, or division having a separate commission of the peace, or to any two or more justices of the peace of any liberty, franchise, city, or town in England or Wales, upon the oath of any credible witness, that any tumult, riot, or felony has taken place or may be reasonably apprehended in any parish, township, or place situate within the division or limits for which the said respective justices usually act, and such justices shall be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants and the security of the property in any such parish, township, or place as aforesaid, then and in every such case such justices, or any two or more justices acting for the same division or limits, are hereby authorized to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in such parish, township, or place as aforesaid, or in the neighbourhood thereof, to act as special constables, for such time and in such manner as to the said justices respectively shall seem fit and necessary, for the preservation of the public peace, and for the protection of the inhabitants, and the security of the property in such parish, township, or place; and the justices of the peace who shall appoint any special constables by virtue of this act, or any one of them, or any other justice of the peace acting for the same division or limits, are and is hereby authorized to administer to every person so appointed the following oath; that is to say,

'I A. B. do swear, That I will well and truly serve our sovereign lord the king in the office of special constable for the parish [or township] of , without favour or affection, malice or ill-will;
and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of his Majesty's subjects and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.'

Provided always, that whenever it shall be deemed necessary to nominate and appoint such special constables as aforesaid, notice of such nomination and appointment, and of the circumstances which have rendered such nomination and appointment expedient, shall be forthwith transmitted by the justices making such nomination and appointment to one of his Majesty's principal secretaries of state and to the lieutenant of the county.

II. That in any case in which any number of the householders, or other persons not legally exempt from serving the office of constable, shall have been appointed by the justices in manner aforesaid to act as special constables for any such parish, township, or place as aforesaid, it
shall be lawful for any one of his Majesty's principal secretaries of state, on the representation of any two justices of the peace, to order that the persons exempt by law from serving as special constables in such parish, township, or place, or the neighbourhood thereof, shall, notwithstanding such exemption, be appointed and sworn in to act as special constables as if they were not by law exempt; and such persons shall accordingly be appointed and sworn in manner aforesaid, and shall be liable to act for two calendar months only.

III. That it shall be lawful for any one of his Majesty's principal secretaries of state to give direction to the lieutenant of any county to cause special constables to be appointed and sworn in manner aforesaid throughout the whole of such county or any portion thereof, whether a hundred or hundreds, parish or parishes, or any other known division or divisions, of whatever size or denomination, and to signify, if such secretary of state shall see fit, that no person shall be excused from being so appointed and sworn in by reason of any exemption: Provided always, that the persons so appointed and sworn in, whether having cause of exemption or not, shall only be called upon to act for three calendar months.

IV. That the justices of the peace who shall have appointed any special constables under this act, or any two of them, or the justices acting for the division or limits within which such special constables shall have been called out, at a special session of such last-mentioned justices, or the major part of such last-mentioned justices at such special session, shall have power to make such orders and regulations as may from time to time be necessary and expedient for rendering such special constables more efficient for the preservation of the public peace, and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

V. That every special constable appointed under this act shall, not only within the parish, township, or place for which he shall have been appointed, but also throughout the entire jurisdiction of the justices so appointing him, have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has within his constablewick by virtue of the common law of this realm, or of any statute or statutes.

VI. That where any special constables appointed under this act shall be serving within any county, and two or more justices of the peace of any adjoining county shall make it appear to the satisfaction of any two or more justices of the peace acting for the division or limits wherein such special constables are serving, that any extraordinary circumstances exist which would render it expedient that the said special constables should act in such adjoining county, then and in every such case the said last-mentioned justices are hereby authorized (if they shall think fit) to order all or any of the said special constables to act in such adjoining county in such manner as to the said last-mentioned justices shall seem meet; and every such special constable, during the time that he shall so act in such adjoining county, shall have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities, as if he were acting within the parish, township, or place for which he was originally appointed.

VII. That if any person, being appointed a special constable as aforesaid, shall refuse to take the oath herein-before mentioned, when thereunto required by the justices of the peace so appointing him, or by any two of them, or by any other two justices of the peace acting for the same division or limits, he shall be liable to be convicted thereof forthwith before the said justices so requiring him, and to forfeit and pay such sum of money, not exceeding five pounds, as to the said justices so requiring him shall seem meet; and if any person, being appointed a special constable as aforesaid, shall neglect or refuse to appear at the time and place for which he shall be summoned, for the purpose of

No. I. 1 & 2 W. 4, c. 41.

- to be sworn in, though exempt by law; and may direct any lord lieutenant to cause special constables to be sworn in, and no exemption allowed.

Justices may make regulations respecting special constables, and may remove them for misconduct.

Powers of special constables.

Special constables may act in the adjoining county in certain cases.

Penalty for refusing to take the oath of office, &c.
No. I. 1 & 2 W. 4, c. 41.

Penalty for refusing to serve, or for disobedience of orders.

VIII. That if any person, being appointed a special constable as aforesaid, and being called upon to serve, shall neglect or refuse to serve as such special constable, or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, every person so offending shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such neglect or refusal of sum of money, not exceeding five pounds, as to the said justices shall seem meet, unless such person shall prove to the satisfaction of the said justices that he was prevented by sickness or such other unavoidable accident as shall in the judgment of the said justices be a sufficient excuse.

Power to discontinue the services of constables called out;

notifying the same to the secretary of state, &c.

IX. That the justices who shall have appointed any special constables under this act are hereby empowered, or the justices acting for the division or limits within which such special constables shall have been called out, at a special session to be held for that purpose, or the major part of such last-mentioned justices at such special session, are hereby empowered to suspend or determine the services of any or all of the special constables so called out, as to the said justices respectively shall seem meet; and notice of such suspension or determination of the services of any or all of the said special constables shall be forthwith transmitted by such respective justices to one of his Majesty’s principal secretaries of state, and also to the lieutenant of the county.

Special constables to deliver staves, &c. to successors.

X. That every such special constable shall, within one week after the expiration of his office, or after he shall cease to hold and exercise the same pursuant to this act, deliver over to his successor (if any such shall have been appointed), or otherwise to such person and at such time and place as may be directed by any justice of the peace acting for the division or limits within which such special constable may have been called out, every staff, weapon, and other article which shall have been provided for such special constable under this act; and if any such special constable shall omit or refuse so to do, he shall, on conviction thereof before two justices of the peace, forfeit and pay for such offence such sum of money not exceeding two pounds as to the convicting justices shall seem meet.

Punishment for assaulting or resisting constables.

XI. That if any person shall assault or resist any constable appointed by virtue of this act, whilst in the execution of his office, or shall promote or encourage any other person so to do, every such person shall, on conviction thereof before two justices of the peace, forfeit and pay for such offence any sum not exceeding twenty pounds, or shall be liable to such other punishment, upon conviction on any indictment or information for such offence, as any persons are by law liable to for assaulting any constable in the execution of the duties of his office.

Special constables not to gain a settlement, nor be exempt from the militia.

XII. That no person who shall be appointed a special constable, or who shall act as such under the provisions of this act, shall by reason thereof acquire a legal settlement in any parish, township, or place, any law or statute to the contrary notwithstanding; and that no such person shall by reason thereof be exempt from the ballot for or from serving in the militia.

Justices in special sessions may order allowances to the special constables, such

XIII. That the justices of the peace acting for the division or limits within which any such special constables shall have been called out to serve at a special session to be held for that purpose, or the major part of the justices at such special session, are hereby empowered to order from time to time such reasonable allowances for their trouble, loss of time, and expenses, to be paid to such special constables who shall have
so served or be then serving, as to the said justices or such major part of them shall seem proper; and the said justices or such major part of them may also order the payment of such expenses as may have been incurred in providing staves or other necessary articles for such special constables; and the said justices so ordering, if justices for any county, riding, or division having a separate commission of the peace, or if justices for any liberty, franchise, city, or town which shall be contributory to the public rate for any county, riding, or division, shall make every order for the payment of such allowances and expenses upon the treasurer of such county, riding, or division, who is hereby required to pay the same out of any public money which shall then be in his hands, any the said treasurer shall be allowed all such payments in his accounts; and where the justices of the peace assembled at such special sessions are justices for any liberty, franchise, city, or town which is not contributory to the public rate for any county, riding, or division, but which raises a rate or other similar fund in the nature of a county rate, in every such case the said last-mentioned justices shall make every order for the payment of such allowances and expenses as aforesaid upon the treasurer or other officer having the collection or disbursement of such last-mentioned rate or fund, who shall forthwith pay every such order out of such rate or fund, and shall be allowed all such payments in his accounts.

XIV. That the justices of the peace assembled at any special session for any of the purposes mentioned in this act shall have power to adjourn any special session, &c.

XV. That the prosecution for every offence punishable upon summary conviction by virtue of this act shall be commenced within two calendar months after the commission of the offence; and that every penalty and forfeiture for any offence against this act shall be paid to some one of the overseers of the poor, or to some other officer, (as the convicting justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the public rate for the county, riding, or division to which such parish, township, or place is contributory; or if such parish, township, or place is situate within any liberty, franchise, city, or town which is not contributory to the public rate for any county, riding, or division, but which raises a rate or other similar fund in the nature of a county rate, then every such penalty or forfeiture shall be paid over in the manner aforesaid to the use of the said last-mentioned fund or rate; and no inhabitant of any county, riding, division, liberty, franchise, city, or town shall by reason thereof, or by reason of the application of any such penalty or forfeiture as aforesaid, be deemed an incompetent witness in proof of any offence against this act.

XVI. That the justices of the peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this act may adjudge that such person shall pay the same either immediately or within such period as the said justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charges of such distress; and for want of sufficient distress such offender shall be imprisoned, with or without hard labour, in the common gaol or house of correction, as to the convicting justices shall seem meet, for any term not exceeding one calendar month where the sum to be paid shall not exceed five pounds, and for any term not exceeding two calendar months in any other case; the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

XVII. 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 to the like
effect; that is to say,

Form of convi-

ction.

BE it remembered, That on the

to wit. } day of

in the year of our Lord

in the county of

[or riding

et cetera], A. O. is convicted before us, J. P. and J. J. P., two of his
Majesty’s justices of the peace for the said county [or riding, et cetera,
or otherwise, as the case may require], for that he the said A. O. did
[hence specify the offence, and the time and place when and where the same
was committed, as the case may be]; and we do adjudge that the said
A. O. shall for the said offence forfeit the sum of

and shall pay the same immediately [or shall pay the same

on or before the day of ]

to C. D., being one of the overseers of the poor of, et cetera, to be by
him applied according to the directions of the statute in that case
made and provided. Given under our hands the day and year first
above mentioned.

J. P. and J. J. P.

No certiorari,

&c.

XVIII. That no conviction for any offence against this act 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 that no warrant
of commitment shall be held void by reason of any defect therein, provided
it be therein alleged that it is founded on a conviction, and there be a
good and valid conviction to sustain the same; and that where any dis-
tress shall be made for levying any money by virtue of this act, the dis-
tress itself shall not be deemed unlawful, nor the party making the same
be deemed a trespasser, on account of any defect or want of form in the
summons, conviction, warrant of distress, or other proceedings relating
thereto, nor shall the party distraining be deemed a trespasser ab initio,
on account of any irregularity afterwards committed by him, but the
person aggrieved by such irregularity may recover full satisfaction for
the special damage, if any, in an action upon the case.

XIX. And, for the protection of persons acting in the execution of
this act, be it enacted, That all actions and prosecutions to be com-
 menced 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 cause of action shall
be given to the defendant one calendar month at least before the com-
 mencement of the action; and in any such action the defendant may
plead the general issue, and give this act and the special matter in evi-
dence 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 plain-
tiff 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 de-
defendant hath by law in other cases; and though a verdict shall be given
for the plaintiff in any such action, such plaintiff shall not have costs
against the defendant unless the judge before whom the trial shall
be shall certify his approbation of the action and of the verdict obtained
thereupon.

XX. That an act passed in the first year of the reign of king George
the fourth, intituled An Act to increase the Power of Magistrates in the
Appointment of Special Constables, shall be and the same is hereby re-
pealed as to all parts of England and Wales.
XXI. That nothing in this act contained shall extend to Scotland or Ireland.

XXII. Provided always, That nothing in this act contained shall be construed to abridge any powers for preserving the public peace, whether by appointing constables or otherwise, which any justice or justices of the peace had, by law, or by virtue of any statute or statutes, before the passing of the said act of the first year of the reign of king George the fourth.

[No. II.] 2 & 3 W. IV. c. 108.—An Act for amending the Laws in Ireland relative to the Appointment of Special Constables, and for the better Preservation of the Peace.

[15th August 1832.]

WHEREAS it is expedient to amend the laws in Ireland relative to the appointment of special constables, and to make other provisions for better preservation of the public peace in that part of the united kingdom: Be it therefore enacted, &c. That in all cases where it shall be made to appear to any two or more justices of the peace of any county, riding, county of a city, county of a town or place in Ireland, upon the oath of any credible witness, that any tumult, affray, riot, or felony has taken place or may be reasonably apprehended in any parish, townland, or place situate within the jurisdiction of such justices, and such justices shall be of opinion that the ordinary police or constabulary or other force, or officers of justice, constituted and established therein, are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of the property in any such place as aforesaid, then and in every such case such justices are hereby authorized to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in such parish, townland, or place as aforesaid, or the neighbourhood thereof, to act as special constables for such time and in such manner as to the said justices respectively shall seem fit and necessary, for the preservation of the public peace and for the protection of the inhabitants and the security of the property in such parish, townland, or place; and the justices of the peace who shall appoint any special constables by virtue of this act, or any one of them, or any other justices of the peace acting for the same limits, are and is hereby authorized to administer to every person so appointed the following oath; (that is to say,)

' I A. B. do swear, That I will well and truly serve our sovereign Lord the king in the office of special constable for the parish [or town- land or district] of without favour or affection, malice, or ill-will, and that I will to the best of my power cause the peace to kept and preserved, and prevent all offences against the persons and properties of his Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. ' So help me GOD.'

Provided always, That whenever it shall be deemed necessary to nominate and appoint such special constables as aforesaid, notice of such appointment to nomination and appointment, and of the circumstances which have been transmitted rendered such nomination and appointment expedient, shall be forth- with transmitted by the justices making such nomination and appoint- ment to the lord lieutenant or other chief governor or governors of Ireland, and to the lieutenant of the county or place.
II. That in any case in which any number of the householders or other persons not legally exempt from serving the office of constable shall have been appointed by the justices in manner aforesaid to act as special constables for any parish, townland, or place as aforesaid, it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland, on the representation of any two justices of the peace, to order that the persons exempt by law from serving as special constables in such parish, townland, or place, or the neighbourhood thereof, shall, notwithstanding such exemption, be appointed and sworn in to act as special constables if as they were not by law exempt; and such persons shall accordingly be appointed and sworn in manner aforesaid, and shall be liable to act for two calendar months only.

III. That it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to give direction to the lieutenant of any county or place to nominate and appoint, and to cause to be sworn, special constables throughout the whole of such county or place, or any portion thereof, of whatever size or denomination, and to signify, if he or they shall see fit, that no person shall be excused from being so appointed and sworn in by reason of any exemption: Provided always, That the persons so appointed and sworn in, whether having cause of exemption or not, shall only be called upon to act for three calendar months.

IV. That the justices of the peace who shall have appointed any special constables under this act, or any two of them, or the justices acting within the limits wherein such special constables shall have been called out, at a special session of such last-mentioned justices or the major part of such last-mentioned justices at such special session, shall have power to make such orders and regulations as may from time to time be necessary and expedient for rendering such special constables more efficient for the preservation of the public peace, and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

V. That every special constable appointed under this act shall, not only within the parish, townland, or place for which he shall have been appointed, but also throughout the entire jurisdiction of the justices so appointing him, have, exercise, and enjoy all such powers, authorities, rights, privileges, advantages, and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has within his constablewic by virtue of the common law of this realm or of any statute or statutes.

VI. That where any special constables appointed under this act shall be serving within any county, and two or more justices of the peace of any adjoining county shall make it appear to the satisfaction of any two or more justices of the peace acting for the limits wherein such special constables are serving, that any extraordinary circumstances exist which would render it expedient that such special constables should act in such adjoining county, then and in every such case the said last-mentioned justices are hereby authorized (if they shall think fit) to order all or any of the said special constables to act in such adjoining county, in such manner as to the said last-mentioned justices shall seem meet; and every such special constable, during the time that he shall so act in such adjoining county, shall have, exercise, and enjoy all such powers, authorities, rights, privileges, advantages, and immunities, and be liable to all such duties and responsibilities, as if he were acting within the parish, townland, or place for which he was originally appointed.

VII. That if any person, being appointed a special constable as aforesaid, shall refuse to take the oath herein-before mentioned, when thereunto required by the justices of the peace so appointing him, or by any other two justices of the peace acting within the same limits, he shall be liable to be convicted thereof forthwith before the said justices so requiring him, and to forfeit and pay such sum of money not exceeding five pounds as to the said justices so requiring him shall seem meet; and if any person, being appointed a special constable as aforesaid, shall neg-
Lect or refuse to appear at the time and place for which he shall be sum-
monged for the purpose of taking the said oath, he shall be liable to be 
convicted thereof forthwith before the justices so appointing him, or be-
fore any other two justices of the peace acting within the same limits, and 
to forfeit and pay such sum of money, not exceeding five pounds, as to:
the convicing justices shall seem meet, unless such person shall prove 
to the satisfaction of the said justices that he was prevented by sickness 
or such other unavoidable accident as shall in the judgment of the said 
justices be a sufficient excuse.

VIII. That if any person, being appointed a special constable as afore-
said, and being called upon to serve as such special constable as aforesaid, 
shall neglect or refuse to serve as such special constable, or to obey such 
lawful orders and directions as may be given to him for the performance 
of the duties of his office, every person so offending shall, on convic-
tion thereof before any two justices of the peace, forfeit and pay for 
every such neglect or refusal such sum of money, not exceeding five 
pounds, as to the said justices shall seem meet, unless such person shall 
prove to the satisfaction of the said justices that he was prevented by 
sickness or such other unavoidable accident as shall in the judgment of 
the said justices be a sufficient excuse.

IX. That the justices who shall have appointed any special constables 
under this act are hereby empowered, or the justices acting for the limits 
within which such special constables shall have been called out, at a spe-
cial session to be held for that purpose, or the major part of such last-
mentioned justices at such special session, are hereby empowered to sus-
pend or determine the services of any or all of the special constables so 
called out, as to the said justices respectively shall seem meet; and no-
tice of such suspension or determination of the services of any or all of 
the said special constables shall be forthwith transmitted by such respec-
tive justices to the chief secretary of the lord lieutenant or other chief 
governor or governors of Ireland, or his under secretary, and also to the 
lieutenant of the county.

X. That every such special constable shall, within one week after the 
expiration of his office, or after he shall cease to hold and exercise the 
same pursuant to this act, deliver over to his successor (if any such shall 
have been appointed), or otherwise to such person and at such time and 
place as may be directed by any justice of the peace acting for the limits 
within which such special constable may have been called out, every 
staff, weapon, and other articles which shall have been provided for such 
special constable under this act; and if any such special constable shall 
omit or refuse so to do, he shall, on conviction thereof before two justices 
of the peace, forfeit and pay for every such offence such sum of money, 
not exceeding two pounds, as to the convicting justices shall seem meet.

XI. That if any person shall assault or resist any constable appointed 
by virtue of this act whilst in the execution of his office, or shall promote 
or encourage any other person so to do, every such person shall, on con-
viction thereof before two justices of the peace forfeit and pay for such 
offence any sum not exceeding twenty pounds, or shall be liable to such 
other punishment, upon conviction on any indictment or information for 
such offence, as any persons are by law liable to for assaulting any con-
stable in the execution of the duties of his office.

XII. That the justices of the peace acting for the limits within which 
any such special constable shall have been called out to serve, at a order reason-
special session to be held for that purpose, or the major part of the able allow-
justices at such special session, are hereby empowered to order from 
time to time such reasonable allowances for their trouble, loss of time, 
and expences, to be paid to such special constable who shall have so 
served or be then serving, as to the said justices or such major part of 
them shall seem proper, and the said justices, or such major part of 
them, may also order the payment of such expences as may have been 
incurred in providing staves or other necessary articles for such special 
constables; and the said justices shall make such order for the payment
of such allowances and expenses upon the treasurer of the county of a city, county of a town within, or within any part of the
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XIII. That it shall and may be lawful for the grand jury of
XIV. The justices of the peace assembled at any special
journals, the same from time to time as they shall think proper; for any of the purposes mentioned in this act shall have power to

XV. That the prosecution of every offense punishable upon

XVI. That the justices of the peace by whom any person

XVII. That the justices of the peace before whom any

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[Signature]
XVIII. That no conviction for any offence against this act 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 that no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and that where any distress shall be made for levying any money by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage (if any) in an action upon the case.

XIX. 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, riding, county of a city, or county of a town 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 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, or, in case of replevin, may avow generally that the goods and chattels mentioned in the plaintiff's declaration were taken by virtue of the act, and give this act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

XX. That an act passed in the first year of the reign of king George the fourth, intituled An Act to increase the Power of Magistrates in the Appointment of Special Constables, shall be and the same is hereby repealed as to all parts of Ireland.

XXI. That nothing in this act contained shall extend to England or Ireland.

XXII. Provided always, That nothing in this act contained shall be Acts not to be construed to abridge any powers for preserving the public peace, whether by appointing constables or otherwise, which any justice or justices of the peace had by law, or by virtue of any statute or statutes, before the passing of the said herein-before recited act of the first year of the reign of king George the fourth.

[No. III.] 5 & 6 W. IV. c. 43.—An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables.

WHEREAS by an act passed in the first and second years of the reign of his present Majesty, intituled An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace, it is amongst other things enacted, that in all cases where it should be made to appear to any two or more justices of
the peace of any county, riding, or division having a separate commission of the peace, or to any two or more justices of the peace of any liberty, franchise, city, or town in England or Wales, upon the oath of any credible witness, that any tumult, riot, or felony had taken place, or might be reasonably apprehended, in any parish, township, or place situate within the division or limits for which the said respective justices usually act, and such justices should be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the protection of the inhabitants and the security of the property in any such parish, township, or place as aforesaid, then in every such case such justices, or any two or more justices acting for the same division or limits, are thereby authorized to nominate and appoint, by precept in writing under their hands, so many as they should think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in such parish, township, or place as aforesaid, or in the neighbourhood thereof, to act as special constables for such time and in such manner as to the said justices respectively should seem fit and necessary for the preservation of the public peace, and for the protection of the inhabitants and the security of the property in such parish, township, or place: And whereas it is expedient that the power of appointing special constables given by the said act should be extended in manner herein-after mentioned: Be it therefore enacted, &c.

That all persons willing to act as special constables under the provisions of the said act shall be capable of being appointed and acting, and may be appointed and act as such special constables, notwithstanding they may not be resident in such parish, township, or place as aforesaid, or in the neighbourhood thereof; and every person appointed and acting as special constable under the provisions of this act shall have all the same powers, and be entitled to and enjoy all the same privileges and benefits, and be subject to all the same duties and liabilities, as the special constables appointed or to be appointed under the provisions of the said act.

PART VI.
CLASS X.

COSTS.

[There has been no recent enactment relating to costs in criminal cases.]
PART VI.

CLASS XI.

COUNTY RATE.

[No. I.] 1 W. IV. c. 61.—An Act to regulate the Appplotment of County Rates and Cesses in Ireland, in certain Cases.

[23d July 1830.]

WHEREAS by an act passed in the parliament of Ireland in the thirty-sixth year of the reign of his Majesty king George the third, intituled An Act for the Amendment of public Roads, for directing the Power of Grand Juries respecting Presentments, and for repealing several Laws heretofore made for that Purpose, it is enacted, that the clerk of the crown of every county in Ireland shall, within four days after every assizes, deliver to the treasurer of such county copies of all presentments made at such assizes, and that such treasurer shall, within one month after he shall have received such copies of the presentments, issue his warrants to the several persons who under the provisions of the said act are to be the collectors for levying and collecting the sums to be raised off each barony and half barony of such county, and that every person empowered to receive such warrants, to whom the same shall be sent, shall, within ten days after he shall have received such warrant, deliver or send to the seneschal or churchwardens of each manor, parish, or denomination of land contained in such warrant, (or in case there shall be no seneschal or churchwarden of the same, then to any principal residing inhabitant, if he shall be required so to do by any two landholders of any such manor, parish, or denomination of land, or if he shall deem it necessary so to do,) an account in writing, signed by himself, of the sum he is required by the said warrant to levy upon such manor, parish, or denomination, and to desire that such sum may be appportioned thereon; and every person receiving such account is required to convene a meeting of the landholders and inhabitants of such manor, parish, or denomination, to choose two or more persons to applot the said sum fully and justly, which applotment shall be delivered within thirty days to the person who shall have been empowered to collect the same; and such collector is authorized to collect the sum so appportioned by sale and distress of the goods and chattels of the persons who shall appear by the said applotment to be liable to pay the same: And whereas the applotters so chosen have in some instances appportioned on barren lands, which never had within the memory of man, previous to such appportionment, paid any county cess or rates, an acreable sum at as high a rate as the most fertile and valuable lands were assessed to: Be it therefore enacted, &c. That no barren lands which never have been assessed to the county rates within the memory of man, previous to the first day of January one thousand eight hundred and twenty-six, shall be liable thereto, save and except so much of such parts thereof as shall have been or shall be, since the said first day of January one thousand eight hundred and twenty-six, brought into cultivation, (and also save and except as is herein-after further excepted,) until the county cess on the barony or half barony in which such manor, parish, or denomination is situated, shall be imposed under the provisions of an act passed in the seventh year of the reign of his late Majesty, intituled An Act to make Provision for the uniform Valuation of Lands and Tenements within the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the purpose of the more equally levying the Rates and Charges upon such Baronies, Parishes, and Divisions respectively.

II. That if any applottor or apppotters so appointed shall, after the passing of this act, wilfully applot any county rate or cess to be raised on the said barren lands, that were not assessed previous to 1st. Jan. 1830, shall not be liable to the county cess. 7 G. 4. c. 62.

Penalty for appplotting such lands.
County Rate. [Part VI.

1 W. 4, c. 61.

and levied off such barren lands as aforesaid, every person so offending shall for every such unlawful apportionment forfeit the sum of five pounds, to be recovered and applied in like manner as the penalties imposed by the said recited act passed in the thirty-sixth year of the reign of his Majesty king George the third.

III. And whereas by an act passed in the forty-ninth year of the reign of his Majesty king George the third, intituled An Act for amending the Irish Road Acts, and by another act passed in the sixth year of the reign of his late Majesty, intituled An Act to repeal an Act of the last Session of Parliament, relative to the forming Tables of Manors, Parishes, and Townlands in Ireland, and to make Provision for ascertaining the Boundaries of the same, provisions have been enacted to enable grand juries to form tables, and present them as the tables by which the several manors, parishes, and denominations in baronies and half baronies should be proportionably rated for the purpose of levying all money to be raised thereon by presentations of grand jurys: And whereas, in pursuance of the said acts respectively, certain tables have been formed or are now in progress, but presentations of the same have not been made by any grand jurys; and it is deemed expedient that further enactments should be made for the purpose of fairly assessing and applotting the county levies; and it is expedient to amend the said acts for the purpose of affording the benefit thereof to such county or counties in Ireland as have had tables of the names of the several baronies, parishes, manors, denominations, or other divisions of lands within such county, with the contents thereof, formed pursuant to the provisions of the said acts passed in the forty-ninth year of the reign of his Majesty king George the third and the sixth year of the reign of his late Majesty, containing the relative annual value as well as the names and contents of the several baronies, parishes, manors, denominations, or other divisions of lands from which such levies should be collected; be it therefore enacted, That in any county, county of a city, or county of a town in Ireland, where funds have been raised by and under presentations of grand jurys to provide for the expenses of forming county books, for the purpose of equalizing the county levies, and that tables have been formed of the names of the several baronies, parishes, manors, denominations, or other divisions within such county, for such purpose, pursuant to the provisions of the said act of the forty-ninth year of the reign of his said Majesty king George the third, together with the acredable contents and relative annual value thereof respectively, it shall and may be lawful for the grand jurys of each and every county, county of a city, and county of a town in Ireland, so circumstances, and they are hereby required, at the summer or spring assizes next ensuing the passing of this act, or at any subsequent assizes, to present such county books, barony books, and tables so formed as aforesaid, to be the county books and tables by which the several baronies, parishes, manors, denominations, or other divisions of land, borough towns, and towns corporate therein contained and set forth shall in future be proportionably rated, until it shall be found necessary or expedient to alter or amend the same as herein-after provided, for the purpose of levying all money to be raised thereon under presentations of grand jurys, according to their respective acreable contents, relative annual value, and scale or scales of proportions of such sums to be raised as are set forth and recorded in such county books and tables aforesaid, as well for the applotment of the due proportion which each barony, half barony, parish, manor, denomination, division, borough town, and town corporate should pay off the gross levy on the county at large, as for the apportionment of all baronial and parochial presentations.

IV. That it shall and may be lawful for the treasurer of each county, county of a city, or county of a town, and he is hereby required, to applot or cause to be apportioned the amount of the several grand jury presentations of each and every future assizes, subsequent to the presentations of such county books and tables as aforesaid, upon the seve-
ral baronies, manors, parishes, denominations and divisions of lands, borough towns, towns corporate, or liberties, in the said county books contained and set forth, in the proportion and according to the tables, scale and scales of the allotments laid down and recorded in such county books and allotment tables aforesaid, as the same apply to the several denominations and divisions therein contained respectively; and that it shall and may be lawful for any grand jury to present any sum which shall be in arrear and unpaid of any grand jury levy to be raised at any time after the passing of this act by or out of any barony or half barony, division, townland, or denomination, borough town or town corporate, or by or out of any part or portion thereof respectively, or out of the liberties thereof, to be levied therefrom distinctly, and according to the tables aforesaid, upon just cause being shown and due diligence used to collect the same, in the first instance, by the high constable or collector to whom the treasurer's warrant had been directed to levy and collect the same, or by his deputy or deputies duly authorized by him to act on his behalf.

V. That in counties where such county books shall have been made and presented as aforesaid, the several persons who shall be chosen appusters according to the provisions of the act of the thirty-sixth year of the reign of king George the third, herein-before recited, shall applot the several sums so to be levied upon such manors, parishes, or denominations fairly and justly, according to the relative annual value of the several subdivisions of the lands therein contained.

VI. That it shall and may be lawful for every high constable and collector to whom such treasurer's warrant shall be directed, and for his deputy and deputies duly authorized to act on his behalf, to levy by distress, if need be, all sums of money which he shall be by said warrant required to collect from the several denominations in such warrant contained, and as the same shall be therein apportioned, according to the provisions herein contained, giving the regular notices, and performing the requisites prescribed by law for his government in the due execution of his office, and also giving notice in writing of the time and place of sale twenty-four hours at the least before such sale shall take place, to expose such distress to public auction and sale at any time and place he shall find convenient, within four days from the period of the seizure thereof, and to proceed to sell, during the day-time only, to the best bidder, such distress, or a competent part thereof to provide for the amount in arrear and unpaid of the sum he has been required to collect, together with one shilling in the pound for his fees thereon, rendering the overplus, if any, to the owner or owners of such distress or distresses: Provided always, That every high constable, collector, or other person duly authorized, who shall receive or levy money under the provisions of this act, shall and he is hereby required to give a receipt for the same, if demanded, which receipt shall specify the amount paid, the name of the person paying the same, and also the denomination or subdivision of land out of or on account of which such payment shall be made.

VII. That in any action arising out of or in consequence of or for the defence of any distress taken by or under the authority of any high constable in obedience to the treasurer's warrant, the defendant or defendants may plead the general issue, or, in any suit in replevin arising out of or in consequence thereof, aver the taking of such distress by virtue of the treasurer's warrant, and that such avowry shall be deemed and is hereby declared to be a valid plea in law, whereupon the parties shall join issue, without further plea or demurrer or form whatever, and proceed to trial on the merits only.

VIII. That it shall and may be lawful for all grand juries in Ireland to present, to be levied on the county at large, county of a city, or county of a town, or on any barony or half barony, as shall appear just and expedient to such jury and to the judge of assize, all costs and expenses incurred in making and defending such distress and distresses so taken under the treasurer's warrant as aforesaid, and in defending all suits and actions in
which the officers of the county may be involved in the due execution of their respective duties, and also to present thereon any sum that may be necessary for completing and carrying into execution the equalization of the county levies, for the purpose of which county books have been as aforesaid framed, provided the expence thereof shall not exceed in the whole threepence for every statute acre on the gross acreable contents of the county, as recorded therein.

IX. Provided always, That the several and respective tables and books so to be formed and presented as aforesaid shall have the presentment of the grand jury of each county, county of a city, or county of a town, written at the bottom of the tables and in the books so to be presented, and signed by the foreman of the grand jury on behalf of himself and his fellow grand jurors, which presentment shall state the assizes at which such table or book is presented and ratified, and that the grand jury have presented the same respectively to be the tables of the county and barony for the purpose of levying the several sums presented thereon; and such books and tables shall be kept by the clerk of the crown among the records of such county, county of a city, or county of a town, as the case may be; and that a copy or copies of any part or parts of the said books or tables, duly compared and attested by the clerk of the crown or his deputy, or by the treasurer of the county, county of a city, or county of a town, as also said original books or tables, shall be received as evidence in all courts of law and equity.

X. That it shall and may be lawful for the grand juries of such counties, counties of cities, or counties of towns respectively, as shall be provided with such county books, barony books, and tables as aforesaid, to alter and amend the same, as it may be deemed necessary or expedient by such grand jury so to do, at any period after the lapse of seven years succeeding the first levy to be made conformably thereto, and at such subsequent periods after the lapse of every twenty-one years from the period at which every such subsequent alteration or amendment shall be so made: Provided always, that notices of such alteration or amendment shall be duly published, and all objections thereto heard and determined, as prescribed by the aforesaid act of the forty-ninth year of his Majesty George the third; and such county books, barony books, and tables, when so altered or amended, shall be presented to be the books and tables by which such county, county of a city, or county of a town shall be thenceforth proportionably apportioned for the purpose of levying all money to be raised under the presentments of grand juries, until such further alteration or amendment shall be made therein as by this act is provided.

[No. II.] 4 & 5 W. IV. c. 48.—An Act to regulate the Expenditure of County Rates and Funds in aid thereof.

[13th August 1834.]

WHEREAS by divers statutes now in force the justices of the peace in that part of Great Britain called England, within the respective limits of their commissions assembled at their general or quarter sessions, or at any adjournment or adjournments thereof, are authorized and empowered to make and assess the county rate, and also to make orders for the application or management of the county stock or rate, and of any fund or funds used or applied in aid thereof: And whereas doubts have arisen whether, under the powers and directions of the said statutes, it is requisite that the business relating to the assessment, application, or management of the said county stock or rate, and of the funds in aid thereof, should be carried on and transacted by the said justices so assembled as aforesaid publicly and in open court at such general or quarter sessions, or any adjournment thereof; and a practice hath in some counties prevailed of transacting such business in private,
which hath been found inexpedient: And for the removal of such doubts, preventing of such practice for the future, be it declared and enacted, &c. That from and after the passing of this act all business appertaining to the assessment, application, or management of the county stock or rate, or of any fund or funds used or applied in aid thereof or contributory thereto, or to any matter or things whereby or in respect whereof the said county stock or rate is or may be chargeable by law, which by any statute or statutes now in force the justices of the peace for that part of Great Britain called England are authorized and directed to do and transact at the general or quarter sessions, or at any adjournment thereof, shall be done and transacted publicly and in open court at such general or quarter sessions, or adjournment thereof, and not otherwise; and that no order of such justices relating to the matters aforesaid shall be binding or effectual unless the said order shall have been made and the business relating thereto shall have been done and transacted publicly and in open court as aforesaid.

II. That public notice shall be given, in two newspapers generally circulating in the county, of the time of holding the general or quarter to be given, sessions, or any adjournment thereof, at least two weeks before the time of holding the same, and also of the day and hour at which the business relating to the assessment, application, or management of the county stock or rate will commence at such sessions.

III. That this act shall extend and apply only to justices of the peace of the several counties at large in England and Wales and of the several counties of cities and counties of towns within the same. Act to extend to counties in England and Wales only.

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PART VI.
CLASS XII.
DISTRESS.

[For the enactments relating to distresses for rent, see ante, Part IV, Class XIX.]

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PART VI.
CLASS XIII.
DOGS.

[See ante, Part VI, Class VII. title CATTLE.]

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PART VI.
CLASS XIV.
EXAMINATION.

[There has been no late statute relative to examinations in criminal cases.]

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PART VI.
CLASS XV.
FIREWORKS.

[There is no recent enactment relating to this subject.]
PART VI.

CLASS XVI.

FISH.

[No. I.] 4 W. IV. c. 20.—An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, to regulate the Conveyance and Sale of Fish at First Hand. [16th June 1834.]

33 G. 2. c. 27.

WHEREAS by an act made and passed in the thirty-third year of the reign of his late Majesty king George the second, chapter twenty-seven, intituled An Act to repeal so much of an Act passed in the Twenty-ninth Year of his then present Majesty's Reign, concerning a free Market for Fish at Westminster, as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at Gravesend; and to regulate the Sale of Fish at the First Hand in the Fish Markets in London and Westminster; and to prevent Salesmen of Fish buying Fish to sell again on their own Account; and to allow Bret and Turbot, Brill and Pearl, although under the respective Dimensions mentioned in a former Act, to be imported and sold; and to punish Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unseizable Fish, or Fish out of Season, or Smelts under the Size of Five Inches; and for other Purposes; certain provisions were made for regulating the sale of fish at first hand in the fish markets of London and Westminster; and it is by the said act, amongst other things, enacted, That no live salmon, salmon trout, turbot, large fresh cod, half fresh cod, haddock, scate, fresh ling, soles, or whittings shall at any time after the arrival thereof at the Nore, as therein mentioned, be unloaded or delivered out of any fishing ship, sloop, smack, or other fishing vessel or vessels, unless by retail, into any other vessel or boat after her arrival at the Nore, but into such vessel or vessels, boat or boats, as shall be employed to carry the fish directly to the market of Billingsgate or Westminster: And whereas doubts have arisen whether the words of the said act may not operate to prevent the bringing of fish to any market of London or Westminster which was not in existence or use as a public market at the time of the passing of the said act, although the object of the legislature was to secure a supply of fresh fish to the cities of London and Westminster, and to prevent the forestalling of the same: And whereas it is expedient to remove such doubts, and to facilitate the conveyance of fresh fish to the legal markets of the metropolis: Be it therefore declared and enacted, &c. That nothing in the said recited act contained shall extend or be construed to extend to prevent any person from unloading or discharging from any fishing ship, sloop, smack, or other fishing vessel or vessels any salmon, salmon trout, turbot, large fresh cod, half fresh cod, haddock, scate, fresh ling, soles, whittings, or other fish which may arrive at the Nore, or from putting the same into any other vessel or vessels, boat or boats, for the purpose of bringing the same for sale by first hand at any fish market or markets legally established within the cities of London and Westminster, but that every person shall be at liberty to unload or discharge such fish, and to put the same into other boats for the purpose aforesaid, without being subject or liable to any penalty or punishment for so doing, any thing in the said recited act, or in any other act, to the contrary notwithstanding.
PART VI.
CLASS XVII.

FORCIBLE ENTRY.

[There has been no recent statute upon this subject.]

PART VI.
CLASS XVIII.

FRIENDLY SOCIETIES AND FOUNDLING HOSPITALS.

[No. I.] 2 W. IV. c. 37.—An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, by extending the time within which pre-existing Societies must conform to the Provisions of that Act. [23d May 1832.]

WHEREAS by an act made in the tenth year of the reign of his late Majesty king George the fourth, intitled An Act to consolidate and amend the Laws relating to Friendly Societies, it was enacted, that, provided societies then already enrolled should not conform to the provisions of that act within the space of three years from the passing of such act, the said societies should then cease to be entitled to the privileges and provisions of any or either of certain acts thereby repealed; but that the provisions of the said acts thereby repealed should continue in force, as to all societies established under any or either of them, before the passing of the act now in recital, for the said space of three years, or until they should sooner conform to the provisions of that act:

And whereas the said space or term of three years from the passing of the said recited act will expire on the nineteenth day of June now next ensuing, and which will be in the current year of our Lord one thousand eight hundred and thirty-two: And whereas many friendly societies existing and enrolled before the passing of the said recited act have not yet conformed to the provisions therein contained, and it is expedient to extend the space or term of three years granted by the said act to such societies so to conform thereto; be it therefore enacted, &c., That the term or space of three years granted or allowed by the said recited act to friendly societies enrolled before the passing of the said act, for conforming to the provisions of the said act, shall be extended until Michaelmas day which will be in the year of our Lord one thousand eight hundred and thirty-four; but that provided societies enrolled before the passing of the said act shall not conform to the provisions of the said act on or before Michaelmas day in the said year of our Lord one thousand eight hundred and thirty-four, then the said societies shall then cease to be entitled to the privileges and provisions of any or either of the acts repealed by the said recited act: Provided nevertheless, That the provisions of the several acts repealed by the said recited act shall continue in force as to all societies established under any or either of them before the passing of the said recited act until Michaelmas day in the said year of our Lord one thousand eight hundred and thirty-four, or until they shall sooner conform to the provisions of the said act; anything in the said act to the contrary contained in anywise notwithstanding.
of such allowances and expences upon the treasurer of the county, county of a city, county of a town within or within any part of which such special constables may have served, who is hereby required to pay the same out of any public money which shall then be in his hands; and the said treasurer shall be allowed all such payments in his accounts.

XIII. That it shall and may be lawful for the grand jury of the county, county of a city, or county of a town to which such order shall relate, and each such grand jury is hereby required, to present to be raised off such county, county of a city, or county of a town, or any barony, half barony, townland, or other division or denomination of land within which such special constables may have served, the amount of all sums so ordered to be paid under the authority of this act.

XIV. That the justices of the peace assembled at any special session for any of the purposes mentioned in this act shall have power to adjourn the same from time to time as they shall think proper; and that every special session which shall have been actually holden for any of the purposes mentioned in this act shall be deemed and taken to have been legally holden, until the contrary shall be proved.

XV. That the prosecution of every offence punishable upon summary conviction by virtue of this act shall be commenced within two calendar months after the commission of the offence; and that every penalty and forfeiture for any offence against this act shall be paid to such hospital, infirmary, or other charitable institution situate within the limits of the jurisdiction of the convicting justices, as such convicting justices may direct; and no person shall by reason of the application of any such penalty or forfeiture as aforesaid be deemed an incompetent witness in proof of any offence against this act.

XVI. That the justices of the peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this act may adjudge that such person shall pay the same either immediately or within such period as the said justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charges of such distress; and for want of sufficient distress such offender shall be imprisoned in the common gaol or house of correction, as to the convicting justices shall seem meet, for any term not exceeding one calendar month when the sum to be paid shall not exceed five pounds, and for any term not exceeding two calendar months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

XVII. That the justices of the peace before whom any person shall be summarily convicted for any offence against this act may cause the conviction to be drawn up in the following form of words, or to the like effect; (that is to say,)

"BE it remembered, That on the [day of [A. E.] in the year of our Lord [at the county of [J. P.] and J. J. P., two of his Majesty's justices of the peace for the said county, for that he the said A. E. did [here specify the offence, and the time and place when and where the same was committed, as the case may be]; and we do adjudge that the said A. E. shall for the said offence forfeit the sum of [and shall pay the same immediately or, shall pay the same on or before the day of [to C. D., being [the treasurer, governor, or other officer, as the case may be, administering the funds of the hospital, infirmary, or other charitable institution to which such fine may be given, to be by him applied to the use of such hospital, infirmary, or other institution, as may happen].] Given under our hands the day and year first above mentioned.

J. P. & J. J. P."
XVIII. That no conviction for any offence against this act 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 that no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and that where any distress shall be made for levying any money by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraint be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage (if any) in an action upon the case.

XIX. 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, riding, county of a city, or county of a town 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 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, or, in case of replevin, may aver generally that the goods and chattels mentioned in the plaintiff's declaration were taken by virtue of the act, and give this act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

XX. That an act passed in the first year of the reign of king George the fourth, intituled An Act to increase the Power of Magistrates in the Appointment of Special Constables, shall be and the same is hereby repealed as to all parts of Ireland.

XXI. That nothing in this act contained shall extend to England or Scotland.

XXII. Provided always, That nothing in this act contained shall be construed to abridge any powers for preserving the public peace, whether by appointing constables or otherwise, which any justice or justices of the peace had by law, or by virtue of any statute or statutes, before the passing of the said herein-before recited act of the first year of the reign of king George the fourth.

[No. III.] 5 & 6 W. IV. c. 43.—An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables.

WHEREAS by an act passed in the first and second years of the reign of his present Majesty, intituled An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace, it is amongst other things enacted, that in all cases where it should be made to appear to any two or more justices of
the peace of any county, riding, or division having a separate commission of the peace, or to any two or more justices of the peace of any liberty, franchise, city, or town in England or Wales, upon the oath of any credible witness, that any tumult, riot, or felony had taken place, or might be reasonably apprehended, in any parish, township, or place situate within the division or limits for which the said respective justices usually act, and such justices should be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the protection of the inhabitants and the security of the property in any such parish, township, or place as aforesaid, then and in every such case such justices, or any two or more justices acting for the same division or limits, are thereby authorized to nominate and appoint, by precept in writing under their hands, so many as they should think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in such parish, township, or place as aforesaid, or in the neighbourhood thereof, to act as special constables for such time and in such manner as to the said justices respectively should seem fit and necessary for the preservation of the public peace, and for the protection of the inhabitants and the security of the property in such parish, township, or place: And whereas it is expedient that the power of appointing special constables given by the said act should be extended in manner herein-after mentioned: Be it therefore enacted, &c. That all persons willing to act as special constables under the provisions of the said act shall be capable of being appointed and acting, and may be appointed and act as such special constables, notwithstanding they may not be resident in such parish, township, or place as aforesaid, or in the neighbourhood thereof; and every person appointed and acting as special constable under the provisions of this act shall have all the same powers, and be entitled to and enjoy all the same privileges and benefits, and be subject to all the same duties and liabilities, as the special constables appointed or to be appointed under the provisions of the said act.

PART VI.

CLASS X.

COSTS.

[There has been no recent enactment relating to costs in criminal cases.]
PART VI.
CLASS XI.

COUNTY RATE.

[No. I.] 1 W. IV. c. 61.—An Act to regulate the Applotment of County Rates and Cesses in Ireland, in certain Cases. [23d July 1830.]

WHEREAS by an act passed in the parliament of Ireland in the thirty-sixth year of the reign of his Majesty king George the third, intituled An Act for the Amendment of public Roads, for directing the Power of Grand Juries respecting Presentments, and for repealing several Laws heretofore made for that Purpose, it is enacted, that the clerk of the crown of every county in Ireland shall, within four days after every assizes, deliver to the treasurer of such county copies of all presentments made at such assizes, and that such treasurer shall, within one month after he shall have received such copies of the presentments, issue his warrants to the several persons who under the provisions of the said act are to be the collectors for levying and collecting the sums to be raised off each barony and half barony of such county, and that every person empowered to receive such warrants, to whom the same shall be sent, shall, within ten days after he shall have received such warrant, deliver or send to the seneschal or churchwardens of each manor, parish, or denomination of land contained in such warrant, (or in case there shall be no seneschal or churchwarden of the same, then to any principal residing inhabitant, if he shall be required so to do by any two landholders of any such manor, parish, or denomination of land, or if he shall deem it necessary so to do,) an account in writing, signed by himself, of the sum he is required by the said warrant to levy upon such manor, parish, or denomination, and to desire that such sum may be apportioned thereon; and every person receiving such account is required to convene a meeting of the landholders and inhabitants of such manor, parish, or denomination, to choose two or more persons to apportion the said sum fully and justly, which apportionment shall be delivered within thirty days to the person who shall have been empowered to collect the same; and such collector is authorized to collect the sum so apportioned by sale and distress of the goods and chattels of the persons who shall appear by the said apportionment to be liable to pay the same: And whereas the apportionees so chosen have in some instances apportioned on barren lands, which never had within the memory of man, previous to such apportionment, paid any county cess or rates, an acreable sum at as high a rate as the most fertile and valuable lands were assessed to: Be it therefore enacted, &c. That no barren lands which never have been assessed to the county rates within the memory of man, previous to the first day of January one thousand eight hundred and twenty-six, shall be liable thereto, save and except so much of such parts thereof as shall have been or shall be, since the said first day of January one thousand eight hundred and twenty-six, brought into cultivation, (and also save and except as is herein-after further excepted,) until the county cess on the barren or half barony in which such manor, parish, or denomination is situate, shall be imposed under the provisions of an act passed in the seventh year of the reign of his late Majesty, intituled An Act to make Provision for the uniform Valuation of Lands and Tenements within the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the purpose of the more equally levying the Rates and Charges upon such Baronies, Parishes, and Divisions respectively.

II. That if any apploter or apportioners so appointed shall, after the passing of this act, wilfully applot any county rate or cess to be raised on barren lands, that were not assessed previous to 1st Jan. 1830, shall not be liable to the county cess.
and levied off such barren lands as aforesaid, every person so offending shall for every such unlawful apportionment forfeit the sum of five pounds, to be recovered and applied in like manner as the penalties imposed by the said recited act passed in the thirty-sixth year of the reign of his Majesty king George the third.

III. And whereas by an act passed in the forty-ninth year of the reign of his Majesty king George the third, intituled An Act for amending the Irish Road Acts, and by another act passed in the sixth year of the reign of his late Majesty, intituled An Act to repeal an Act of the last Session of Parliament, relative to the forming Tables of Manors, Parishes, and Townlands in Ireland, and to make Provision for ascertaining the Boundaries of the same, provisions have been enacted to enable grand juries to form tables, and present them as the tables by which the several manors, parishes, and denominations in baronies and half baronies should be proportionably rated for the purpose of levying all money to be raised thereon by presentments of grand juries: And whereas, in pursuance of the said acts respectively, certain tables have been formed or are now in progress, but presentments of the same have not been made by any grand juries; and it is deemed expedient that further enactments should be made for the purpose of fairly assessing and apportioning the county levies; and it is expedient to amend the said acts for the purpose of affording the benefit thereof to such county or counties in Ireland as have had tables of the names of the several baronies, parishes, manors, denominations, or other divisions of lands within such county, with the contents thereof, formed pursuant to the provisions of the said acts passed in the forty-ninth year of the reign of his Majesty king George the third and the sixth year of the reign of his late Majesty, containing the relative annual value as well as the names and contents of the several baronies, parishes, manors, denominations, or other divisions of lands from which such levies should be collected; be it therefore enacted, That in any county, county of a city, or county of a town in Ireland, where funds have been raised by and under presentments of grand juries to provide for the expenses of forming county books, for the purpose of equalizing the county levies, and that tables have been formed of the names of the several baronies, parishes, manors, denominations, or other divisions within such county, for such purpose, pursuant to the provisions of the said act of the forty-ninth year of the reign of his said Majesty king George the third, together with the acriable contents and relative annual value thereof respectively, it shall and may be lawful for the grand juries of each and every county, county of a city, and county of a town in Ireland, so circumstance, and they are hereby required, at the summer or spring assizes next ensuing the passing of this act, or at any subsequent assizes, to present such county books, barony books, and tables so formed as aforesaid, to be the county books and tables by which the several baronies, parishes, manors, denominations, or other divisions of land, borough towns, and towns corporate therein contained and set forth shall in future be proportionately rated, until it shall be found necessary or expedient to alter or amend the same as herein-after provided, for the purpose of levying all money to be raised thereon under presentments of grand juries, according to their respective acriable contents, relative annual value, and scale or scales of proportions of such sums to be raised as are set forth and recorded in such county books and tables aforesaid, as well for the apportionment of the due proportion which each barony, half barony, parish, manor, denomination, division, borough town, and town corporate should pay off the gross levy on the county at large, as for the apportionment of all baronial and parochial presentments.

IV. That it shall and may be lawful for the treasurer of each county, county of a city, or county of a town, and he is hereby required, to apportion or cause to be apportioned the amount of the several grand jury presentments of each and every future assizes, subsequent to the presentments of such county books and tables as aforesaid, upon the seve-
ral baronies, manors, parishes, denominations and divisions of lands, borough towns, towns corporate, or liberties, in the said county books contained and set forth, in the proportion and according to the tables, scale and scales of the allotments laid down and recorded in such county books and allotment tables aforesaid, as the same apply to the several denominations and divisions therein contained respectively; and that it shall and may be lawful for any grand jury to present any sum which shall be in arrear and unpaid of any grand jury levy to be raised at any time after the passing of this act by or out of any barony or half barony, division, townland, or denomination, borough town or town corporate, or by or out of any part or portion thereof respectively, or out of the liberties thereof, to be levied therefrom distinctly, and according to the tables aforesaid, upon just cause being shown and due diligence used to collect the same, in the first instance, by the high constable or collector to whom the treasurer's warrant had been directed to levy and collect the same, or by his deputy or deputies duly authorized by him to act on his behalf.

V. That in counties where such county books shall have been made and presented as aforesaid, the several persons who shall be chosen appotters according to the provisions of the act of the thirty-sixth year of the reign of king George the third, herein-before recited, shall appott the several sums so to be levied upon such manors, parishes, or denominations fairly and justly, according to the relative annual value of the several subdivisions of the lands therein contained.

VI. That it shall and may be lawful for every high constable and collector to whom such treasurer's warrant shall be directed, and for his deputy and deputies duly authorized to act on his behalf, to levy by distress, if need be, all sums of money which he shall be by said warrant required to collect from the several denominations in such warrant contained, and as the same shall be therein appotted, according to the provisions herein contained, giving the regular notices, and performing the requisites prescribed by law for his government in the due execution of his office, and also giving notice in writing of the time and place of sale twenty-four hours at the least before such sale shall take place, to expose such distress to public auction and sale at any time and place he shall find convenient, within four days from the period of the seizure thereof, and to proceed to sell, during the day-time only, to the best bidder, such distress, or a competent part thereof to provide for the amount in arrear and unpaid of the sum he has been required to collect, together with one shilling in the pound for his fees thereon, rendering the overplus, if any, to the owner or owners of such distress or distresses: Provided always, That every high constable, collector, or other person duly authorized, who shall receive or levy money under the provisions of this act, shall and he is hereby required to give a receipt for the same, if demanded, which receipt shall specify the amount paid, the name of the person paying the same, and also the denomination or subdivision of land out of or on account of which such payment shall be made.

VII. That in any action arising out of or in consequence of or for the defence of any distress taken by or under the authority of any high constable acting in obedience to the treasurer's warrant, the defendant or defendants may plead the general issue, or, in any suit in replevin arising out of or in consequence thereof, aver the taking of such distress by virtue of the treasurer's warrant, and that such avowry shall be deemed and is hereby declared to be a valid plea in law, whereupon the parties shall join issue, without further plea or demurrer or form whatever, and proceed to trial on the merits only.

VIII. That it shall and may be lawful for all grand juries in Ireland to present, to be levied on the county at large, county of a city, or county of a town, or on any barony or half barony, as shall appear just and expedient to such jury and to the judge of assize, all costs and expenses incurred in making and defending such distress and distresses so taken under the treasurer's warrant as aforesaid, and in defending all suits and actions in Grand jury may levy expenses incurred in making and defending distresses.
County Rate.

[Part VI.

which the officers of the county may be involved in the due execution of their respective duties, and also to present thereon any sum that may be necessary for completing and carrying into execution the equalization of the county levies, for the purpose of which county books have been as aforesaid framed, provided the expense thereof shall not exceed in the whole threepence for every statute acre on the gross acreable contents of the county, as recorded therein.

IX. Provided always, That the several and respective tables and books so to be formed and presented as aforesaid shall have the presentment of the grand jury of each county, county of a city, or county of a town, written at the bottom of the tables and in the books so to be presented, and signed by the foreman of the grand jury on behalf of himself and his fellow grand jurors, which presentment shall state the assizes at which such table or book is presented and attested, and that the grand jury have presented the same respectively to be the tables of the county and barony for the purpose of levying the several sums presented thereon; and such books and tables shall be kept by the clerk of the crown among the records of such county, county of a city, or county of a town, as the case may be; and that a copy or copies of any part or parts of the said books or tables, duly compared and attested by the clerk of the crown or his deputy, or by the treasurer of the county, county of a city, or county of a town, as also said original books or tables, shall be received as evidence in all courts of law and equity.

X. That it shall and may be lawful for the grand juries of each county, counties of cities, or counties of towns respectively, as shall be provided with such county books, barony books, and tables as aforesaid, to alter and amend the same, as it may be deemed necessary or expedient by such grand jury so to do, at any period after the lapse of seven years succeeding the first levy to be made conformably thereto, and at such subsequent periods after the lapse of every twenty-one years from the period at which every such subsequent alteration or amendment shall be so made: Provided always, that notices of such alteration or amendment shall be duly published, and all objections thereto heard and determined, as prescribed by the aforesaid act of the forty-ninth year of his Majesty King George the third; and such county books, barony books, and tables, when so altered or amended, shall be presented to be the books and tables by which such county, county of a city, or county of a town shall be thenceforth proportionally apportioned for the purpose of levying all money to be raised under the presentments of grand juries, until such further alteration or amendment shall be made therein as by this act is provided.

[No. II.] 4 & 5 W. IV. c. 48.—An Act to regulate the Expenditure of County Rates and Funds in aid thereof.

[13th August 1834.]

WHEREAS by divers statutes now in force the justices of the peace in that part of Great Britain called England, within the respective limits of their commissions assembled at their general or quarter sessions, or at any adjournment or adjournments thereof, are authorized and empowered to make and assess the county rate, and also to make orders for the application or management of the county stock or rate, and of any fund or funds used or applied in aid thereof: And whereas doubts have arisen whether, under the powers and directions of the said statutes, it is requisite that the business relating to the assessment, application, or management of the said county stock or rate, and of the funds in aid thereof, should be carried on and transacted by the said justices so assembled as aforesaid publicly and in open court at such general or quarter sessions, or any adjournment thereof; and a practice hath in some counties prevailed of transacting such business in private,
which hath been found inexpedient: And for the removal of such doubts, preventing of such practice for the future, be it declared and enacted, &c. That from and after the passing of this act all business appertaining to the assessment, application, or management of the county stock or rate, or of any fund or funds used or applied in aid thereof or contributory thereto, or to any matter or things whereby or in respect whereof the said county stock or rate is or may be chargeable by law, which by any statute or statutes now in force the justices of the peace for that part of Great Britain called England are authorized and directed to do and transact at the general or quarter sessions, or at any adjournment thereof, shall be done and transacted publicly and in open court at such general or quarter sessions, or adjournment thereof, and not otherwise; and that no order of such justices relating to the matters aforesaid shall be binding or effectual unless the said order shall have been made and the business relating thereto shall have been done and transacted publicly and in open court as aforesaid.

II. That public notice shall be given, in two newspapers generally circulating in the county, of the time of holding the general or quarter to be given. sessions, or any adjournment thereof, at least two weeks before the time of holding the same, and also of the day and hour at which the business relating to the assessment, application, or management of the county stock or rate will commence at such sessions.

III. That this act shall extend and apply only to justices of the peace of the several counties at large in England and Wales and of the several counties of cities and counties of towns within the same.

PART VI.
CLASS XII.
DISTRESS.

[For the enactments relating to distresses for rent, see ante, Part IV, Class XIX.]

PART VI.
CLASS XIII.
DOGS.

[See ante, Part VI, Class VII. title CATTLE.]

PART VI.
CLASS XIV.
EXAMINATION.

[There has been no late statute relative to examinations in criminal cases.]

PART VI.
CLASS XV.
FIREWORKS.

[There is no recent enactment relating to this subject.]
PART VI.
CLASS XIX.

GAME.

[No. I.] 1 & 2 W. 4, c. 32.—An Act to amend the Laws in England relative to Game. [5th October, 1831.]

WHEREAS it is expedient to repeal the following statutes in that part of the united kingdom called England, relative to game, and to substitute other provisions in lieu thereof; be it therefore enacted, &c.,

That so much of a statute made in the thirteenth year of the reign of King Richard the second as relates to such persons as shall not have or keep any greyhound, hound, or other dog to hunt, and shall not use fyrets, heys, neta, harepipes, corde, or other engines to take or destroy hares, conies, or other gentlemen's game; and so much of a statute made in the twenty-second year of the reign of King Edward the fourth as relates to the having any mark or game of swans; and an act passed in the eleventh year of the reign of King Henry the seventh, intituled An Act against taking of Feasants and Partridges; and an act passed in the nineteenth year of the same reign, intituled De Lagnes et Retibus Venantium; and an act passed in the fourteenth and fifteenth years of the reign of King Henry the eighth, intituled An Act against tracing of Hares; and an act passed in the twenty-fifth year of the same reign, intituled An Act against Destruction of Wild Fowl; and an act passed in the thirty-third year of the same reign, intituled An Act concerning Cross Bows and Hand Guns; and an act passed in the twenty-third year of the reign of queen Elizabeth, intituled An Act for the Preservation of Pheasants and Partridges; and an act passed in the second year of the reign of King James the first, intituled An Act for the better Execution of the Intent and Meaning of former Statutes made against Shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare Pipes, and tracing Hares in the Snow; and an act passed in the seventh year of the same reign, intituled An Act to prevent the Spoil of Corn and Grain by Unlawful Plowing, and for the better Preservation of Pheasants and Partridges; and an act passed in the twenty-second and twenty-third years of the reign of King Charles the second, intituled An Act for the better Preservation of the Game, and for securing Warrens not inclosed, and the several Fishings of this Realm; and an act passed in the fourth year of the reign of King William and queen Mary, intituled An Act for the more easy Discovery and Conviction of such as shall destroy the Game of this Kingdom; and an act passed in the fifth year of the reign of queen Anne, intituled An Act for the better Preservation of the Game; and an act passed in the ninth year of the same reign, intituled An Act for making the Act of the Fifth Year of her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual; and an act passed in the eighth year of the reign of King George the first, intituled An Act for the better Recovery of the Penalties inflicted upon Persons who destroy the Game; and an act passed in the tenth year of the reign of King George the second, intituled An Act for continuing an Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice; and for continuing Two Clauses, to prevent the cutting or breaking down the Bank of any River or Sea Bank, and to prevent the malicious cutting of Hoppinds, contained in an Act passed in the Sixth Year of his present Majesty's Reign; and for the more effectual Punishment of Persons removing any Materials used for securing Marsh or Sea Walls or Banks, and of Persons maliciously setting on fire any Mine, Pit, or Delph of Coal or Cannel Coal, and of Persons unlawfully hunting or taking any
Red or Fallow Deer in Forests or Chases, or beating or wounding Keepers or other Officers in Forests, Chases, or Parks; and for more effectually securing the Breed of Wild Fowl; and an act passed in the twenty-sixth year of the same reign, intituled An Act to amend an Act made in the Eighth Year of the Reign of his late Majesty King George the First, intituled 'An Act for the better Recovery of the Penalties inflicted upon Persons who destroy the Game,' by enlarging the Time within which Suits and Actions are to be brought by Force of the said Act; and an act passed in the twenty-eighth year of the reign of King George the second, intituled An Act to explain and amend a Clause in an Act made in the Fifth Year of the Reign of Queen Anne, intituled 'An Act for the better Preservation of the Game, in relation to the selling or offering to Sale any Game; and an act passed in the second year of the reign of George the third, intituled An Act for the better Preservation of the Game in that Part of Great Britain called England; and an act passed in the thirteenth year of the same reign, intituled An Act to explain and amend the several Laws now in being, so far as the same relate to the Preservation of the Moor or Hill Game; and an act passed in the same year of the same reign, intituled An Act to repeal an Act made in the Tenth Year of the Reign of his present Majesty, intituled 'An Act for the better Preservation of the Game within that Part of Great Britain called England; and for making other Provisions in lieu thereof; and an act passed in the thirty-ninth year of the same reign, intituled An Act for repealing Two Acts passed in the Thirty-sixth Year of the Reign of his present Majesty, which limit the Time for killing Partridges in England and Scotland, and for amending so much of an Act passed in the Second Year of the Reign of his present Majesty as relates to such Limitation within that part of Great Britain called England, by making other Provisions for that purpose; and an act passed in the forty-third year of the same reign, intituled An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the New Forest in the County of Southampton; and an act passed in the forty-eighth year of the same reign, intituled An Act to repeal so much of an Act of the First Year of King James the First as relates to the Penalties on shooting at Hares; and also to repeal an Act of the Third Year of King George the First, relating to Gamekeepers; and an act passed in the fiftieth year of the reign of King George the third, intituled An Act 50 G. 3. c. 67. for the better Preservation of Heath Fowl, commonly called Black Game, in the Counties of Somerset and Devon; and an act passed in the fifty-eighth year of the same reign, intituled An Act for the more effectual Prevention of Offences connected with the unlawful Destruction and Sale of Game; and an act passed in the fifty-ninth year of the same reign, intituled An Act for the further Regulating the Appointment of Gamekeepers in Wales; and all acts continuing or perpetuating any of the acts or parts of acts herein-before referred to, so far only as relates to the continuing or perpetrating the same respectively; shall be and continue in force until and throughout the thirty-first day of October in the present year, and shall from and after that day, as to that part of the united kingdom called 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 any offences which may have been committed against any of the said acts before or upon the said thirty-first day, and as to any penalties which may have been incurred thereunder before or upon the said thirty-first day, which offences shall be dealt with and punished, and the penalties recovered, as if this act had not been made, and except as to any matters done by any persons under the authority of any of the said acts before or upon the said thirty-first day, with respect to whom every privilege and protection given by any of the said acts shall continue in force as if this act had not been made); and this act shall commence and take effect (except as is herein-after excepted) on the first day of November in the present year.

II. That the word "Game" shall, for all the purposes of this act, be deemed to include hares, pheasants, partridges, grouse, heath or moor

Commencement of this act.

What shall be deemed game.
Game.

III. That if any person whatsoever shall kill or take any game, or use any dog, gun, net, or other engine or instrument for the purpose of killing or taking any game, on a Sunday or Christmas Day, such person shall, on conviction thereof before two justices of the peace, forfeit and pay for every such offence such sum of money, not exceeding five pounds, as to the said justices shall seem meet, together with the costs of the conviction; and if any person whatsoever shall kill or take any partridge between the first day of February and the first day of September in any year, or any pheasant between the first day of February and the first day of October in any year, or any black game, (except in the county of Somerset or Devon, or in the New Forest in the county of Southampton,) between the tenth day of December in any year and the twentieth day of August in the succeeding year, or in the county of Somerset or Devon, or in the New Forest aforesaid, between the tenth day of December in any year and the first day of September in the succeeding year, or any grouse, commonly called red game, between the tenth day of December in any year and the twelfth day of August in the succeeding year, or any bustard between the first day of March and the first day of September in any year, every such person shall, on conviction of any such offence before two justices of the peace, forfeit and pay for every head of game so killed or taken such sum of money, not exceeding one pound, as to the said justices shall seem meet, together with the costs of the conviction; and if any person, with intent to destroy or injure any game, shall at any time put or cause to be put any poison or poisonous ingredient on any ground, whether open or enclosed, where game usually resort, or in any highway, every such person shall, on conviction thereof before two justices of the peace, forfeit and pay such sum of money, not exceeding ten pounds, as to the said justices shall seem meet, together with the costs of the conviction.

IV. That if any person licensed to deal in game by virtue of this act as herein-after mentioned shall buy or sell, or knowingly have in his house, shop, stall, possession, or control, any bird of game after the expiration of ten days (one inclusive and the other exclusive) from the respective days in each year on which it shall become unlawful to kill or take such birds of game respectively as aforesaid; or if any person, not being licensed to deal in game by virtue of this act as herein-after mentioned, shall buy or sell any bird of game after the expiration of ten days (one inclusive and the other exclusive) from the respective days in each year on which it shall become unlawful to kill or take such birds of game respectively as aforesaid, or shall knowingly have in his house, possession, or control any bird of game (except birds of game kept in a mew or breeding place) after the expiration of forty days (one inclusive and the other exclusive) from the respective days in each year on which it shall become unlawful to kill or take such birds of game respectively as aforesaid; every such person shall, on conviction of any such offence before two justices of the peace, forfeit and pay for every head of game so bought or sold, or found in his house, shop, possession, or control, such sum of money, not exceeding one pound, as to the convicting justices shall seem meet, together with the costs of the conviction.

V. That nothing in this act contained shall in anywise affect or alter (except as herein-after mentioned) any act or acts now in force by which any person using any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, or landrail, or any conies, are required to obtain and have annual game certificates; but that all persons who before the commencement of this act were required to obtain and have such certificates shall after the
commencement of this act be required from time to time to obtain and have the like certificates; and all the powers, provisions, and penalties contained in such act or acts shall continue in full force and effect as if this act had not been made; and that all regulations and provisions contained in any act or acts relative to game certificates, so far as they relate to gamekeepers of manors, and to the amount of duty for game certificates to be charged upon or in respect of gamekeepers of manors in the cases specified in such act or acts, shall extend and apply to all gamekeepers of lands appointed under this act as fully and effectually as if they were gamekeepers of manors, and were expressly mentioned in and charged by such act or acts.

VI. That every person who shall have obtained an annual game certificate shall be authorized to kill and take game, subject always to an action, or to such other proceedings as are herein-after mentioned, for any trespass by him committed in search or pursuit of game: Provided always, That no game certificate on which a less duty than three pounds thirteen shillings and sixpence is chargeable under the acts relating to game certificates shall authorize any gamekeeper to kill or take any game, or to use any dog, gun, net, or other engine or instrument for the purpose of killing or taking game, except within the limits included in his appointment as gamekeeper; but that in any case where such gamekeeper shall kill or take any game, or use any dog, gun, net, or other engine or instrument for the purpose of killing or taking game, beyond such limits as aforesaid, he may be proceeded against under this act, or otherwise in the same manner to all intents and purposes as if he had no game certificate whatsoever.

VII. That in all cases where any person shall occupy any land under any lease or agreement made previously to the passing of this act, except in the cases herein-after next excepted, the lessor or landlord shall have the right of entering upon such land, or of authorizing any other person or persons who shall have obtained an annual game certificate to enter upon such land, for the purpose of killing or taking the game thereon; and no person occupying any land under any lease or agreement, either for life or for years, made previously to the passing of this act, shall have the right to kill or take the game on such land, except where the right of killing the game upon such land has been expressly granted or allowed to such person by such lease or agreement, or except where upon the original granting or renewal of such lease or agreement a fine or fines shall have been taken, or except where in the case of a term for years such lease or agreement shall have been made for a term exceeding twenty-one years.

VIII. Provided always, That nothing in this act contained shall authorize any person seised or possessed of or holding any land to kill or take the game, or to permit any other person to kill or take the game upon such land, in any case where, by any deed, grant, lease, or any written or parol demise or contract, a right of entry upon such land for the purpose of killing or taking the game hath been or hereafter shall be reserved or retained by or given or allowed to any grantor, lessor, landlord, or other person whatsoever; nor shall any thing in this act contained defeat or diminish any reservation, exception, covenant, or agreement already contained in any private act of parliament, deed, or other writing relating to the game upon any land, nor in any manner prejudice the rights of any lord or owner of any forest, chase, or warren, or of any lord of any manor, lordship, or royalty, or reputed manor, lordship, or royalty, or of any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty.

IX. Provided also, That nothing in this act contained shall in any way alter or affect the prerogative, rights, or privileges of his Majesty, his heirs or successors, nor the powers or authorities now vested in the commissioners of his Majesty's woods forests, and land revenues, in or relating to any of his Majesty's forests, or the boundaries thereof, nor in or relating to the appointment of any stewards, gamekeepers, or other
Game.

[Part VI.

officers of any of his Majesty's forests, parks, or chases, or of any hundred, honor, manor, or lordship being part of the possessions and land revenues of the crown, nor the rights, privileges, or immunities of any chief justice in eyre, or any warden, deputy warden, or lieutenant of any of his Majesty's forests, or any rangers, verderers, foresters, masterkeepers, under-keepers, or other officers of or in any such forests, parks, or chases, or of any person entitled to any right or privilege under them or any of them, nor the rights or privileges of any person holding under any grants, or purchases from the crown, nor give to any lord of any manor or manors within any forest or the boundaries thereof, nor to any other person whatsoever, any privileges, rights, or powers within any such forest, park, or chase, or the boundaries thereof, which he did not possess or to which he was not entitled before the passing of this act; but that all the aforesaid prerogatives, immunities, privileges, rights, and powers shall remain as if this act had not been made.

X. Provided also, That nothing herein contained shall be deemed to give to any owner of cattles or rights of common upon or over any wastes or commons any interest or privilege which such owner was not possessed of before the passing of this act, nor to authorize such owner of cattles or rights of common to pursue or kill the game found on such wastes or commons; and that nothing herein contained shall defeat or diminish the rights or privileges which any lord of any manor, lordship, or royalty, or reputed manor, lordship, or royalty, or any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty, may, before the passing of this act, have exercised in or over such wastes or commons; and that the lord or steward of the crown of every manor, lordship, or royalty, or reputed manor, lordship, or royalty, shall have the right to pursue and kill the game upon the wastes or commons within such manor, lordship, or royalty, or reputed manor, lordship, or royalty, and to authorize any other person or persons who shall have obtained an annual game certificate to enter upon such wastes or commons for the purpose of pursuing and killing the game thereon.

XI. That where the lessor or landlord shall have reserved to himself the right of killing the game upon any land, it shall be lawful for him to authorize any other person or persons who shall have obtained an annual game certificate to enter upon such land for the purpose of pursuing and killing game thereon.

XII. That where the right of killing the game upon any land is by this act given to any lessor or landlord, in exclusion of the right of the occupier of such land, or where such exclusive right hath been or shall be specially reserved by or granted to, or doth or shall belong to, the lessor, landlord, or any person whatsoever other than the occupier of such land, then and in every such case, if the occupier of such land shall pursue, kill, or take any game upon such land, or shall give permission to any other person so to do, without the authority of the lessor, landlord, or other person having the right of killing the game upon such land, such occupier shall, on conviction thereof before two justices of the peace, forfeit and pay for such pursuit such sum of money not exceeding two pounds, and for every head of game so killed or taken such sum of money not exceeding one pound, as to the convicting justices shall seem meet, together with the costs of the conviction.

XIII. That it shall be lawful for any lord of a manor, lordship, or royalty, or reputed manor, lordship, or royalty, or any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty, by writing under hand and seal, or in case of a body corporate, then under the seal of such body corporate, to appoint one or more person or persons as a gamekeeper or gamekeepers to preserve or kill the game within the limits of such manor, lordship, or royalty, or reputed manor, lordship, or royalty, for the use of such lord or steward thereof, and to authorize such gamekeeper or gamekeepers within the said limits to seize and take for the use of such lord or steward all such dogs, nets, and other engines and instruments for the killing or taking of game as
shall be used within the said limits by any person not authorised to kill game for want of a game certificate.

XIV. That it shall be lawful for any lord of a manor, lordship, or royalty, or reputed manor, lordship, or royalty, or any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty, to appoint and depute any person whatever, whether acting as a gamekeeper to any other person or not, whether retained and paid for as the male servant of any other person or not, to be a gamekeeper for any such manor, lordship, or royalty, or reputed manor, lordship, or royalty, or for such division or district of such manor, lordship, or royalty, as such lord or steward of the crown shall think fit, and to authorize such person, as gamekeeper, to kill game within the same for his own use, or for the use of any other person or persons who may be specified in such appointment or deputation, and also to give to such person all such powers and authorities as may by virtue of this act be given to any gamekeeper of a manor; and no person so appointed gamekeeper, and empowered to kill game for his own use, or for the use of any other person so specified as aforesaid, and not killing any game for the use of the lord or steward of the crown of the manor, lordship, or royalty, or reputed manor, lordship, or royalty, for which such deputation or appointment shall be given, shall be deemed to be, or shall be entered or paid for as, the gamekeeper or male servant of the lord or steward making such appointment or deputation, any thing in any act or acts contained to the contrary notwithstanding.

XV. That it shall be lawful for every person who shall be entitled to kill the game upon any lands in Wales of the clear annual value of five hundred pounds, whereof he shall be seised in fee or as of freehold, or to which he shall otherwise be beneficially entitled in his own right, if such lands shall not be within the bounds of any manor, lordship, or royalty, or if, being within the same, they shall have been enfranchised or alienated therefrom, to appoint, by writing under his hand and seal, a gamekeeper or gamekeepers to preserve or kill the game over and upon such his lands, and also over and upon the lands in Wales of any other person who, being entitled to kill the game upon such last-mentioned lands, shall, by licence in writing, authorize him to appoint a gamekeeper or gamekeepers to preserve or kill the game thereupon, such last-mentioned lands not being within the bounds of any manor, lordship, or royalty, or having been enfranchised or alienated therefrom; and it shall be lawful for the person so appointing a gamekeeper or gamekeepers to authorize him or them to seize and take, for the use of the person so appointing, upon the lands of which he or they shall be appointed gamekeeper or gamekeepers, all such dogs, nets, and other engines and instruments for the killing or taking of game as shall be used upon the said lands by any person not authorized to kill game for want of a game certificate.

XVI. Provided always, That no appointment or deputation of any person as a gamekeeper by virtue of this act shall be valid unless and until it shall be registered with the clerk of the peace for the county, riders, division, liberty, franchise, city, or town wherein the manor, registered with lordship, or royalty, or reputed manor, lordship, or royalty, or the lands, the clerk of the shall be situate for or in respect of which such person shall have been appointed gamekeeper; and in case the appointment of any person as gamekeeper shall expire or be revoked, by dismissal or otherwise, all powers and authorities given to him by virtue of this act shall immediately cease and determine.

XVII. That every person who shall have obtained an annual game certificate shall have power to sell game to any person licensed to deal in game, according to the provisions herein-after mentioned: Provided always, That no game certificate on which a less duty than three pounds thirteen shillings and sixpence is chargeable under the acts relating to game certificates shall authorise any gamekeeper to sell any game, except on the account and with the written authority of the master
whose gaimekeeper he is; but that any such gamekeeper selling any
game not on the account and with the written authority of such master
may be proceeded against under this act in the same manner, to all
intent's and purposes, as if he had no game certificate whatsoever.

XVIII. That the justices of the peace in every county, riding, divi-
sion, liberty, franchise, city, or town shall hold a special session in the
division or district for which they usually act, in the present year,
between the fifteenth and the thirtieth days of October, and in every
succeeding year in the month of July, for the purpose of granting
licences to deal in game, of the holding of which session seven days'
otice shall be given to each of the justices acting for such division or
district; and the majority of the justices assembled at such session, or at
some adjournment thereof, not being less than two, are hereby autho-
rized (if they shall think fit) to grant under their hands, to any person
being a householder or keeper of a shop or stall within such division or
district, and not being an innkeeper or victualler, or licensed to sell beer
by retail, nor being the owner, guard, or driver of any mail coach, or
other vehicle employed in the conveyance of the mails of letters, or of
any stage coach, stage waggon, van, or other public conveyance, nor
being a carrier or higgyer, nor being in the employment of any of the
above-mentioned persons, a licence according to the form in the sche-
dule (A.) annexed to this act, empowering the person to whom such
licence shall be so granted to buy game at any place from any person
who may lawfully sell game by virtue of this act, and also to sell the
same at one house, shop, or stall only, kept by him; provided that every
person, while so licensed to deal in game as aforesaid, shall affix to some
part of the outside of the front of his house, shop, or stall, and shall
there keep, a board having thereon in clear and legible characters his
christian name and surname, together with the following words, (that
is to say,) "Licensed to deal in game:" and every such licence granted
in the present year shall begin to be in force on the first day of Novem-
bek in the present year, and shall continue in force until the fifteenth
day of July one thousand eight hundred and thirty-two, and every such
licence granted in any succeeding year shall continue in force for the
period of one year next after the granting thereof.

XIX. That every person who shall have obtained any licence to deal
in game under the provisions of this act shall annually and during the
continuance of his licence, and before he shall be empowered to deal in
game under such licence, obtain a certificate according to the form in the
schedule (B.) annexed to this act, on payment of the duty of two
pounds, which is hereby granted and made payable to his Majesty for
every such certificate, which certificate shall be in force for the same
period as such licence; and the said duty shall be paid to the collector
or collectors of the assessed taxes for the parish, township, or place
in which the person so licensed shall reside, in like manner as the duties
on game certificates are by law payable; and every receipt to be given
by any collector receiving such duty shall be free of stamp duty, and
shall be delivered to the person requiring the same on payment to the
collector of one shilling, and no more, over and above the said duty for
the certificate; and such receipt shall be exchanged for a certificate un-
der this act, in like manner as receipts for the duty in respect of killing
game are by law required to be exchanged for game certificates; and if
any person obtaining a licence under this act shall purchase or sell or
otherwise deal in game, as a licensed dealer under this act, before he
shall obtain a certificate in exchange for a receipt as herein directed,
such person shall for every such offence forfeit and pay the penalty of
twenty pounds.

XX. That the collector or collectors of the assessed taxes in every
parish, township, or place wherein any person shall reside who shall
have obtained such annual licence and certificate, shall in each year
make out a list, to be kept in his or their possession, containing the
name and place of abode of every such person, and shall at all seasonable
hours produce such list to any person making verbal application to
inspect the same, and shall be entitled to demand and receive for
such inspection the sum of one shilling; and the duties hereby granted
as aforesaid in respect of certificates to be obtained by persons licensed
to deal in game shall be assessed, charged, raised, levied, and collected
by the respective commissioners and justices of the peace, and the
several other officers acting in the execution of the several acts relating
to the assessed taxes, in the same manner, and under the same rules,
regulations, and provisions (except as herein varied), as the duties on
game certificates are by the said acts directed to be assessed, charged,
raised, levied, and collected; and that the penalty of twenty pounds
hereby imposed shall be sued for, recovered, and levied, either in the
district in which the offence shall be committed or in the district in
which the offender shall reside, and be applied in the same manner, and
under the same rules, regulations, and provisions, as penalties on per-
sons doing acts without payment of the game duty, or neglecting to
obtain game certificates, are by the said acts directed to be sued for,
recovered, levied, and applied, to all intents and purposes whatsoever as
if such rules, regulations, and provisions were specially repeated and
re-enacted in this act.

XXI. Provided always, That persons being in partnership, and car-
rying on their business at one house, shop, or stall only, shall not be partners.
Obliged by virtue of this act to take out more than one licence in
any one year to authorize them to deal in game at such house, shop,
or stall.

XXII. That if any person licensed by virtue of this act to deal in Licences when
game shall during the period of such licence be convicted of any to become void.
offence whatever against this act, such licence shall thereupon become
null and void.

XXIII. That if any person shall kill or take any game, or use any
Penalty for
dog, gun, net, or other engine or instrument for the purpose of search-
kill ing
g for, or killing or taking game, such person not being authorized so without a cer-
to do for want of a game certificate, he shall, on conviction thereof be-
tificate.
fore two justices of the peace, forfeit and pay for every such offence
such sum of money, not exceeding five pounds, as to the said justices
shall seem meet, together with the costs of the conviction: Provided
This penalty to
always, That no person so convicted shall by reason thereof be exempted be cumulative.
from any penalty or liability under any statute or statutes relating to
game certificates, but that the penalty imposed by this act shall be
deemed to be a cumulative penalty.

XXIV. That if any person not having the right of killing the game Penalty for
upon any land, nor having permission from the person having such destroy ing
right, shall wilfully take out of the nest or destroy in the nest upon
taking the eggs
such land the eggs of any bird of game, or of any swan, wild duck,
of game, &c.
teal, or widgeon, or shall knowingly have in his house, shop, possession,
or control any such eggs so taken, every such person shall, on convic-
tion thereof before two justices of the peace, forfeit and pay for
every egg so taken or destroyed, or so found in his house, shop, pos-
session, or control, such sum of money, not exceeding five shil-
lings, as to the said justices shall seem meet, together with the costs of
the conviction.

XXV. That if any person not having obtained a game certificate (ex-
Penalty for
cept such person be licensed to deal in game according to this act) shall
selling game sell or offer for sale any game to any person whatsoever; or if any person
sell or offer for sale any game to any person whatsoever, except a licensed person
licensed to deal in game according to this act; every such offender shall, on conviction of any such offence before two justices
of the peace, forfeit and pay for every head of game so sold or offered
for sale, such sum of money, not exceeding two pounds, as to the said
justices shall seem meet, together with the costs of the conviction.
XXVI. Provided always, That it shall be lawful for any innkeeper or
tavernkeeper, without any such licence for dealing in game as aforesaid,
to sell game for consumption in his own house, such game having been
procured from some person licensed to deal in game by virtue of this
act, and not otherwise.

XXVII. That if any person, not being licensed to deal in game ac-
cording to this act, shall buy any game from any person whatsoever,
except from a person licensed to deal in game according to this act, or
bend fide from a person affixing to the outside of the front of his house,
shop, or stall a board purporting to be the board of a person licensed
to deal in game, every such offender shall, on conviction thereof
before two justices of the peace, forfeit and pay for every head of
such game bought such sum of money, not exceeding five pounds, as
to the said justices shall seem meet, together with the costs of the
conviction.

XXVIII. That if any person being licensed to deal in game accord-
ing to this act shall buy or obtain any game from any person not au-
thorized to sell game for want of a game certificate, or for want of a
licence to deal in game; or if any person, being licensed to deal in
game according to this act, shall sell or offer for sale any game at his
house, shop, or stall, without such board as aforesaid being affixed to
some part of the outside of the front of such house, shop, or stall,
at the time of such selling or offering for sale, or shall affix or cause
to be affixed such board to more than one house, shop, or stall, or
shall sell any game at any place other than his house, shop, or stall,
where such board shall have been affixed; or if any person not being
licensed to deal in game according to this act shall assume or pretend,
by affixing such board as aforesaid, or by exhibiting any certificate,
or by any other device or pretence, to be a person licensed to deal in
 game; every such offender, being convicted thereof before two justices
of the peace, shall forfeit and pay such sum of money, not exceeding
ten pounds, as to the said justices shall seem meet, together with the
costs of the conviction.

XXIX. Provided always, That the buying and selling of game by
any person or persons employed on the behalf of any licensed dealer
in game, and acting in the usual course of his employment, and upon
the premises where such dealing is carried on, shall be deemed to be a
lawful buying and selling in every case where the same would have
been lawful if transacted by such licensed dealer himself: Provided also,
That nothing herein contained shall prevent any licensed dealer in
game from selling any game which shall have been sent to him to be
sold on account of any other licensed dealer in game.

XXX. And whereas after the commencement of this act game will
become an article which may be legally bought and sold, and it is there-
fore just and reasonable to provide some more summary means than now
by law exist for protecting the same from trespassers; be it therefore
enacted, That if any person whatsoever shall commit any trespass by
entering or being, in the day-time, upon any land in search or pursuit
of game, or woodcocks, snipes, quails, landrails, or conies, such per-
son shall, on conviction thereof before a justice of the peace, forfeit and
pay such sum of money, not exceeding two pounds, as to the justice
shall seem meet, together with the costs of the conviction; and that if
any persons to the number of five or more together shall commit any
trespass, by entering or being (1), in the day-time, upon any land in
search or pursuit of game, or woodcocks, snipes, quails, landrails, or
conies, each of such persons shall, on conviction thereof before a justice
of the peace, forfeit and pay such sum of money, not exceeding five

(1) The words “entering and being” in this section constituting one offence, the place may be
described as “certain land,” without giving it a name and setting it out by abutments. Rex v. Meller,
2 Dowl. P. C. 173.
pounds, as to the said justice shall seem meet, together with the costs of
the conviction: Provided always, That any person charged with any
such trespass shall be at liberty to prove, by way of defence, any matter,
which would have been a defence to an action at law for such trespass;
save and except that the leave and licence of the occupier of the land so
trespassed upon shall not be a sufficient defence in any case where the
landlord, lessor, or other person shall have the right of killing the game
upon such land by virtue of any reservation or otherwise, as herein-be-
fore mentioned; but such landlord, lessor, or other person shall, for
the purpose of prosecuting for each of the two offences herein last be-
fore mentioned, be deemed to be the legal occupier of such land, when-
ever the actual occupier thereof shall have given such leave or licence;
and that the lord or steward of the crown of any manor, lordship, or
royalty, or reputed manor, lordship, or royalty, shall be deemed to be
the legal occupier of the land of the wastes or commons within such
manor, lordship, or royalty, or reputed manor, lordship, or royalty.

XXXI. That where any person shall be found on any land, or upon
any of his Majesty's forests, parks, chases, or warrens, in the day-time,
in search or pursuit of game, or woodcocks, snipes, quails, landrails, or may be
reconies, it shall be lawful for any person having the right of killing the
Trespasser in
Trespasser in
Trespasser in
game upon such land, by virtue of any reservation or otherwise as here-
game upon such land, by virtue of any reservation or otherwise as here-
game upon such land, by virtue of any reservation or otherwise as here-
in-before mentioned, or for the occupier of the land (whether there shall
in-before mentioned, or for the occupier of the land (whether there shall
in-before mentioned, or for the occupier of the land (whether there shall
or shall not be any such right by reservation or otherwise), or for any
or shall not be any such right by reservation or otherwise), or for any
or shall not be any such right by reservation or otherwise), or for any
game-keeper or servant of either of them, or for any person authorized
game-keeper or servant of either of them, or for any person authorized
game-keeper or servant of either of them, or for any person authorized
by either of them, or for the warden, ranger, verderer, forester, master-
keeper, under-keeper, or other officer of such forest, park, chase, or
keeper, under-keeper, or other officer of such forest, park, chase, or
keeper, under-keeper, or other officer of such forest, park, chase, or
warren, to require the person so found forthwith to quit the land where-
on he shall be so found, and also to tell his christian name, surname,
and place of abode; and in case such person shall, after being so re-
quired, offend by refusing to tell his real name or place of abode, or by
giving such a general description of his place of abode as shall be illu-
sory for the purpose of discovery, or by wilfully continuing or returning
upon the land, it shall be lawful for the party so requiring as aforesaid,
and also for any person acting by his order and in his aid, to apprehend
such offender, and to convey him or cause him to be conveyed as soon
as conveniently may be before a justice of the peace; and such offender
Penalty.
Penalty.
Penalty.
whether so apprehended or not), upon being convicted of any such
offence before a justice of the peace, shall forfeit and pay such sum of
money, not exceeding five pounds, as to the convicting justice shall
seem meet, together with the costs of the conviction: Provided always,
that no person so apprehended shall, on any pretence whatsoever, be
detained for a longer period than twelve hours from the time of his ap-
prehension until he shall be brought before some justice of the peace;
and that if he cannot, on account of the absence or distance of the resi-
dence of any such justice of the peace, or owing to any other reasonable
cause, be brought before a justice of the peace within such twelve hours
as aforesaid, then the person so apprehended shall be discharged, but
may nevertheless be proceeded against for his offence by summons or
warrant, according to the provisions herein-after mentioned, as if no
such apprehension had taken place.

XXXII. That where any persons, to the number of five or more to-
gether, shall be found on any land, or in any of his Majesty's forests,
parks, chases, or warrens, in the day-time, in search or pursuit of game,
or woodcocks, snipes, quails, landrails, or conies, any of such persons
being then and there armed with a gun, and such persons or any of them
shall then and there, by violence, intimidation, or menace, prevent or
deavour to prevent any person authorised as herein-before mentioned
from approaching such persons so found, or any of them, for the pur-
purpose of requiring them or any of them to quit the land whereon they
shall be so found, or to tell their or his christian name, surname, or
place of abode respectively, as herein-before mentioned, every person so
offending by such violence, intimidation, or menace as aforesaid, and

Penalty on per-
Penalty on per-
Penalty on per-
sons found
sons found
sons found
armed using
armed using
armed using
violence, &c.
every person then and there aiding or abetting such offender, shall, upon
being convicted thereof before two justices of the peace, forfeit and pay
for every such offence such penalty, not exceeding five pounds, as to
the convicting justices shall seem meet, together with the costs of the
conviction, which said penalty shall be in addition to and independent
of any other penalty to which any such person may be liable for any
other offence against this act.

XXXIII. That if any person whatsoever shall commit any trespass,
by entering or being, in the day-time, upon any of his Majesty's forests,
parks, chases, or warrens, in search or pursuit of game, without being
first duly authorized so to do, such person shall, on conviction thereof
before a justice of the peace, forfeit and pay such sum of money, not ex-
ceeding two pounds, as to the justice shall seem meet, together with the
costs of the conviction.

XXXIV. That for the purposes of this act the day-time shall be
deemed to commence at the beginning of the last hour before sunrise,
and to conclude at the expiration of the first hour after sunset.

XXXV. Provided always, That the aforesaid provisions against tres-
passers and persons found on any land shall not extend to any person
hunting or coursing upon any lands with hounds or greyhounds,
and being in fresh pursuit of any deer, hare, or fox already started upon
any other land, nor to any person bona fide claiming and exercising any
right or reputed right of free warren or free chase, nor to any game-
keeper lawfully appointed within the limits of any free warren or free
chase, nor to any lord or any steward of the crown of any manor, lord-
ship, or royalty, or reputed manor, lordship, or royalty, nor to any
gamekeeper lawfully appointed by such lord or steward within the
limits of such manor, lordship, or royalty, or reputed manor, lordship,
or royalty.

XXXVI. That when any person shall be found by day or by night
upon any land, or in any of his Majesty's forests, parks, chases, or war-
rens, in search or pursuit of game, and shall then and there have in his
possession any game which shall appear to have been recently killed, it
shall be lawful for any person having the right of killing the game upon
such land, by virtue of any reservation or otherwise, as herein-before
mentioned, or for the occupier of such land (whether there shall or shall
not be any such right by reservation or otherwise), or for any game-
keeper or servant of either of them, or for any officer as aforesaid of
such forest, park, chase, or warren, or for any person acting by the
order and in aid of any of the said several persons, to demand from the
person so found such game in his possession, and in case such person
shall not immediately deliver up such game to seize and take the same
from him, for the use of the person entitled to the game upon such land,
forest, park, chase, or warren (1).

XXXVII. That every penalty and forfeiture for any offence against
this act (the application of which has not been already provided for) shall
be paid to some one of the overseers of the poor, or to some other officer
(as the convicting justice or justices may direct) of the parish, township,
or place in which the offence shall have been committed, to be by such
overseer or officer paid over to the use of the general rate of the county,
riding, or division in which such parish, township, or place shall be

(1) Trespass against two for assaulting plaintiff and tearing his clothes. The fourth plea
stated that before committing the trespasses, plaintiff was found by the defendant H. on the
lands of S., in search of game, without the licence and against the will of S., and that plaintiff had
in his possession a hare, which appeared to have been recently killed: whereupon defendant H., as
the servant, and by the command of S., demanded the hare, which plaintiff refused to deliver: that
afterwards, and just before committing the trespasses, defendant H. demanded the hare, and be-
cause the plaintiff then and there refused to deliver it, the defendants, as such servants and by such
command, in order to take it for the use of S. seized the plaintiff, and took the hare from him, accord-
ing to this section. Held bad, as not sufficiently showing when the second demand was made, or
that it was made on S.'s land. Wisdom v. Hodson, 3 Moo. & Sc. 811.
situate, whether the same shall or shall not contribute to such general
rate; and no inhabitant of such county, riding, or division shall be
debt an incompetent witness in any proceeding under this act by
reason of the application of such penalty or forfeiture to the use of the
said general rate as aforesaid.

XXXVIII. That the justice or justices of the peace by whom any per-
son shall be summarily convicted and adjudged to pay any sum of money
for any offence against this act, together with costs, may adjudge that
such person shall pay the same either immediately or within such period
as the said justice or justices shall think fit, and that in default of pay-
ment at the time appointed such person shall be imprisoned in the com-
mon gaol or house of correction (with or without hard labour), as to the
justice or justices shall seem meet, for any term not exceeding two cal-
endar months where the amount to be paid, exclusive of costs, shall not
amount to five pounds, and for any term not exceeding three calendar
months in any other case, the imprisonment to cease in each of the cases
aforesaid upon payment of the amount and costs.

XXXIX. That the justice or justices of the peace (as the case may re-
form of con-
quire) before whom any person shall be summarily convicted of any of-
offence against this act may cause the conviction to be drawn up accor-
ding to the following form of words, or in any other form of words to the
same or the like effect; (that is to say;)

BE it remembered, That on the

in the year of our Lord

at

in the county of

division, franchise, liberty, city, &c. as the case may be], 3. O.

is convicted before me J. P. one [or us J. P. and J. J. P. two, as
the case may require,] of his Majesty's justices of the peace for
the said county [or riding, &c.], for that he the said A. O. did,
on
at
[or did use a dog, &c. for the purpose of killing game], he the said
A. O. not being authorised so to do for want of a game certificate, con-
trary to the statute in such case made and provided [or did, here specify
any other offence, and the time and place when and where the same was
committed, as the case may be]; and I [or we] do adjudge that the said
A. O. shall for the said offence forfeit the sum of

[or we do adjudge that the said A. O. shall for the said offence forfeit
the sum of

being after the rate of

every head of game so, &c. or for every egg so, &c.], and shall
forthwith pay the said sum, together with the sum of

for costs; and that in default of immediate payment of the said sums,
the said A. O. shall be imprisoned [or imprisoned and kept to hard
labour] in the

for the space of

unless the said sums shall be sooner paid, [or and I [or we] order
that the said sums shall be paid by the said A. O. on or before the
day of

and in default of payment

on or before that day I [or we] adjudge the said A. O. to be imprisoned
[or imprisoned and kept to hard labour] in the

for the space of

unless the said
sums shall be sooner paid.] and I [or we] direct that the said sum of
(t. e. the penalty) shall be paid to

one of the overseers of the poor of, &c. to be by him applied accord-
ing to the directions of the statute in such case made and provided; and I
[or we] order that the said sum of

for costs shall be
paid to

(the complainant.) Given under my hand
[or our hands] the day and year first above mentioned.

J. P.

[or J. P. and J. J. P.]

XL. That it shall be lawful for any justice of the peace to issue his Power to sum-
summons requiring any person to appear before himself, or any one or mon witnesses-
two justices of the peace, as the case may require, for the purpose of giving evidence touching any offence against this act; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the justice or justices then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the justice or justices then and there present, every person so offending shall, on conviction thereof before the said justice or justices, or any other justice or justices of the peace, forfeit and pay such sum of money, not exceeding five pounds, as to the convicting justice or justices shall seem meet.

XLI. That the prosecution for every offence punishable upon summary conviction by virtue of this act shall be commenced within three calendar months after the commission of the offence; and that where any person shall be charged on the oath of a credible witness with any such offence before a justice of the peace, the justice may summons the party charged to appear before himself, or any one or two justices of the peace, as the case may require, at a time and place to be named in such summons; and if such party shall not appear accordingly, then (upon proof of the due service of the summons by delivering a copy thereof to the party, or by delivering such copy at the party’s usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate,) the justices or justices may either proceed to hear and determine the case in the absence of the party, or may issue his or their warrant for apprehending and bringing such party before him or them, as the case may be; or the justice before whom the charge shall be made may, if he shall have reason to suspect from information upon oath that the party is likely to abscond, issue such warrant in the first instance, without any previous summons.

XLII. That it shall not be necessary, in any proceeding against any person under this act, to negative by evidence any certificate, licence, consent, authority, or other matter of exception or defence; but that the party seeking to avail himself of any such certificate, licence, consent, authority, or other matter of exception or defence, shall be bound to prove the same.

XLIII. That the justice or justices of the peace before whom any person shall be convicted of any offence punishable upon summary conviction under this act shall transmit every such conviction to the next court of general or quarter sessions of the peace for the county, riding, division, liberty, franchise, city, or town wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court.

XLIV. That any person who shall think himself aggrieved by any summary conviction in pursuance of this act may appeal to the justices at the next general or quarter sessions of the peace to be holden, not less than twelve days after such conviction, for the county, riding, division, liberty, franchise, city, or town 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, 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 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, 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.

XLV. That no summary conviction in pursuance of this act, or adju-
dication made on appeal therefrom, shall be quashed for want of form,
No certiorari,
or be removed by certiorari or otherwise into any of his Majesty’s supe-
crior courts of record; and that no warrant of commitment shall be held
void by reason of any defect therein, provided it be therein alleged that
it is founded on a conviction, and there be a good and valid conviction
to sustain the same.

XLVI. Provided always, That nothing in this act contained shall pre-
vent any person from proceeding by way of civil action to recover da-
Agie 0 mages in respect of any trespass upon his land, whether committed in
pursuit of game or otherwise, save and except that where any proceed-
ings shall have been instituted under the provisions of this act against
any person for or in respect of any trespass, no action at law shall be
maintainable for the same trespass by any person at whose instance or
with whose concurrence or assent such proceedings shall have been
instituted, but that such proceedings shall in such case be a bar to any
such action, and may be given in evidence under the general issue.

XLVII. And for the protection of persons acting in the execution of
this act, be it enacted, That all actions and prosecutions to be com-
 commenced against any person for any thing done in pursuance of this act
shall be laid and tried in the county where the fact was committed, and
shall be commenced within six calendar months after the fact committed,
and not otherwise; and notice in writing of such action, and of the
cause thereof, shall be given to the defendant one calendar month at
least before the commencement of the action; and in any such action
the defendant may plead the general issue, and give this act and the
special matter in evidence at any trial to be had thereupon; and no
plaintiff shall recover in any such action if tender of sufficient amends
shall have been made before such action brought, or if a sufficient sum
of money shall have been paid into court after such action brought by or
on behalf of the defendant.

XLVIII. That nothing in this act contained shall extend to Scotland
or Ireland.

SCHEDULE (A.)

Form of Licence.

At a special session of the justices of the peace of the county of
[or riding, &c. as the case may be], acting for the
division of [or otherwise, as the case may be], in the said county, holden
at in the said
on the
day of
in the year
We
being justices acting for the said
assembled at the said special session, do hereby
authorize and empower A. B. of
[here insert the name,
description, and place of residence, and if more than one in partnership, say
C. D. of, &c. and E. F. of, &c. being partners], being a householder [or
householders], [or keeper (or keepers) of a shop or stall, as the case may
be], to buy game from any person authorized to sell game by virtue of
an act passed in the second year of the reign of King William the fourth,
intituled “An Act to amend the Laws in England relative to Game;”
and we do also authorize and empower the said A. B. [or C. D. and
E. F. being partners] to sell at his [or their] house [shop or stall] any
game so bought, provided that the said A. B. [or C. D. and E. F being
partners] shall affix to some part of the outside of the front of his [or
their] house [shop or stall], and shall there keep, a board having thereon

No. 1.
1 & 2 W. 4,
c. 32.

This act not to preclude ac-
sions for tres-
pass, but no
doubleproceed-
ings for the
same trespass.

Venue, &c. in
proceedings
against persons
acting under
this act.

Tender of
amends.

Act not to ex-
tend to Scotland
or Ireland.
No. I. 1 & 2 W. 4, c. 32.

in clear and legible characters his christian name and surname, [or their christian names and surnames,] together with the following words, ‘Licensed to deal in Game.’

This licence will expire on
(Signed)
Justice of the Peace.
Justice of the Peace.

SCHEDULE (B.)

Form of Certificate to be issued by Clerks of Commissioners of Assessed Taxes to every Person licensed to deal in Game.

Received from A. B. [or C. D. and E. F. being partners], residing at [parish, township, or place] in the county of [in exchange for this certificate], a receipt under the hand of G. H., one of the collectors of assessed taxes for the said [parish, &c.] for the sum of being the duty chargeable on the said A. B. [or C. D. and E. F. being partners] in respect of his [or their] licence to deal in game.

Certified this day of in the year in pursuance of an act passed in the second year of the reign of king William the fourth, intituled “An Act to amend the Laws in England relative to Game.”

This certificate will expire on
(Signed) Clerk to the Commissioners of Assessed Taxes for the Division of in the county of

[No. II.] 2 & 3 W. IV. c. 68.—An Act for the more effectual Prevention of Trespasses upon Property by Persons in pursuit of Game in that Part of Great Britain called Scotland.

[17th July 1832.]

WHEREAS trespasses upon property by persons unlawfully engaged in the pursuit of game have recently become frequent in various parts of Scotland, and have, in many cases, been attended by acts of violence and intimidation, for the repression of which the laws now in force in that part of the united kingdom provide no sufficient remedy, and that it is therefore expedient that more effectual and summary remedies should be provided; be it therefore enacted, &c. That if any person whatsoever shall commit any trespass by entering or being, in the day-time, upon any land, without leave of the proprietor, in search or pursuit of game, or of deer, roe, woodcocks, snipes, quails, landrails, wild ducks, or conies, such person shall, on being summarily convicted thereof before a justice of the peace, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, forfeit and pay such sum of money, not exceeding two pounds, as to the justice shall seem meet, together with the costs of the conviction; and that if any person having his face blackened, coloured, or otherwise disfigured for the purpose of disguise, or if any persons to the number of five or more together shall commit any trespass by entering or being, in the day-time, upon any land in search or pursuit of game, or of deer, roe, woodcocks, snipes, quails, landrails, wild ducks, or conies, each of such persons shall, on being summarily convicted
thereof before a justice of the peace, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, forfeit and pay such sum of money, not exceeding five pounds, as to the said justice shall seem meet, together with the expenses of process: provided always, that any person charged with any such trespass shall be at liberty to prove, by way of defence, any matter which would have been a defence to an action at law for such trespass.

If. That where any person shall be trespassing on any land, in the day-time, in search or pursuit of game, or woodcocks, snipes, quails, landrails, wild ducks, or coies, it shall be lawful for any person having the right of killing the game upon such land, or for the occupier of the land, or for any gamekeeper or servant of either of them, or for any person authorized by either of them, to require the person so trespassing forthwith to quit the land whereon he shall be so trespassing, and also to tell his christian name, surname, and place of abode; and in case such person shall, after being so required, offend by refusing to tell his real name or place of abode, or by giving such a general description of his place of abode as shall be illusory for the purpose of discovery, or by wilfully continuing or returning upon the land, it shall be lawful for the party so requiring as aforesaid, and also for any person acting by his order and in his aid, to apprehend such offender, and to convey him, or cause him to be conveyed, as soon as conveniently may be, before a justice of the peace; and such offender (whether so apprehended or not), upon being summarily convicted of any such offence before a justice of the peace, at the instance of the owner or occupier of such land, or of the procurator fiscal for the county, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay such sum of money, not exceeding five pounds, as to the convicting justice shall seem meet, together with the expenses of process: Provided always, that no person so apprehended shall on any pretence whatsoever be detained for a longer period than twelve hours from the time of his apprehension until he shall be brought before some justice of the peace; and that if he cannot, on account of the absence or distance of the residence of any such justice of the peace, or owing to any other reasonable cause, be brought before a justice of the peace within such twelve hours as aforesaid, then the person so apprehended shall be discharged at the end of that time, but may nevertheless he proceeded against for his offence by summons or warrant, according to the provisions hereinafter mentioned, as if no such apprehension had taken place.

III. That for the purposes of this act, the day-time shall be deemed to commence at the beginning of the last hour before sunrise, and to conclude at the expiration of the first hour after sunset.

IV. Provided always, that the aforesaid provisions against trespassers shall not extend to any person hunting or coursing upon any lands with hounds or greyhounds, and being in fresh pursuit of any deer, hare, or fox already started upon any other land on which such person was entitled to hunt or course.

V. That where any person shall be found trespassing by day upon any land in search or pursuit of game, and shall then and there have in his possession any game, it shall be lawful for any person having the right of killing the game upon such land, or for the occupier of such land, or for any gamekeeper or servant of either of them, or for any other person authorized by either of them, or for any person acting by the order and in aid of any of the said several persons, to demand from such trespasser such game in his possession, and in case such trespasser shall not immediately deliver up such game, to seize and take the same from him, for the use of the person entitled to the game upon such land.

VI. That if any person being in the commission of a trespass shall assault or obstruct any person acting in the execution or in virtue of the
powers and provisions of this act, such person, on being convicted thereof before two justices of peace, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay any sum not exceeding five pounds, over and above any penalty which he may have incurred by contravening this act, and in default of payment thereof at such time as to the said justices may seem fit, shall be imprisoned in the common gaol or house of correction (with or without hard labour) for a period not exceeding three months.

VII. That every penalty and forfeiture for any offence against this act shall be paid to the moderator, or other officer of the kirk session of the parish where the offence was committed, for the use and benefit of the poor of such parish.

VIII. That the justice or justices of the peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this act, together with expenses, may adjudge that such person shall pay the same, either immediately, or within such period as the said justice or justices shall think fit; and that in default of payment at the time appointed, such person shall be imprisoned in the common gaol or house of correction (with or without hard labour), as to the justice or justices shall seem meet, for any term not exceeding two calendar months, the imprisonment to cease upon payment of the amount and costs.

IX. That the justice or 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 according to the following form of words, or in any other form of words to the same or the like effect; (that is to say,)

"BE it remembered, That on the day of __________

in the year of our Lord ________
at __________
in the county of ________

[or division, et cetera, as the case may be],

A.O. is convicted before me J.P., one [or us J.P. and J.J.P. two, as the case may require], of His Majesty’s justices of the peace for the said county [et cetera], for that he the said A.O. did unlawfully on at trespass or was found trespassing in search or pursuit of game [et cetera, as the case may be], and I [or we] do adjudge that the said A.O. shall for the said offence forfeit the sum of __________

[or we do adjudge that the said A.O. shall for the said offence forfeit the sum of __________, and shall forthwith pay the said sum, together with the sum of __________ of expenses of process, and that in default of immediate payment of the said sums, he the said A.O. shall be imprisoned [or imprisoned and kept to hard labour] in the space of __________

[or of __________ for the space of __________ unless the said sums shall be sooner paid; [or, and I [or we] order that the said sums shall be paid by the said A.O. on or before the day of __________ and in default of payment on or before that day I [or we] adjudge the said A.O. to be imprisoned [or imprisoned and kept to hard labour] in the space of __________ unless the said sums shall be sooner paid]; and I [or we] direct that the said sum of __________ (i.e. the penalty) shall be paid to being the minister of, et cetera, to be by him applied according to the directions of the statute in such case made and provided; and I [or we] order that the said sum of __________ of expenses shall be paid to (the complainant). Given under my hand [or our hands] the day and year first above mentioned.

J.P.

[or J.P. and J.J.P.]"

Power to summon witnesses.

X. That it shall be lawful for any justice of the peace to issue his summons requiring any person to appear before himself, or any one or two justices of the peace, as the case may require, for the purpose of
giving evidence touching any offence against this act; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the justice or justices then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the justice or justices then and there present, every person so offending shall, on conviction thereof before the said justice or justices, or any other justice or justices of the peace, forfeit and pay such sum of money, not exceeding five pounds, as to the convicting justice or justices shall seem meet.

XI. That the prosecution for every offence punishable by virtue of this act shall be commenced within three calendar months after the commission of the offence; and that where any person shall be charged, on the oath of a credible witness, with any such offence before a justice of the peace, the justice may summon the party charged to appear before himself, or any one or two justices of the peace, as the case may require, at any time and place to be named in such summons; and if such party shall not appear accordingly, then (upon proof of the due service of the summons, by delivering a copy thereof to the party, or by delivering such copy at the party’s usual place of abode to some inmate thereof, and explaining the purport thereof to such inmate,) the justice or justices may either proceed to hear and determine the case in the absence of the party, or may issue his or their warrant for apprehending and bringing such party before him or them, as the case may be; or the justice before whom the charge shall be made may, if he shall have reason to suspect, from information upon oath, that the party is likely to abscond, issue such warrant in the first instance, without any previous summons.

XII. That it shall not be necessary in any proceeding against any person under this act to negative by evidence any licence, consent, authority, or other matter of exception or defence; but that the party seeking to avail himself of any such licence, consent, authority, or other matter of exception or defence, shall be bound to prove the same.

XIII. That the justice or justices of the peace before whom any person shall be convicted of any offence punishable under this act shall transmit every such conviction to the next court of general or quarter sessions of the peace for the county or division wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court.

XIV. That any person who shall think himself aggrieved by any conviction in pursuance of this act, may appeal to the justices at the next general or quarter sessions of the peace to be holden, not less than twelve days after such conviction, for the county 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 remain either in custody until the sessions, or within such three days find a security, by bail bond before a justice, 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 security being found, the justice before whom the same shall be produced shall liberate such person if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, grant warrant for enforcing such judgment in common form.
XV. That no conviction in pursuance of this act, or judgment given on appeal therefrom, shall be quashed for want of form, or be removed by advocation, suspension, or reduction into any superior court of law; and that no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same.

XVI. Provided always, That nothing in this act contained shall prevent any person from proceeding by way of civil action to recover damages in respect of any trespass upon his land, whether committed in pursuit of game or otherwise, save and except that where any proceedings shall have been instituted under the provisions of this act against any person for or in respect of any trespass, no action at law shall be maintainable for the same trespass by any person at whose instance or with whose concurrence or assent such proceedings shall have been instituted, but that such proceedings shall in such case be a bar to any such action, and may be given in evidence to this purpose and effect.

XVII. 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 commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of cause thereof, shall be given to the defender one calendar month at least before the commencement of the action; and no prosecutor 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 defender.

XVIII. That nothing in this act contained shall extend to England, Wales, or Ireland.

PART VI.
CLASS XX.

GAMING.
[See ante, Part III, Class V, Usury, p. 321.]
PART VI.

CLASS XXI.

GAOLS AND HOUSES OF CORRECTION.

[No. I.] 5 & 6 W. IV. c. 38.—An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales; and for appointing Inspectors of Prisons in Great Britain. [25th August 1835.]

WHEREAS by the laws now in force rules and regulations made for the government of certain prisons, and for the duties to be performed by the officers of the same, are in London and Middlesex required to be submitted to the two chief justices, and elsewhere to certain other justices, for approval, and to be approved of by them before they can be enforced: Be it enacted, &c. That no such rules and regulations made after the passing of this act shall be required to be submitted for approval, or to be approved of, otherwise than is hereinafter mentioned,

approved only as herein-after

II. That all rules and regulations which shall be made after the passing of this act by the court of mayor and aldermen of the City of London, justices of the peace, or other persons whatsoever, which they are now by law authorized to make for the government of any prisons in England and Wales, or for the duties to be performed by the officers of such prisons, shall be submitted to one of his Majesty’s principal secretaries of state, and it shall be lawful for such secretary of state, if he thinks fit, to alter such rules and regulations, or to make additional rules and regulations thereto, and to subscribe a certificate or declaration that such rules and regulations as submitted to him, or altered or added to, are proper to be enforced; and when such secretary of state shall have subscribed such certificate or declaration, such rules and regulations, alterations and additions, shall be binding upon the sheriff and all other persons, without any other sanction or approval: Provided also, that no rule or regulation, save as herein-after is mentioned, which, after the passing of this act, shall be made for any prison within England and Wales, or for the duties to be performed by the officers of such prison, shall be enforced until a certificate or declaration shall have been duly subscribed by one of his Majesty’s principal secretaries of state in manner aforesaid.

III. Whereas great inconvenience and expense have been found to result from the practice of committing to the common gaol of the county persons charged with the offences intended to be tried at the assizes or sessions held for such county where such assizes or sessions are held at places distant from such common gaol, and it is expedient that the law should be altered and amended; for remedy thereof, be it enacted, That from and after the passing of this act it shall be lawful for any justice of the peace or coroner, acting within their several jurisdictions in England and Wales, to commit for safe custody to any house of correction, situate near to the place where such assizes and sessions are intended to be held, any person or persons charged before them with any offence triable at such assizes or sessions; and that whenever any such persons shall be committed to any such house of correction for trial at such assizes or sessions, the keeper of such house of correction shall deliver to the judges of assize or justices at sessions a calendar of all prisoners in his custody for trial at such assizes or sessions respectively, in the same way that the sheriff of the county would be by law required to do if such prisoners had been committed to the common gaol of the county.

IV. That whenever any person shall be convicted at any assizes or sessions of any offence for which he or she shall be liable either to the convicted of

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punishment of death, transportation, or imprisonment, it shall be lawful for the court (if it shall so think fit) to commit such persons to any house of correction for such county, in execution of his or her judgment; and in case of the commitment of any person sentenced to death, execution of such judgment shall and may be had and done by the sheriff of the county; and in case of the commitment of any person either sentenced to transportation, or pardoned for any capital offence on condition of transportation, all the powers, provisions, and authorities for the removal of offenders sentenced to transportation, given or granted by any former act or acts of parliament to sheriffs or gaolers, shall be, and the same are hereby extended and given to the keepers of houses of correction in whose custody such last-mentioned offenders shall be.

V. That on or before the first day of November in every year the clerks of the peace for every county, riding, or division of a county in England and Wales, the clerks of every gaol session, and the chief magistrates of every city, town, borough, port, or liberty within England and Wales, now having any prison, shall transmit copies of all rules and regulations in force on the twenty-fifth day of September in such year for the government of every prison for and belonging to their respective counties, ridinges, or divisions of counties, cities, towns, boroughs, ports, and liberties, to one of his Majesty's principal secretaries of state, together with copies of such new or additional rules and regulations as may be proposed for the government thereof; and that it shall be lawful for such secretary of state to alter such rules or regulations, copies whereof shall be transmitted to him in pursuance of this act, and to make additional rules or regulations thereto, and to subscribe a certificate or declaration that such rules and regulations as transmitted to him, or altered or added to, are proper to be enforced; and the rules and regulations, alterations and additions so certified shall be binding upon sheriffs and all other persons; and the clerks of the peace for every county, riding, or division of a county in England and Wales, the clerks of every gaol session, and the chief magistrates of every such city, town, borough, port, and liberty, are hereby required to lay before the court of quarter sessions held next after the twenty-fifth day of September in every year for their respective counties, ridinges, divisions of counties, cities, towns, boroughs, ports, and liberties on the first day of such sessions, like copies of all rules and regulations in force on the twenty-fifth day of September in every year for the government of their respective prisons.

VI. That in case any clerk of the peace, clerk of gaol session, or chief magistrate of any city, town, borough, port, or liberty, neglecting or omitting to transmit to one of his Majesty's principal secretaries of state copies of the rules or regulations in force for the government of any prison which he is required by this act to transmit, it shall be lawful for one of his Majesty's principal secretaries of state after the first day of December in every year to certify what rules and regulations he deems necessary for the government of such prison; and the rules and regulations so certified by such secretary of state shall thenceforth be binding upon sheriffs and all other persons, and shall be the only rules in force for the government of such prison.

VII. That it shall be lawful for one of his Majesty's principal secretaries of state to nominate and appoint a sufficient number of fit and proper persons, not exceeding five, to visit and inspect, either singly or together, every gaol, bridewell, house of correction, penitentiary, or other prison or place kept or used for the confinement of prisoners, in any part of the kingdom of Great Britain; and every person so appointed shall have authority to examine any person holding any office or receiving any salary or emolument in any such gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement as aforesaid, and to call for and inspect all books and papers relating thereto, and to inquire into all matters touching and concerning such gaol, bridewell, house of correction, penitentiary, prison, or other place of
confinement; and every such person so appointed shall, on or before the first day of February in every year, make a separate and distinct report in writing of the state of every gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement visited by him, and shall transmit the same to one of his Majesty's principal secretaries of state; and a copy of every such report shall be laid before both houses of Parliament within fourteen days after such first day of February, if they shall be then assembled; or if parliament shall not be then assembled, within fourteen days after the meeting thereof after such first day of February.

VIII. That if any person shall knowingly and wilfully obstruct any person so appointed in the execution of any of the powers intrusted to him by this act, such person shall, on conviction before a justice of the peace, forfeit and pay for each and every such offence any sum not exceeding twenty pounds, and in default of payment of any penalty so adjudged, immediately, or within such time as the said justice shall appoint, shall be committed to prison for any period not exceeding one calendar month.

IX. That it shall be lawful for a justice of the peace, on any complaint made to him against any person for any such offence, to issue his summons for the appearance of such person.

X. That it shall be lawful for any one of his Majesty's principal secretaries of state to visit and inspect, or to authorize in writing any person or persons to visit and inspect, any prison or prisons or any penitentiary or other place of confinement for prisoners in Great Britain upon any occasion which such secretary of state may think expedient.

XI. That it shall be lawful for his Majesty by an order in writing, to be notified in writing by one of his Majesty's principal secretaries of state, to direct that any persons in prison within England and Wales, under sentence of any court or of any competent authority for any offence committed by them, shall be removed from the prison in which they are confined to any other of his Majesty's prisons or penitentiaries within England and Wales, there to be imprisoned for and during their respective terms of imprisonment.

XII. That every person confined in any prison whose term of imprisonment would according to his or her sentence have expired on any Lord's day shall be entitled to his or her discharge from such prison on the Saturday next preceding such Lord's day; and every keeper, governor, or other officer of any prison having the custody of any such prisoner as aforesaid is hereby authorized and required to discharge such prisoner on the Saturday next preceding any such Lord's day.

XIII. And whereas by an act passed in the fourth and fifth years of the reign of his present Majesty, intitled An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoinig, it was among other things enacted, that it shall be lawful for his Majesty, by an order in writing, to be notified in writing by one of his Majesty's principal secretaries of state, to direct that persons who may be sentenced to imprisonment by any court or competent authority for any offence committed beyond the limits of that act, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious disease, and fit to be removed, shall be removed to the penitentiary at Milbank, there to be imprisoned for and during their respective terms of imprisonment: And where it is expedient that the like power should be given for directing persons who shall be sentenced by any court, or ordered by any competent authority, to be imprisoned for offences committed within the limits of the said act, no less than for offences committed beyond the limits of the said act; be it therefore enacted, That it shall be lawful for his Majesty by an order in writing, to be notified in writing by one of his Majesty's principal secretaries of state, to direct that persons who shall be sentenced by any court, or ordered by any competent authority, subjecting such person to hard labour, to be imprisoned for any offence
Gaols and Houses of Correction. [Part VI.
committed within the limits of the before-recited act, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed, shall be removed to the penitentiary at Milbank, there to be imprisoned for and during their respective terms of imprisonment.

XIV. That all provisions and regulations expressed and contained in any act made for the government of the general penitentiary at Milbank, and all powers given by such act for the confinement, employment, and management of convicts confined therein, shall be applicable and made available in respect to all persons removed to and confined in the said penitentiary by virtue of this act, and the act before recited.

XV. And whereas by an act passed in the fifty-ninth year of the reign of his late Majesty king George the third, intitled, An Act for the better Regulation of the General Penitentiary for Convicts at Milbank, it was among other things enacted, That any number of convicts not exceeding six hundred male and four hundred female convicts may, with the approbation of one of his Majesty's principal secretaries of state for the time being, be at one time imprisoned, confined, employed, and managed in the said penitentiary, under the provisions of the said act and of a certain other act therein recited: And whereas it is expedient that power should be given to increase the number of male convicts to be confined in the said penitentiary; be it therefore enacted, That any number of male convicts not exceeding eight hundred may, with the approbation of one of his Majesty's principal secretaries of state for the time being, be at one time imprisoned, confined, employed and managed, in the said penitentiary, under the provisions of the said last-recited act and a certain other act therein recited.

[For the clauses in the new corporation act relating to gaols and houses of correction, see ante, Part I, Class V.]
PART VI.

CLASS XXII.

HIGHWAYS.

[No. I.] 4 & 5 W. IV. c. 50.—An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England. [31st August 1835.]

WHEREAS it is expedient to amend the laws relating to highways in that part of Great Britain called England, and to consolidate the same in one act, and to make other provisions respecting highways: Be it therefore enacted, That so much of an act passed in the sixth year of the reign of king George the first, intituled An Act for preventing the Carriage of excessive Loads of Meal, Malt, Bricks, and Coals within Ten Miles of the Cities of London and Westminster, as relates to the carriage of bricks, except so far as the same relates to the city of London; and also an act passed in the eighteenth year of the reign of king George the second, intituled An Act to repeal a Clause made in the Third Year of the Reign of King William and Queen Mary, relating to Carts used by Persons inhabiting within the Limits of the Weekly Bills of Mortality, and to allow such Carts to be drawn with Three Horses, and to prevent the Misbehaviour of the Drivers of Carts in Streets within the said Limits, except so far as the same relates to the city of London; and also so much of an act passed in the twenty-fourth year of the reign of George the second, intituled An Act for the more effectual Preservation of the Turnpike Roads in that part of Great Britain called England, and for the Disposition of Penalties given by Acts of Parliament relating to the Highways in that Part of Great Britain called England, and for enforcing the Recovery thereof; and for the more effectual preventing the Mischief occasioned by the Drivers riding upon Carts, Drays, Carrs, and Wagons in the City of London and within Ten Miles thereof, as relates to the preventing mischief occasioned by the drivers riding upon carts, drays, carrs and wagons in the city of London or within ten miles thereof, except so far as the same relates to the city of London; and also an act passed in the thirtieth year of the reign of George the second, intituled An Act to explain and amend except as to an Act made in the Eighteenth Year of His present Majesty’s Reign, to prevent the Misbehaviour of the Drivers of Carts in the Streets in London, Westminster, and the Limits of the Weekly Bills of Mortality, and for other Purposes in this Act mentioned, except so far as the same relates to the city of London; and also an act passed in the thirteenth year of the reign of George the third, intituled An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preservation of the public Highways within that Part of Great Britain called England, and for other Purposes; and also an act passed in the thirty-fourth year of the reign of George the third, intituled An Act for the more effectually repairing of such Parts of the Highways of this Kingdom as are to be repaired by Two Parishes; and also an act passed in the same thirty-fourth year of the reign of George the third, intituled An Act for varying some of the Provisions in an Act of the Thirteenth Year of His present Majesty’s Reign, respecting the public Highways within that Part of Great Britain called England, which relate to the Performance of Statute Duty; and also so much of an act passed in the forty-second year of the reign of King George the third, intituled An Act Part of for amending the Laws relating to the Militia in England, and for augmenting the Militia, as relates to the exemption of any serjeant, corporal, drummer, or private of the militia from performing highway duty, commonly called statute duty; and also an act passed in the forty-fourth year of the reign of king George the third, intituled An Act to alter and
Highways. [Part VI.]

No. I. amend so much of an Act passed in the thirty-fourth Year of His present Majesty as relates to the Amount of the Sums to be paid by Persons compounding for the Performance of Statute Duty; and also an act passed in the fifty-fourth year of the reign of king George the third, intituled An Act to amend an Act of the Thirteenth Year of His present Majesty, to explain, amend, and reduce into One Act the Statutes now in force for the Amendment and Preservation of the public Highways within England, and for other purposes; and also an act passed in the fifty-fifth year of the reign of king George the third, intituled An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads; shall be and the same are hereby repealed.

II. Provided always, That nothing herein contained shall extend or be construed to extend so as to revive or give any force or effect to any act repealed by the said recited acts or any of them, but such acts shall be and continue repealed in such and the like manner as if this act had not been made.

III. Provided always, That nothing herein contained shall extend or be deemed or construed to interfere with any acts done or contracts or agreements heretofore made under the authority of any of the said recited acts, or to extend to prevent the suing for or recovery of any penalty incurred by any offence committed against the provisions of the said recited acts or any of them previous to the repeal of the said acts in and by this act, or to prevent or defeat any prosecution commenced or to be brought for each offence; but all penalties and forfeitures incurred may be sued for and recovered, and all contracts and agreements may be enforced, and all encroachments, nuisances, and other offences made or committed previous to the repeal of the said acts, against the provisions of the said acts or any of them, may be abated or prosecuted by the surveyor appointed under this act, in the same manner to all intents and purposes as if this act had not been passed.

IV. Provided always, That the surveyor appointed under the authority of any of the said recited acts shall continue to act, and shall have the same powers, authorities, and be subject to the discharge of the same duty, and be liable to the same penalties, as the surveyor to be appointed under the authority of this act, until such appointment shall have been made.

V. That in the construction of this act the word "surveyor" shall be understood to mean surveyor of the highways, or waywarden; the word "parish" shall be construed to include parish, township, tithing, rape, vill, wapentake, division, city, borough, liberty, market town, franchise, hamlet, precinct, chapelry, or any other place or district maintaining its own highways; and wherever any thing in this act is prescribed to be done by the inhabitants of any parish in vestry assembled, the same shall be construed to extend to any meeting of inhabitants contributing to the highway rates in places where there shall be no vestry meeting, provided the same notice shall have been given of the said meeting as would be required by law for the assembling of a meeting in vestry; and that the word "highways" shall be understood to mean all roads, bridges (not being county bridges), carriageways, cartways, horseways, bridgeways, footways, causeways, churchways, and pavements; and that the word "justices" shall be understood to mean justices of the peace for the county, riding, division, shire, city, town, borough, liberty, or place in which the highway may be situate or in which the offence may be committed; and that the word "church" shall be understood to include chapel; and that the word "division" shall be understood to include limit; and that the word "owner" shall be understood to include occupier; and "inhabitant" to include any person rated to the highway rate; and the words "petty session" or "petty sessions" to mean the petty session or petty sessions held for the division or place; and
wherever in this act, in describing or referring to any person or party, animal, matter, or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several animals, matters, or things as well as one animal, matter, or thing, respectively, unless there be something in the subject or context repugnant to such construction; and all the powers hereby given to, and notices, matters, and things required for, and duties, liabilities, and forfeitures imposed on, surveyors, shall be applicable to all persons, bodies politic or corporate, liable to the repair of any highway.

VI. That the inhabitants of every parish maintaining its own high- Surveyor to be ways, at their first meeting in vestry for the nomination of overseers of the poor in every year, shall proceed to the election of one or more persons to serve the office of surveyor in the said parish for the year then next ensuing: Provided always, That any outgoing surveyor shall continue to act until his successor shall be appointed, and shall be re-eligible, and may be re-elected, and shall in such case continue to act and remain in office, any thing herein contained to the contrary notwithstanding; and in such case notice of such election shall be given by the chairman to the person elected and to the outgoing surveyor: Provided always, That in any parish where there is no meeting in the year for the nomination of overseers of the poor, the inhabitants contributing to the highway rate shall meet at their usual place of public meeting upon the twenty-fifth day of March, or if that should happen to be a Sunday or Good Friday, then on the day next following, or within fourteen days after the said twenty-fifth day of March in every year, to elect one or more persons to serve the office of surveyor for the said parish; which surveyor shall repair and keep in repair the several highways in the said parish for which he is appointed, and which are now or hereafter may become liable to be repaired by the said parish.

VII. That any person living within the parish or any adjoining parish, Qualification and having an estate in houses, lands, tenements, or hereditaments of surveyor. lying within such parish, in his own right or in right of his wife, of the value of ten pounds by the year, or a personal estate of the value of one hundred pounds (such person not living within the parish being willing to serve the office), or being an occupier or tenant of houses, lands, tenements, or hereditaments (whether resident within the parish or within any adjoining parish) of the yearly value of twenty pounds, shall be eligible to be elected a surveyor for the purposes of this act: Provided nevertheless, That no person who is now exempted by law from serving the office of overseer of the poor shall be compellable to serve the office of surveyor: Provided also, That any person who may be chosen and elected to serve the said office of surveyor may provide a sufficient deputy, such deputy to be approved of by the justices at a special session for the highways, who shall by writing under their hands testify their consent thereto.

VIII. That if any person who shall be so chosen and elected, and who is not exempt as aforesaid from serving the said office, shall refuse or neglect to take upon himself the office of surveyor, or to provide a acting when sufficient deputy, to be approved of as aforesaid, he shall forfeit, on conviction before any two justices, any sum not exceeding twenty pounds, unless he can show to the said justices good and sufficient cause why he should not be called upon to serve the said office: Provided also, that every deputy so provided and approved of shall have the same powers and authorities, and be subject to the discharge of the same duty, and be liable to the same penalties as any surveyor appointed under the authority of this act.

IX. That, instead of electing such surveyor as herein-before men- Surveyor may tioned, it shall be lawful for the majority of the inhabitants so assembled be appointed as aforesaid in any parish for the election of surveyors as aforesaid to nominate and elect any one person of skill and experience to serve the
said office of surveyor of such parish, and to fix such salary for the execution of such office as they shall think fit; which said appointment shall be in writing on paper without stamp, and signed by the chairman of such meeting; and such surveyor, when so appointed, shall be invested with the same powers, and subject to the same duties, forfeitures, and penalties as any surveyor appointed under the authority of this act would have been; and such salary shall be paid out of the money raised under the authority of this act, at such times and in such manner as shall have been agreed upon between the inhabitants so assembled as aforesaid and the person so nominated and elected as aforesaid: Provided nevertheless, that if such surveyor shall cease to act, and be dismissed in the manner herein-after described, such salary shall also in like manner cease and determine.

X. That the surveyor or surveyors, at the time of passing his or their accounts as herein mentioned, shall deliver to the justices a statement in writing of the name and residence of the person appointed to succeed him or them as surveyor or surveyors.

XI. That in case it shall appear on oath to the justices at a special sessions for the highways that the inhabitants of any parish have neglected or refused to nominate and elect a surveyor or surveyors in manner and for the purposes aforesaid, or that the outgoing surveyor, except he had been directed by the inhabitants so to do, has delivered no statement of the name and residence of his or their successor or successors, or that the surveyor is dead, or has ceased to possess the qualification, or is or has become disqualified in any manner herein mentioned, or that he has neglected to act, or refused to carry into operation the duties imposed upon him by this act, it shall and may be lawful for such justices, and they are hereby authorised and required, by writing under their hands, at their next succeeding special sessions for the highways to dismiss such surveyor so neglecting to act or refusing to carry into operation the duties imposed upon him by this act, and to appoint any person whom they may think fit to be a surveyor for such parish till the annual meeting then next ensuing for the nomination of overseers or for the election of surveyors as aforesaid, and with or without such salary, as to the said justices shall seem fit and proper; and the said surveyor, when so appointed, shall be invested with the same powers, and be subject to the same duties, forfeitures, and penalties as any surveyor elected by the inhabitants of any parish as aforesaid would have been.

XII. That when a parish is situated in more than one county, division, or liberty, the surveyor so to be appointed as last aforesaid shall be appointed by the justices at a special sessions for the highways assembled in that county, division, or liberty in which the church of the said parish shall be situate.

XIII. And whereas it is expedient that in many cases parishes should be formed into districts for the purpose of having one sufficient person to be the district surveyor, who should have the superintendence and management of the funds to be raised and levied under the provisions of this act in each parish forming part of such district; That it shall and may be lawful for the inhabitants of any parish in vestry assembled, if they shall think fit, to empower and direct one of the churchwardens of such parish, or the chairman of the said vestry, to make application to the justices assembled at the quarter sessions for the county, or, where the parishes to be united shall be situated in the same division, at some special sessions for the division in which such parish shall be situate, for the purpose of being united with one or more parishes to form a district for the purposes aforesaid, and at the same time to nominate one fit and proper person to be returned to the said justices to be appointed as such district surveyor, together with the amount of the yearly salary which the said inhabitants in such vestry assembled shall agree to pay to such district surveyor; which application, with the name of such last-mentioned person shall be forthwith made in writing, signed by the churchwardens of the said parish, or by the chairman of the said vestry
as aforesaid, and forwarded to the clerk of the peace in and for the said county, or to the clerk of the justices in and for the said division, as the case may be, who shall lay the same before the justices at the quarter sessions then next holden in and for the said county, or at the special sessions as aforesaid.

XIV. That on such application as aforesaid being made by two or more parishes to the said justices, they are hereby authorized at the said quarter sessions or at some special sessions as aforesaid to take the same into their consideration, and to unite such and so many of the parishes as they shall think fit, into a district or districts for the purposes of this act; and the said justices shall select and appoint out of the persons so nominated as aforesaid by the several parishes so united into one district one fit and competent person to be the surveyor for such district composed as aforesaid, which appointment shall be in writing.

XV. That the names of the said parishes so united, and the name of the person so appointed as district surveyor, shall be reduced into writing, signed by the chairman of the said quarter sessions, or by the majority of the magistrates present at such special sessions, and shall be transmitted by him or them to the clerk of the peace, who shall lay the same before the justices assembled at the quarter sessions in and for the said county, or at some adjournment thereof, who are hereby authorized and required to cause the same to be enrolled with the records of the court; and a copy thereof shall be sent by such clerk of the peace to each of the churchwardens or the surveyor of each of the said parishes so united; and such parishes so united shall continue to form a district for the purposes of this act for the space of three years then next following, and from thenceforward until the churchwarden of any one of the said parishes so united, or the chairman of the vestry, shall, by direction and in pursuance of a resolution of the inhabitants in vestry assembled, give twelve months’ notice to the churchwardens and surveyor of each of the other parishes, and to the said district surveyor appointed by the said justices, and to the clerk of the peace of the county in which the said parishes are situate, of the intention of the said parish to cease to form a part of the said district; in which case, from and after the expiration of the said twelve months’ notice, the union of the said parishes into such district as aforesaid, and the appointment of the said district surveyor, shall cease and determine so far as may concern or be binding on the said parish as giving such notice as aforesaid.

XVI. That such district surveyor when so appointed shall for all the purposes of this act, except the making, assessing, and levying the rate in and by this act authorized to be made, assessed, and levied, have, as far as the same are applicable, the same powers, and be subject and liable to the same duties, penalties, and forfeitures, as any surveyor elected under the provisions of this act is invested with and liable to, and shall have the laying out and application of all the funds raised and levied under the authority of this act: Provided nevertheless, that such district surveyor shall not expend any monies levied in any one of the said united parishes except for the use and benefit of the parish in which it is so levied, unless with the consent of the inhabitants of such parish in vestry assembled, for the purpose of carrying on repairs or beneficial improvements under the provisions of this act for the common benefit of the said united parishes; and such district surveyor shall annually receive from each of the parishes composing his district respectively such salary as shall have been agreed upon by the several parishes in manner aforesaid, which salary shall be paid to such district surveyor by the surveyor of the highways, out of the money raised in each of such parishes under the authority of this act; and in case of nonpayment thereof, the same shall be recoverable from the surveyors of the highways of such parishes, to and for his own use, in the same manner as any forfeiture is recoverable under this act.
XVII. That in each of the parishes so united into a district as aforesaid a surveyor shall be elected, as herein mentioned, in addition to the district surveyor so appointed as aforesaid: Provided nevertheless, that such surveyor shall only be authorized and required to make, assess, and levy the rate herein directed to be made, assessed and levied, and from time to time pay over the money arising therefrom to such district surveyor.

Appointment of a board directing repairs in large parishes.

XVIII. And whereas it is expedient in large and populous parishes that the repairs of the highways should be under the direction and control of a certain number of inhabitants, to be chosen and appointed as a board for that purpose, with necessary powers; That in any parish where the population by the then last census, taken from the returns made to parliament, exceeds the number of five thousand, if it shall be determined by a majority of two thirds of the votes of the vestrymen present at such meeting as aforesaid, to form a board for the superintendence of the highways of the said parish, and for the purpose of carrying the provisions of this act into effect, it shall be lawful for the said vestry to nominate and elect any number of persons, not exceeding twenty nor less than five, being respectively householders and residing in and assessed to the rate for the relief of the poor of the said parish, and also liable to be rated to the repair of the highways in the said parish under and by virtue of this act, to serve the office of surveyors of the highways for the year ensuing; and such persons so to be nominated and elected as such surveyors or any three of them, shall and are hereby authorized to act as a board, and to be called "The Board for Repair of the Highways in the Parish of..." (as the case may be), and to carry into effect the powers, authorities, and directions in this act contained; and such board are hereby authorized to appoint a collector, or any number of collectors, of the rates to be made under the authority of this act, and also to employ a person of skill and experience to act as an assistant surveyor to the said board, and also a clerk to attend the said board, and to keep the accounts and minutes of the proceedings thereof; such assistant surveyor and clerk to be paid such reasonable salaries out of the said rates as the said board shall determine; and upon such board being so nominated and elected as aforesaid all and every the powers and authorities given and created by this act, and granted to or vested in the vestry, and in any person or persons as surveyor, shall, for the purposes of the parish so nominating and electing such board, be and the same are hereby declared to be vested in the said persons so to be elected, or any three of them acting as such board as aforesaid; and such persons, or any three of them at a meeting to be convened for that purpose, may and they are hereby authorized to nominate and appoint a fit and proper person to be treasurer for the deposit of the monies to be collected for the purposes of this act, and to take from such person good and sufficient security for the monies to be deposited in his hands as aforesaid, and all monies to be drawn from such treasurer for the purposes of this act shall be drawn by drafts or cheques to be signed by the said persons so to be nominated and elected as aforesaid, or any three of them, at some one of their meetings to be held under this act, and such drafts shall be respectively signed and entered in their books by the said clerk to be appointed as aforesaid: Provided always, and it is hereby declared, that upon the expiration of the year for which such board shall be elected as aforesaid, and before or on the day for the nomination and election of persons as surveyors under the authority of this act, the said board shall and are hereby directed to present to the vestry of the parish for which they shall have acted copies of all their accounts and also of the minutes of their proceedings during the preceding year.

XIX. That it shall and may be lawful to and for such board to rent, or with the consent of the vestry of any parish to purchase, a fit and convenient piece of ground or other premises for the keeping of the im-
Highways.

XX. That if any surveyor or district surveyor or assistant surveyor shall neglect his duty in any thing required of him by this act, for which no particular penalty is imposed, he shall forfeit for every such offence any sum not exceeding five pounds.

XXI. That if any bridge shall hereafter be built, which bridge shall be liable by law to be repaired by and at the expense of any county or part of any county, then and in such case all highways leading to, passing over, and next adjoining to such bridge shall be from time to time repaired by the parish, person, or body politic or corporate, or trustees of a turnpike road, who were by law before the erection of the said bridge bound to repair the said highways: Provided nevertheless, That nothing herein contained shall extend or be construed to extend to exonerate or discharge any county or any part of any county from repairing or keeping in repair the walls, banks, or fences of the raised causeways and raised approaches to any such bridge, or the land arches thereof.

XXII. That the several powers and authorities hereby vested in the surveyor of highways, as well for the getting of materials, as for the preventing and removing of all nuisances and annoyances, shall be and the same are hereby vested in the surveyor of county bridges, and the roads at the ends thereof repairable therewith; and the several penalties, forfeitures, matters, and things in this act contained relating to highways, shall be and the same are hereby extended and applied, as far as the same are applicable, to such bridges, and the roads at the ends thereof as aforesaid, the said surveyor or surveyors of county bridges making satisfaction and compensation for all trespass and damage done in the execution of the powers of this act, in such and the same manner as the surveyors of highways are required to make under the provisions of this act.

XXIII. That no road or occupation way made or hereafter to be made by and at the expense of any individual or private person, body politic or corporate, nor any roads already set out or to be hereafter set out as to be kept in a private driveway or horsepath in any award of commissioners under an inclosure act, shall be deemed or taken to be a highway which the inhabitants of any parish shall be compellable or liable to repair, unless the person, body politic or corporate, proposing to dedicate such highway to the use of the public shall give three calendar months' previous notice in writing to the surveyor of the parish of his intention to dedicate such highway to the use of the public, describing its situation and extent, and shall have made or shall make the same in a substantial manner and of the width required by this act, and to the satisfaction of the said surveyor and of any two justices of the peace of the division, in which such highway is situate in petty sessions assembled, who are hereby required, on receiving notice from such person or body politic or corporate to view the same, and to certify that such highway has been made in a substantial manner, and of the width required by this act, at the expense of the party requiring such view, which certificate shall be enrolled at the quarter sessions held next after the granting thereof, then and in such case, after the said highway shall have been used by the public, and duly repaired and kept in repair by the said person, body politic or corporate, for the space of twelve calendar months, such highway shall for ever thereafter be kept in repair by the parish in which it is situate: Provided nevertheless, That on receipt of such notice as aforesaid, the surveyor of the said parish shall call a vestry meeting of the inhabitants of such parish, and if such vestry shall deem such highway not to be of sufficient utility to the inhabitants of the said parish to justify its being kept in repair at the expense of the said parish, any one justice of the peace, on the application of the said surveyor, shall summon the party proposing to make the new highway to appear before
the justices at the next special sessions for the highways to be held in
and for the division in which the said intended highway shall be situate;
and the question as to the utility as aforesaid of such highway shall be
determined at the discretion of such justices.

XXIV. That the surveyor of every parish, other than a parish the
whole or part of which is within three miles of the general post office
in the city of London, shall, with the consent of the inhabitants of any
parish in vestry assembled, or by the direction of the justices at a spe-
cial sessions for the highways, cause (where there are no such stones or
posts) to be erected or fixed in the most convenient place where two or
more ways meet a stone or post, with inscriptions thereon in large legi-
ble letters, not less than one inch in height and of a proper and propor-
tionate breadth, containing the name of the next market town, village,
or other place to which the said highways respectively lead, as well as
stones or posts to mark the boundaries of the highway, containing the
name of the parish wherein situate; and that the surveyor of every
parish shall, at the several approaches or entrances to such parts of any
highways as are subject to deep or dangerous floods, cause to be erected
graduated stones or posts, as he shall judge to be necessary, for the
guiding of travellers in the best and safest track through the floods;
and also to secure horse causeways and foot causeways, by posts, blocks, or
stones fixed in the ground, or by banks of earth cast up or otherwise,
from being passed over and spoiled by waggons, wains, carts, or car-
rriages; and the said surveyor shall be reimbursed, out of the monies
which shall be received by him pursuant to the directions of this act,
the expenses of providing and erecting and of keeping in repair such
stones, posts, or blocks already erected or fixed, or which may hereafter
be erected or fixed.

XXV. That it shall be lawful for the surveyor to make a road through
the grounds adjoining to any ruinous or narrow part of any highway,
not being the site or ground whereon any house stands, nor being a
garden, lawn, yard, court, park, paddock, plantation, planted walk or
avenue to any house, or inclosed ground set apart for building ground,
or as a nursery for trees,) to be made use of as a public highway whilst
the old road is repairing or widening, making such recompense to the
proprietor and occupier of such grounds for the damages they may
thereby sustain as the justices at a special sessions for the highways
assembled may think reasonable, such sum so awarded as a recompense
to be recoverable in the same manner as any fines and forfeitures are re-
coverable under this act.

XXVI. That if any impediment or obstruction shall arise in any
highways from accumulation of snow, or from the falling down of the
banks on the side of such highways, or from any other cause, the sur-
veyor is required from time to time, and within twenty-four hours after
notice thereof from any justice of the peace of the county in which the
parish may be situate, to cause the same to be removed.

XXVII. And in order to raise money for carrying the several pur-
poses of this act into execution, That a rate shall be made, assessed,
and levied by the surveyor upon all property now liable to be rated and
assessed to the relief of the poor; provided that the same rate shall also
extend to such woods, mines, and quarries of stone, or other heredit-
ments, as have heretofore been usually rated to the highways; and pro-
vided also, That every such rate shall be signed by the said surveyor,
and allowed by two justices of the peace, and published in the same
way as poor rates are now allowed and published.

XXVIII. And in order to enable the surveyor to form a proper judg-
ment of any rate to be made in pursuance of this act, That it shall be
lawful for the surveyor, and he is hereby authorized and empowered,
at all reasonable times, to inspect, or by writing signed by him to grant
authority to any person appointed by him to inspect, any of the rates
made towards the relief of the poor of the parish of which he is sur-
veyor, or the books wherein the assessments thereto shall be entered,
without fee or reward; and the surveyor, or person by him authorized as aforesaid, shall be allowed to make a copy of such rate or books, or to take any extracts therefrom; and if any person in whose custody or power any of the said rates or books shall be shall, when thereunto required in manner aforesaid, refuse or neglect to produce the same to the surveyor, or person so by him authorized as aforesaid, as the case may be, or to allow such copy or extract to be made or taken, at all reasonable hours in the daytime, he shall for every such offence forfeit and pay any sum not exceeding five pounds.

XXXIX. That every rate shall contain the names of the occupiers, the description of the premises or property they occupy, and the full annual value of such premises or property, and shall also specify the sum in the pound at which it is made; and no rate to be levied or assessed as aforesaid shall exceed at any one time the sum of ten-pence in the pound, or the sum of two shillings and sixpence in the pound in the whole in any one year: Provided nevertheless, That with the consent of four fifths of the inhabitants of any parish contributing to the highway rate assembled at a meeting specially called for that purpose, ten days previous notice of the same having been given by the surveyor of the said parish, the rate to be levied and assessed as aforesaid may be increased to such sum as the said inhabitants so assembled may think proper.

XXX. Provided always, That in parishes in which the overseers of the poor have power by local acts of parliament to compound with or require composition for poor rates from the landlords of certain houses, tenements, or hereditaments, and, in case of their refusal to compound, to rate such landlords as the occupiers, the surveyor shall have the same powers, remedies, and privileges to compound and enforce composition, and, in case of refusal by the landlords, to assess them in the same proportions to the rates authorized to be made by this act, as the overseers of the poor have by such acts for assessing and recovering any rate made for the relief of the poor, or the compositions entered into for the same.

XXXI. That whenever it shall appear to the said surveyor as aforesaid that there has been any omission or error in any rate or assessment made in pursuance of this act of or in the name of any person, parson, or vicar, or of any house, shop, warehouse, coach-house, stable, cellar, vault, building, workshop, manufactory, garden ground, land, tenement, wood, tithe, mines, pits or quarries of any mineral, stone, or other matter whatsoever, or hereditament, liable to be rated for the purposes of this act, it shall be lawful for the said surveyor as aforesaid, with the consent and approbation of the justices at a special sessions for the highways, to cause to be added or corrected in the said rate or assessment the name of the person, parson, or vicar omitted or erroneously stated, and a description of the property in respect of which he ought to be rated; and every such addition or correction made in any of the said rates, and signed by such justices, shall be as valid and effectual as if the same had been part of the original rate at the time when it was first made.

XXXII. That it shall and may be lawful for the justices at a special Persons may be sessions for the highways, on application made to them by any person persons excused by rated to any rate under the authority of this act to be discharged there from, on proof of his inability through poverty to pay such rate, the justices from payment of surveyor having been first summoned to appear on the part of the parish, highway rate.
to order and direct that such person shall be excused from the payment of such rate; and which order of the said justices is hereby declared to be final with respect to such rate.

XXXIII. That when property, or the owner or occupier in respect Certain persons thereof, has, previous to the passing of this act, been legally exempt not liable to from the performance of statute duty, or from the payment of any com position in lieu thereof, or of highway rate, the said property and the owners and occupiers thereof shall be exempt from the payment of the rate hereby imposed.
No. I. 5 & 6 W. 4, c. 50.

Rates how to be recovered.

Rate-payers may divide among themselves the conveyance of stone, &c. for repair of highways, which shall be paid for by the surveyor.

Surveyor, with consent of vestry, may appoint collector of rates.

Security to be taken from collector.

Collector to make out accounts of all monies received under this act, &c.

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XXXIV. That, for levying and recovering the said rate by this act authorised to be made, the surveyor shall have the same powers, remedies, and privileges as the overseers of the poor in the parish have by law for the recovery of any rate made for the relief of the poor.

XXXV. That it shall be lawful for two rate-payers of any parish, within six days next after the annual appointment of the surveyor, by a notice in writing, to require the said surveyor to call a meeting of the rate-payers of the said parish for the purpose hereafter mentioned, and the said surveyor shall call such meeting within eight days after the receipt of such notice, and shall give six days' previous intimation of such meeting; and if at such meeting a majority of the rate-payers then and there assembled shall signify their consent thereto, it shall and may be lawful for the rate-payers keeping a team or teams of two or more horses or beasts of draught to divide among themselves, in proportion to the amount of rate to which they may respectively be assessed, the carrying of the material which may be required by the said surveyor for the repairs of the highways within such parish, and that they shall be paid by the said surveyor for such carrying or task-work, within one calendar month after having performed such service, after such rate per cubic yard of material per mile, and so in proportion for any less distance than a mile, as shall be fixed by the justices at their first meeting in special sessions for the highways after the twenty-fifth day of March in every year, which rate the said justices are hereby required to fix at such special sessions: Provided always, That such carrying or task-work shall be performed at such times and places and in such manner as the said surveyor may direct (the periods of spring, seed-time, and harvest always excepted); and that in case the said surveyor shall not approve of the manner in which such carrying or task-work shall be performed, it shall be lawful for the justices at a special session for the highways to hear the complaint of such surveyor in that respect, and to award such pecuniary redress or forfeiture against the party offending as to them shall appear reasonable.

XXXVI. That the surveyor of any parish, the consent of the majority of the inhabitants in vestry assembled being first had and obtained, may from time to time appoint any number of collectors of the said rates, and may remove any such collector and appoint another in his stead, and make such allowance to such collector, out of the monies to be received under this act, as the said inhabitants in vestry assembled shall think reasonable; and the said collector is hereby declared to have all the same powers, remedies, and privileges for the levying and enforcing the payment of such rates as the surveyor nominated or appointed under the authority of this act.

XXXVII. That it shall be lawful for the said surveyor and he is hereby required to take security from every collector appointed by virtue of this act, for the due execution of his office of collector, which security shall be to the full amount of the sum likely to be in the hands of the said collector at any one time, and shall be by bond without stamp.

XXXVIII. That every collector appointed by virtue of this act shall under his hand, and at such time and in such manner as the surveyor may direct, deliver to the said surveyor as aforesaid true and perfect accounts in writing of all monies which shall have been by such collector received by virtue of this act, and also a list of the names of all such persons as shall have neglected or refused to pay their respective rates, and of the monies due from them respectively; and that every such collector shall pay all such monies as shall remain due from him to the said surveyor as aforesaid; and if any such collector shall refuse or neglect to make and render such account, or to produce and deliver up the list of persons neglecting and refusing to pay their rates as aforesaid, or to make payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said surveyor as aforesaid, or to such person as he shall
appoint to receive the same, within three days after being thereunto required by the said surveyor as aforesaid by notice in writing under his hand given to or left at the usual place of abode of such collector, all books, papers, and writings in his custody or power relating to the execution of this act, or to give satisfaction to the said surveyor as aforesaid respecting the same, then and in every such case, upon complaint made by the said surveyor as aforesaid of any such refusal or wilful neglect as aforesaid, to any justice of the peace, such justice may and is hereby authorized and required to issue a summons under his hand for the collector so refusing or neglecting to appear before any two justices of the peace; and upon the said collector appearing, or having been so summoned and not appearing without some sufficient or reasonable excuse, or not being found, it shall be lawful for the said two justices to hear and determine the matter; and if, upon confession of the party, or by the testimony of any credible witness on oath, it shall appear to such justices that any monies remain due from such collector, such justices may and they are hereby authorized and required, upon nonpayment thereof, by warrant under their hands, to cause such money to be levied by distress and sale of the goods and chattels of such collector; and if no goods and chattels of such collector shall be found sufficient to answer and satisfy the said money, and the charges of distraining and selling the said goods and chattels, then and in every such case such justices shall and they are hereby required to commit such offender to the common gaol or house of correction for the county, city, or place where such offender shall be or reside, there to be kept to hard labour for a period not exceeding six calendar months, or until he shall have paid such monies as aforesaid, or compounded with the surveyor as aforesaid for such money (which composition the said surveyor, with the consent of the inhabitants in vestry, or, in any parish where they do not meet in vestry, with the consent of the inhabitants contributing to the highway rate at a public meeting assembled, is hereby empowered to make and receive); or if it shall appear to such justices that such collector had refused or wilfully neglected to render and give such accounts, or to produce and deliver the list of persons neglecting and refusing to pay their rates as aforesaid, or that any books, papers, or writings relating to the execution of this act remained in the hands or in the custody or power of such collector, and he refused or wilfully neglected to deliver or give satisfaction respecting the same as aforesaid, then and in every such case such collector shall, on conviction thereof, forfeit for such offence any sum not exceeding twenty pounds, and in default of payment thereof shall be committed to the common gaol or house of correction for the county, city, or place where such offender shall be or reside, there to be kept to hard labour for a period not exceeding four calendar months, or until he shall have given a true and perfect account as aforesaid, and delivered such list as aforesaid, and delivered up such books, papers, and writings, or give satisfaction in respect thereof to the said surveyor: Provided always, That no conviction or imprisonment of such collector as aforesaid shall exonerate or discharge any security taken from him on his appointment as aforesaid.

XXXIX. That the surveyor in every parish shall keep separate and distinct accounts of the monies levied for the highway rate; and such accounts shall specify the different sums, and the times when and the persons to whom and by whom the same shall have been collected and paid.

XL. That the said surveyor, district surveyor, or assistant surveyor, Surveyor to as the case may be, shall and he is hereby required from time to time to keep books, and keep a book, in which shall be entered a just and true and particular account of monies received, &c.; account of account of all money which shall have come to his hands as surveyor, district surveyor, or assistant surveyor of the parish for the purposes of this act, and to whom, and on what occasion, and for what work, and in what place, and on what day he shall have paid or applied the same, and
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No I. 5 & 6 W. 4; c. 50. to be open to inspection of rated inhabitants.

The property in all books, &c. to be vested in surveyor for the time being.

Surveyor, on quitting office, to deliver books, &c. to succeeding surveyor.

Penalty for neglect.

In case of death of surveyor, executors to account.

also an account of all tools, materials, implements, and other things provided by him for the repair of the said highways; and such book shall at all reasonable times be open to the inspection of every inhabitant rated to the highway rate of the parish, or of any of the parishes united into a district, without fee or reward, and every such inhabitant may take copies or extracts from the said book, or any part thereof, without paying for the same; and in case the said surveyor, district surveyor, or assistant surveyor shall neglect to provide such book, or to enter therein every sum received or paid by him within one week after the same shall have been received or paid, or shall refuse to permit or shall not permit any such inhabitant as aforesaid at any reasonable time to inspect the same or take copies or extracts as aforesaid, such surveyor, district surveyor, or assistant surveyor shall forfeit and pay any sum not exceeding five pounds for each default, to be levied and applied in manner herein provided.

XLII. That all the said books, papers, writings, and accounts, and all materials, tools, and implements which shall be provided in pursuance of this act for repairing or preserving the highways, and also the scarpings of the said highways, shall be vested in the surveyor for the time being; or in case a district surveyor shall be appointed, then all such books, papers, writings, and accounts, and all materials, tools, implements, and scarpings shall be invested in the district surveyor.

XLII. That the said surveyor, district surveyor, or assistant surveyor shall, within fourteen days after leaving his office, deliver such books and accounts verified as herein directed, together with all such sums of money as shall be due from him, and likewise all tools, materials, implements, and other things as aforesaid, to his successor in office, or retain the same in his hands and account for them in his next account if he shall be continued surveyor or district surveyor of such parish in the succeeding year; and in case such surveyor or district surveyor shall neglect to deliver within such time as aforesaid the said books, papers, writings, and accounts, and such tools, materials, implements, and other things, in manner aforesaid, he shall for every such offence forfeit any sum not exceeding five pounds; and in case he shall make default in the paying or accounting for the money so due from him within the time and according to the directions aforesaid, he shall forfeit double the money so due.

XLIII. That in case of the death of any such surveyor, district surveyor, or assistant surveyor, before he shall have paid and fully satisfied all the monies which he shall have received by virtue of this act, then and in every such case the executors or administrators of such surveyor, district surveyor, or assistant surveyor so dying shall pay and satisfy the same out of his estate and effects unto the succeeding surveyor, district surveyor, or assistant surveyor, in like manner as other debts are directed by law to be discharged by such executors or administrators, and also shall deliver up all books, papers, writings, assessments, tools, materials, and implements, and other things concerning his office, which shall have come to the hands of such executors or administrators, who shall and may plead such payment in any action or suit which may be brought against them on account of the said estate and effects, and give the same in evidence; and in case of the nonpayment of such monies, or the nondelivery of such books, papers, writings, assessments, tools, materials, implements, and things, for the space of one calendar month after demand made thereof in writing by or on behalf of the said succeeding surveyor, it shall be lawful for the said succeeding surveyor to commence and prosecute an action or actions in any of his Majesty's courts of record at Westminster against such executors or administrators for the recovery of the said monies, or for the recovery of damages for the detention of such books, papers, writings, assessments, tools, materials, implements, and things, in which action or actions full costs of suit shall be recovered by the said succeeding surveyor.
Highways.

XLIV. That within fourteen days after the election or appointment of surveyor as herein directed, the accounts as aforesaid made in writing, and signed by the surveyor, district surveyor, or assistant surveyor for the year preceding, of all monies received and disbursed by virtue of this act, ending on the day of the election or appointment of surveyor, shall be made up, balanced, and laid before the parishioners in vestry assembled, who may, if they think fit, order an abstract thereof to be printed and published; and within one calendar month after the election or appointment of surveyor as herein directed the said accounts shall be signed by the surveyor, district surveyor, or assistant surveyor for the year preceding, and laid before the justices at a special sessions for the highways holden at the place nearest to the parish or district for which such surveyor shall have been appointed, and such justices are hereby authorized and required to examine him as to the truth of the said accounts or of any charge contained therein: Provided always, That if any person chargeable to the rate authorized to be made by this act has any complaint against such accounts or the application of the monies received by the said surveyor, it shall be lawful for any such inhabitant to make his complaint thereof to such justices at the time of the verification of such accounts as aforesaid, and the said justices are hereby required to hear such complaint, and, if they shall think fit, to examine such surveyor upon oath, and to make such order thereon as to them shall seem meet: Provided nevertheless, That the several surveyors appointed under the authority of the said act passed in the thirteenth year of the reign of his late Majesty king George the third shall produce such books and statement and pass their accounts before the justices at a special sessions for the highways to be holden within their respective divisions in the week next after that in which the twenty-fifth day of March shall be in the year of our Lord one thousand eight hundred and thirty-six, and pay the balances thereof to the surveyor to be chosen in pursuance of this act, in the same manner as they would have done to the surveyors to have been appointed if this act had not been passed.

XLV. That it shall and may be lawful for the justices of the peace within their respective divisions, or any two or more of them, and they are hereby required, to hold not less than eight nor more than twelve special sessions in every year for executing the purposes of this act, the holding thereof to be appointed at a special sessions to be held within fourteen days after the twentieth day of March in every year: Provided always, That it shall not be necessary to cause any notice to be given or sent to any justice acting and residing within such limits of the day or time of the holding thereof; and at the said special sessions held next after the twenty-fifth day of March in every year the surveyor of each of the parishes within their respective divisions shall verify his accounts, and shall make a return in writing to such special sessions, and shall make returns of the state of the state of the roads, common highways, bridges, causeways, hedges, ditches, and watercourses appertaining thereto; and of all nuisances and encroachments, if any, made upon the several highways within the parish for which he was surveyor, as well as the extent of the different highways which the said parish is liable to repair, what part thereof has been repaired, and with what materials, at what expense, and what was the amount levied during the time he was surveyor of the said parish.

XLVI. That in every parish the surveyor may and is hereby authorized, with the consent of the inhabitants in vestry assembled, to contract for purchasing, getting, and carrying the materials required for the repair of the highway; and if any surveyor shall have any part, share, or interest, directly or indirectly, in any contract or bargain for work or materials to be made, done, or provided upon, for, or on account of any of the highway or other works whatsoever under his care or management, or shall upon his own account, directly or indirectly, use or let to hire any team, or dispose of any timber, stones, &c. without licence from two justices.

No. I. 5 & 6 W. 4, c. 50.
Yearly accounts to be by surveyors, &c. and laid before the justices at a special sessions for the highways.

Subject to appeal.

Surveyors appointed under the act of 13 G. 3, to pass their accounts at special sessions after 25th March 1834.

Justices to hold special sessions for purposes of this act.

At such sessions surveyor makes returns of the state of the roads, &c.

Surveyor may contract for getting and carrying materials; but not to share in any contract, management, or shall upon his own account, directly or indirectly, use or let to hire any team, or dispose of any timber, stones, &c. without licence from two justices.
let to hire any team, or use or sell or dispose of any materials, to be used or employed in making or repairing such highway or other works as aforesaid, (unless a licence in writing for the sale of any such materials, or to let to hire any such team, be first obtained from two justices of the peace in special sessions assembled,) he shall forfeit for every such offence, on conviction, any sum not exceeding ten pounds, and be for ever after incapable of being employed as a surveyor with a salary under the authority of this act.

XLVII. That if any person shall, without the consent of the surveyor, take away materials which shall have been purchased, gotten, dug, or gathered for the repair or use of any highway, or any materials out of any quarry which shall have been made, dug, or opened for the purpose of getting materials for any highway, before the surveyor and his workmen shall have discontinued working therein for the space of six weeks, (except the owner of any private grounds, and persons authorized by such owner to get materials in such quarry for his own private use, and not for sale,) every person so offending shall for every such offence forfeit and pay, on conviction thereof, any sum not exceeding ten pounds.

XLVIII. And whereas, under acts of parliament heretofore made and which may hereafter be made for the inclosing of waste land, parcels of land have been and may be expressly allotted to parishes or to the surveyor of the highways for the purpose of obtaining materials for the repair of the highways in such parish, and the materials in such parcels of land have been and may be exhausted; that in such cases it shall and may be lawful for the surveyor of such parish for the time being, by and with the consent of the vestry, and he is hereby authorized and required, with the consent in writing of the justices of the peace at a special session for the highways, to sell and convey to some person whose lands adjoin thereto, or, if he refuse to purchase, to any other person, the said parcels of land from which the said materials have been so exhausted as aforesaid, at and for such price as the said justices may deem fair and reasonable, and with the money arising therefrom, and with such consent as aforesaid, to purchase other lands in lieu thereof.

XLIX. That it shall be in the power of tenants for life, ecclesiastical and lay corporations, and the proprietors of entailed estates, and of the trustees and guardians of any person under any legal disability or incapacity, to give up and renounce every claim of damage or compensation for such ground and materials as any highway may occupy on their respective properties, and that such renunciation shall be equally binding on the heirs and successors of such persons: Provided nevertheless, That such renunciation of claim of damage or compensation be in writing, and signed by such tenant for life, proprietor, trustee, or guardian, in the presence of two witnesses, or in the case of corporations, in such manner and form as is usually adopted by such corporations respectively; and such renunciation shall be enrolled at the quarter sessions which shall be held next after the signing or execution hereof.

L. That when any lands or tenements have been or shall be given for maintenance of highways, the profits and proceeds of which are to be applied and disposed of for no other use, intent, or purpose whatsoever, all persons who are or shall be enfeoffed ortrusted with any such lands or tenements shall and they are hereby authorized and required to let them to farm at the most improved yearly value, without fine, for any term not exceeding ninety-nine years: Provided nevertheless, That previous to the granting of such lease the consent of the justices at a special session for the highways, neither of such justices being interested therein, by writing under their hands, shall be obtained as to the amount of rent to be received and the duration of the term.

LI. That it shall and may be lawful for every such surveyor, in any waste land or common ground, river or brook, within the parish for which he shall be surveyor, or within any other parish wherein gravel; sand, stone, or other materials are respectively likely to be found (in
case sufficient cannot be conveniently had within the parish where the same are to be employed, and sufficient shall be left for the use of the roads in such other parish), to search for, dig, get, and carry away the same, so that the said surveyor doth not thereby divert or intercept the course of such river or brook, or prejudice or damage any building, highway, or ford, nor dig or get the same out of any river or brook within the distance of one hundred and fifty feet above or below any bridge, nor within the like distance of any dam or weir; and likewise to gather stones lying upon any lands or grounds within the parish where such highway shall be, for such service and purpose, and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said highways, without making any satisfaction for the said materials, but satisfaction shall be made for all damages done to the lands or grounds of any person or persons by carrying away the same, in the manner herein-after directed for getting and carrying materials in inclosed lands or grounds; but no such stones shall be gathered without the consent of the owner of such lands or grounds, or a licence for that purpose from two justices at a special sessions for the highways, after having summoned such owner to come before him, and heard his reasons, if he shall appear and give any, for refusing his consent.

LIII. Provided always, That nothing in this act contained relative to the gathering or getting of stones or other materials shall extend to any quantity of stones or other materials thrown up by the sea, commonly &c. called beach, where the removal of the same would cause any damage or injury by inundation to the lands adjoining, or increased danger of encroachment by the sea.

LIII. That it shall not be lawful for any surveyor, or any other person acting under the authority of this act, to dig, gather, get, take, or carry away any materials for making or repairing any highway out of or from any inclosed land or ground, until one calendar month's notice in writing, signed by the surveyor, shall have been given to the owner of the premises from which such materials are intended to be taken, or to his known agent, and to the occupier of the premises from which such materials are intended to be taken, or left at the house or last or usual place of abode of such owner or agent, and also of such occupier, to appear before the justices at a special sessions for the highways, to show cause why such materials shall not be had therefrom; and in case such owner, agent, or occupier shall attend pursuant to such notice, but shall not show sufficient cause to the contrary, such justices shall, if they think proper, authorize such surveyor or other person to dig, gather, take, and carry away such materials at such time or times as to such justices shall seem proper; and if such owner, agent, or occupier shall neglect or refuse to appear by himself or his agent, the said justices shall and may (upon proof on oath of the service of such notice) make such order therein as they shall think fit as fully and effectually to all intents and purposes as if such owner or occupier, or his agent, had attended.

LIV. That it shall be lawful for every such surveyor, for the use aforesaid, by licence in writing from the justices at a special sessions for the highways, to search for, dig, and get materials, if sufficient cannot be had conveniently within such waste lands, common grounds, rivers or brooks, in or through any of the several or inclosed lands or grounds of any person whomsoever (such lands or grounds not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation, or inclosed wood not exceeding one hundred acres in extent,) within the parish where the same shall be wanted, or within any other parish adjoining or lying near to the highway for which such materials shall be required, if it shall appear to such justices that sufficient materials cannot be conveniently had in the parish where such highways lie, or in the waste lands or common grounds, rivers, or brooks of such adjacent parish, and that a sufficient quantity of materials will be left for the use, if sufficient materials cannot be found in waste lands, &c. surveyor may take them from the several or inclosed lands or grounds, making satisfaction to the owners.
If surveyor shall make pits or holes in getting materials, he shall cause them to be filled up or sloped down, and fenced off; and in like manner all those already made.

Penalties on surveyor for neglect herein.

**Penalty on surveyor allowing any heap of stone, &c. to remain on highway at night.**

Surveyor damaging mills, dares, &c. by digging materials to forfeit not exceeding 5l.

**Where a highway lies in two parishes the justices to determine what**

**of the parish where the same shall be, and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said ways; the said surveyor making such satisfaction for the materials which may be got or taken away, and also for the damage done to such lands or grounds by the getting and carrying away the same, as shall be settled and ascertained by order of the justices at a special sessions for the highways.**

**LV. That if any surveyor or person employed by him shall, by reason of the searching for, digging, or getting any materials for repairing any highways, make any pit or hole in lands, common grounds, rivers, or brooks as aforesaid wherein such materials shall be found, he shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired during such time as the said pit or hole shall continue open, and within three days after such pit or hole shall be opened or made, where no materials shall be found, cause the same to be forthwith filled up, levelled, and covered with the turf or clod which was dug out of the same, and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up or sloped down, and fenced off, if required by the owner of the land or ground, and so continued; and every surveyor shall within twenty-one days after he shall have been appointed to that office cause all the said pits and holes which shall then be open and not likely to be further useful to be filled up or sloped down in manner aforesaid, and if they are likely to be further useful he shall secure the same by posts and rails or other fences to prevent accidents to persons or cattle; and in case such surveyor or person shall neglect to fill up, slope down, or fence off such pit or hole in manner and within the time aforesaid, he shall forfeit the sum of ten shillings for every such default; and in case such surveyor or person shall neglect to fence off such pit or hole, or to slope down the same, as herein-before directed, for the space of six days after he shall have received notice for either of those purposes from any justice of the peace, or from the owner or occupier of such several ground, river, or brook, or any person having right of common within such common or waste lands as aforesaid, and such neglect and notice shall be proved upon oath before the justices at a special sessions for the highways, such surveyor, person or persons, shall forfeit and pay any sum not exceeding ten pounds for such neglect, to be determined and adjudged by such justices, and to be laid out and applied in the fencing off, filling up, or sloping down such pit or hole, and toward the repair of the roads in the parish where the offence shall be committed, in such manner as the said justices shall direct and appoint; which forfeiture, if the same be not forthwith paid, shall be levied as other forfeitures are herein-after directed to be levied.**

**LVII. That if any surveyor or district surveyor shall lay or cause to be laid any heap of stone or any other matter or thing whatsoever upon any highway, and allow the same to remain there at night to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said surveyor to guard against the same, he shall forfeit for every such offence any sum not exceeding five pounds.**

**LVIII. That if any surveyor shall dig or cause to be dug materials for the highways, whereby any bridge, mill, building, dam, highway, occupation road, ford, mines, or tin works, or other work, may be damaged or endangered, he shall forfeit for every such offence, on conviction, any sum not exceeding five pounds, at the discretion of the justices before whom the complaint thereof shall be made, notwithstanding his liability to any civil action to which he may make himself liable by such act.**

**LVIII. And whereas it frequently happens that the boundaries of parishes pass across or through the middle of a common highway, and one side of such highway is situated in one parish, and the other side in another parish, whereby great inconveniences often arise in repairing the**
same; That the justices at a special sessions for the highways, on complaint of any surveyor of any parish, (stating in writing, and on a plan thereunto annexed, that there is such a highway, one side whereof ought to be repaired by one parish, and the other side by another, and particularly describing the same by metes, bounds, and admeasurement thereof,) may issue their summons, with a copy of such writing and repaired by plan thereunto annexed, to the surveyor of such other parish, to appear before them on a day mentioned in such summons; and if the parties appear such justices may then proceed finally to decide the matter, in manner herein mentioned, in case all the parties shall consent thereto; but in case the surveyor summoned shall not appear on such first summons, or appearing shall require further time, such justices shall adjourn the further consideration of the matter for any further time, not more than sixty days nor less than fourteen days from the date of such adjournment, of which the surveyor not appearing, or appearing shall require further time, shall have notice, on which day the said justices shall proceed to hear the parties and their witnesses, and, whether the party summoned does or does not appear, shall proceed to examine and finally determine the matter in form following; (that is to say,) that it shall and may be lawful for such justices and they are hereby required to divide the whole of such common highway, by a transverse line, crossing such highway, into equal parts, or into such unequal parts and proportions as, in consideration of the soil waters, floods, and inequality of such highway, or any other circumstances attending the same, they in their discretion shall think just and right, and to declare, adjudge, and order that the whole of such highway on both sides thereof, in any of such parts, shall be maintained and repaired by one of such parishes, and that the whole thereof on both sides, in the other of such parts, shall be maintained and repaired by the other of such parishes, and shall cause such their order, and a plan of such highway, and the allotment thereof as before mentioned, to be fairly delineated on paper or parchment, and filed with the clerk of the peace of the county in which such highway shall happen to lie, and shall also cause such posts, stones, or other boundaries to be placed and set up in such highway as in their judgment shall be necessary for ascertaining the division and allotment thereof: Provided nevertheless, that in the case of any such last-mentioned highway, the repair of any part of which belongs to any body politic or corporate, or to any person, by the reason of tenure of any lands, or otherwise howsoever, the same proceedings may be adopted, but the said body politic or corporate, or person, or some one on their behalf, may appear before such justices, and object to such last-mentioned proceedings, in which case the said justices shall, before they divide such highway as aforesaid, hear and consider the objection so made, and determine the same.

LIX. That from and after such order and plan shall be so filed with the clerk of the peace as aforesaid, such parishes, and body politic or corporate, or person aforesaid respectively, shall be bound as of common right to maintain and keep in repair such parts of such highways so allotted to them as aforesaid, and shall be liable to be proceeded against for neglect of such duty, and shall in all respects whatsoever be liable and subject to all the provisions, regulations, and penalties contained in this act, and also shall be discharged from the repair of such part of such highway as shall not be included in their respective allotment.

LX. That all costs, charges, and expenses to be incurred by reason of how costs of any of the proceedings last mentioned shall be borne and defrayed by proceedings such two parishes, or body politic or corporate, or person aforesaid, the shall be same being settled and ascertained and duly apportioned between such, frayed, &c. parishes by such justices; and in case the said parties shall refuse or neglect to pay and discharge their respective share of such costs and expenses, it shall and may be lawful for the justices at a special sessions for the highways to levy the same by distress and sale, with costs of such distress, on the goods and chattels of any surveyor of the parish, or
Highways.

[LXI.]

That nothing herein contained shall extend or be construed to extend to affect, change, or alter in any manner whatsoever any boundaries of counties, lordships, hundreds, manors, or any other division of public or private property, nor the boundaries of any parishes or townships, otherwise than for the purpose of amending and keeping in repair such particular portion of the highway in the manner herein mentioned.

[LXII.]

That any body politic or corporate, or any person, liable to repair any highway by reason of tenure of any lands, or otherwise howsoever, or the surveyor of the parish in which the said highway is situate, may, if he or either party shall think proper, having first obtained the consent of the inhabitants in vestry assembled, apply to any justice for the purpose of making the said highway a parish highway, and to be repaired by the surveyor of the said parish; and the said justice is hereby authorized and required to issue his summons, requiring the said surveyor, or the party so liable to repair the said highway as aforesaid, to appear before the justices at the next special sessions for the highways, and if both parties appear such justices may then proceed to determine the matter; but in case the surveyor or party summoned shall not appear on such first summons, or appearing shall require further time, such justices shall adjourn the further consideration of the matter to the next special sessions for the highways, of which the said surveyor or party not appearing shall have notice, on which day the justices so assembled at such special sessions shall proceed to hear the parties and their witnesses, and, whether the surveyor or party summoned do or do not appear, shall proceed to examine and determine the matter; and in case they decide that the said highway shall become a parish highway, and be thereafter repaired by the surveyor of the said parish, they shall, by an order under their hands, fix the proportion of the expenses of repairing the said highway to be annually paid by such body politic or corporate or person as aforesaid to the surveyor of the said parish; and the order of the said justices shall be binding on the surveyor and the said parish, and the said body politic or corporate or person as aforesaid, their heirs, successors, and assigns: Provided nevertheless, that the said justices, instead of fixing the proportion of the expenses of repairing the said highway to be annually paid as aforesaid, may, by an order under their hands, fix a certain sum to be paid by such body politic or corporate or person as aforesaid to the surveyor of the said parish in full discharge of all claims therefor in respect of the repairs of such highway; and in default of payment of such last-mentioned sum or of such annual sum as aforesaid the said surveyor may proceed for the recovery thereof in the same manner as any penalties and forfeitures are recoverable under this act: Provided always, that when the sum so fixed to be paid in full discharge of all claims therefor in respect of the repair of such highways shall exceed the sum of one hundred pounds, the said sum when received shall be vested, in the name of the minister, churchwardens, and surveyors of the highways of the parish within which such highway shall be situate, in some public government securities, and the interest and dividends from time to time arising or accruing therefrom shall be applied towards the repairs of the highways within the said parish: Provided also, that when the sum so fixed to be paid in full discharge of all claims as aforesaid shall not exceed the sum of one hundred pounds, the said last-mentioned sum, or any part thereof, on the application by and with the consent of the inhabitants of the parish in vestry assembled, and of the justices in special sessions assembled, shall and may be paid to the surveyor of the said parish, to be applied towards the repair of the highways within the said parish.

[LXIII.]

That where in this act any matter or thing is directed or forbidden to be done within a certain distance of the centre of the highway, that portion of ground shall be deemed and taken to be the high-
way which has been maintained by the surveyor as highway, and repaired with stones or other materials used in forming highways, for the six months immediately preceding; and the centre of the highway shall be the middle of such highway, where a line being drawn along the highway, or a point marked, an equal number of feet of highway which have been so maintained and repaired as aforesaid for twelve months before shall be found on each side of such line or mark.

LXIV. That no tree, bush, or shrub shall hereafter be planted on any carriageway or cartway, or within the distance of fifteen feet from the centre thereof; but the same shall respectively be cut down, grubbed up, and carried away by the owner or occupier of the land or soil within twenty-one days after notice to him or his agent by the surveyor, on pain of forfeiting for every neglect the sum of ten shillings.

LXV. That if the surveyor shall think that any carriageway or cartway is prejudiced by the shade of any hedges, or by any trees (except those trees planted for ornament or for shelter to any hop ground, house, building, or court yard of the owner thereof,) growing in or near such hedges or other fences, and that the sun and wind are excluded from such highway, to the damage thereof, or if any obstruction is caused in any carriageway or cartway by any hedge or tree, it shall be lawful for any one justice of the peace, on the application of the said surveyor, to summon the owner of the land on which such hedges or trees are growing next adjoining to such carriageway or cartway to appear before the justices at a special sessions for the highways to show cause why the said hedges are not cut, pruned, or plashed, or such trees not pruned or lopped, in such manner that the carriageway or cartway shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such carriageway or cartway to the damage thereof, or why the obstruction caused in such carriageway or cartway should not be removed; and the question as to the cutting, pruning, or plashing such hedges, or the pruning and lopping such trees, or the removal of such obstruction as aforesaid, shall, upon proof of the service of such summons; and whether the said owner attend or not, be determined at the discretion of such last-mentioned justices; and if such justices shall order and direct that such hedges shall be cut, pruned, or plashed, or such trees pruned or lopped, in manner aforesaid, or such obstruction removed, the said owner shall comply therewith within ten days after a copy of such order shall have been left at the usual place of abode of the said owner or of his steward or agent, and in default thereof shall forfeit, on conviction, a sum not exceeding forty shillings; and the said surveyor, if the order of the said justices is not complied with, shall and he is hereby authorized and required to cut, prune, or plash such hedges, and to prune and lop such trees, for the benefit and improvement of the highway, and to remove such obstruction as aforesaid, to the best of his skill and judgment, and according to the true intent and meaning of this act; and the said surveyor shall be reimbursed by the owner as aforesaid what charges and expenses he shall be at in cutting, pruning, and plashing such hedges, and pruning and lopping such trees, and the removal of such obstruction, over and above the said forfeiture; and it shall and may be lawful for the justices at a special sessions for the highways, upon proof to them made upon oath, to levy as well the expenses of cutting, pruning, and plashing such hedges, or pruning and lopping such trees, or removal of such obstructions as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender’s goods and chattels, in such manner as distresses and sales for forfeitures are authorized and directed to be levied by virtue of this act.

LXVI. Provided always, That no person shall be compelled nor any Time of cutting surveyor permitted to cut or prune any hedge at any other time than hedges and between the last day of September and the last day of March; and that trees, no person shall be obliged to fell any timber trees growing in hedges at any time whatsoever except where the highways shall be ordered to be
Highways.

[Part VI.

No. I. 5 & 6 W. 4.
C. 50.

Surveyor to make and keep open ditches, &c. and to lay trunks, &c. through lands adjoining highway, paying for damage if any incurred.

Owner, occupier, &c. not to alter such ditches without consent.

Penalty for encroaching on highway.

Encroachment to be taken down by the surveyor.

Steam engines, &c. not to be erected within a certain distance of roads.

widened or enlarged as herein mentioned, or to cut down or grub up any oak trees growing in such highway or in such hedges except in the months of April, May, or June, or any ash, elm, or other trees in any other months than December, January, February, or March.

LXVII. That the said surveyor, district surveyor, or assistant surveyor shall have power to make, scour, cleanse, and keep open all ditches, gutters, drains, or watercourses, and also to make and lay such trunks, tunnels, plates, or bridges, as he shall deem necessary, in and through any lands or grounds adjoining or laying near to any highway, upon paying the owner or occupier of such lands or grounds, provided they are not waste or common, for the damages which he shall sustain thereby, to be settled and paid in such manner as the damages for getting materials in inclosed lands or grounds are herein directed to be settled and paid.

LXVIII. That if any owner, occupier, or other person shall alter, obstruct, or in any manner interfere with any such ditches, gutters, drains, or watercourses, or with trunks, tunnels, plates, or bridges, after they shall have been made by or taken under the charge of such surveyor or district surveyor, and without his authority and consent, such owner, occupier, or other person shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the work so altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding three times the amount of such charges and expenses.

LXIX. That if any person shall encroach by making or causing to be made any building, hedge, ditch, or other fence on any carriageway or cartway within the distance of fifteen feet from the centre thereof, every person so offending shall forfeit, on conviction, for every such offence any sum not exceeding forty shillings; and the surveyor who hath the care of any such carriageway or cartway shall and he is hereby required to cause such building, hedge, ditch, or fence to be taken down or filled up at the expense of the person to whom the same shall belong; and it shall and may be lawful for the justices at a special session for the highways upon proof to them made upon oath, to levy as well the expenses of taking down such building, hedge, or fence, or filling up such ditch as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are authorized and directed to be levied by virtue of this act.

LXX. That from and after the commencement of this act it shall not be lawful for any person to sink any pit or shaft, or to erect or cause to be erected any steam engine, gin, or other like machine, or any machinery attached thereto, within the distance of twenty-five yards, nor any windmill within fifty yards, from any part of any carriageway or cartway, unless such pit or shaft or steam engine, gin, or other like engine or machinery, shall be within some house or other building, or behind some wall or fence, sufficient to conceal or screen the same from the said carriageway or cartway, so that the same may not be dangerous to passengers, horses, or cattle; nor shall it be lawful for any person to make or cause to be made any fire for calcining or burning of ironstone, lime-stone, bricks, or clay, or the making of cokes, within the distance of fifteen yards from any part of the said carriageway or cartway, unless the same shall be within some house or other building, or behind some wall or fence, sufficient to screen the same from the said carriageway or cartway as aforesaid; and in case any person shall offend in any of the cases aforesaid, every such person so offending shall forfeit and pay any sum not exceeding five pounds for each and every day such pit, shaft, windmill, steam engine, gin, machine, or fire shall be permitted to continue contrary to the provisions of this act; which said penalties shall be levied, recovered, and applied in such and the same manner as any penalty or forfeiture for any other offence on any highway may be levied, recovered, and applied: Provided, That nothing herein contained shall be construed to restrain any person or persons from using, repairing,
rebuiding, or enlarging any windmill, steam engine, gin, or other like machine, or any kiln or other erection used for the purpose of calci
ing or burning of ironstone, limestone, bricks, or clay, or the making of cokes, which may have been erected and may be in existence at the passing of this act.

LXXI. That whenever a railroad shall cross any highway for carts or carriages, the proprietors of the said railroad shall make and maintain good and sufficient gates at each of the said crossings, and shall employ good and proper persons to attend to the opening and shutting of such gates, so that the persons, carts, or carriages passing along such road shall not be exposed to any danger or damage by the passing of any carri
gages or engines along the said railroad; and any complaint for any neglect in respect of the said gates shall be made within ten days after the said neglect, to one justice, who may summon the party so com
plained against to appear before the justices at their next special ses
cions for the highways, who shall hear and decide upon the said com
plaint, and the proprietor so offending shall forfeit any sum not exceeding five pounds.

LXXII. That if any person shall wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or ac
commodation of foot passengers; or shall wilfully lead or drive any horse, ass, sheep, mule, swine, or cattle, or carriage of any description, or any truck or sledge upon any such footpath or causeway; or shall tether any horse, ass, mule, swine, or cattle on any highway, so as to suffer or permit the tethered animal to be thereon; or shall cause any injury or damage to be done to the said highway, or the hedges, posts, rails, walls, or fences thereof; or shall wilfully obstruct the passage of any footway; or wilfully destroy or injure the surface of any highway; or shall wilfully or wantonly pull up, cut down, remove, or damage the posts, blocks, or stones fixed by the said surveyor as herein directed; or dig or cut down the banks which are the securities and defence of the said highways; or break, damage, or throw down the stones, bricks, or wood fixed upon the parapets or battlements of bridges, or otherwise injure or deface the same; or pull down, destroy, obliterate, or deface any milestone or post, graduated or direction post or stone, erected upon any highway; or shall play at football or any other game on any part of the said highways, to the annoyance of any passenger or passengers; or if any hawk, higlager, gipsy, or other person travelling shall pitch any tent, booth, stall, or stand, or encamp, upon any part of any highway; or if any person shall make or assist in making any fire, or shall wantonly fire off any gun or pistol, or shall set fire to or wantonly let off or throw any squib, rocket, serpent, or other firework whatsoever, within fifty feet of the centre of such carriage-way or cartway; or bait, or run for the purpose of baiting, any bull upon or near any highway; or shall lay any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other matter or thing whatsoever upon such highway, to the injury of such highway, or to the injury, interruption, or personal danger of any person travelling thereon; or shall suffer any filth, dirt, lime, or other offensive matter or thing whatsoever to run or flow into or upon any highway from any house, building, erection, lands, or premises, adjacent thereto; or shall in any way wilfully obstruct the free passage of any such highway; every person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding forty shillings, over and above the damages occasioned thereby.

LXXIII. That if any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other matter or thing whatsoever shall be laid upon any highways so as to be a nuisance, and shall not, after notice way, so as to given by the surveyor, assistant surveyor, or district surveyor, be forth-

Matters laid on

or near high-

be a nuisance,

with removed, it shall and may be lawful for the surveyor, assistant to be removed

surveyor, or district surveyor, by order in writing from any one justice, on notice; or to clear the said highway by removing the said stone, hay, straw, dung, on failure, sur-

v eyor to dispose of the same by order of a justice.
Highways.

[Part VI.]

manure, soil, ashes, rubbish, or other matter or thing as aforesaid, and to dispose of the same, and to apply the proceeds arising therefrom towards the repairs of the highway within which such highway may be situate: Provided nevertheless, That if any soil, ashes, or rubbish shall be laid on any highway, and such soil, ashes, or rubbish shall not be of sufficient value to defray the expense of removing them, the person who laid or deposited such soil, ashes, or rubbish shall repay to the said surveyor, assistant surveyor, or district surveyor the money which he shall have necessarily expended for the removal thereof, which money, in case the same shall not be forthwith repaid, shall be levied as forfeitures are herein directed to be levied.

LXXIV. That if any horse, ass, sheep, swine, or other beast or cattle of any kind shall at any time be found wandering, straying, or lying, or being depastured, on any highway or on the sides thereof, without a keeper, (except on such parts of any road as lead or pass through or over any common or waste or unclosed ground,) any surveyor, or any other person authorized by him, is hereby required to seize and impound every such horse, ass, sheep, swine, or other beast or cattle in the common pound (if any) of the parish where the same shall be found, or in such other place as the surveyor shall have provided or shall provide for that purpose, and the said horse, ass, sheep, swine, or other beast or cattle there to detain until the owner thereof shall for every and each horse, ass, sheep, swine, or other beast or cattle so impounded pay any sum not exceeding one shilling, together with the reasonable charges and expenses, such charges and expenses to be settled by any two justices of the peace, of impounding and keeping the same, to the surveyor of the parish in which the beast so impounded shall have been found, the said sum so paid for each beast to be applied to the repair of the said highway; and in case the said penalty, charges, and expenses shall not be paid within five days after such impounding, (notice being thereof first given to the owner, if known at the time,) it shall and may be lawful for any two justices of the peace to order every such horse, ass, sheep, swine, or other beast or cattle to be sold, except where it shall be made to appear to such justices that the horse, ass, sheep, swine, or other beast or cattle impounded escaped from any inclosure by any gate or fence being willfully or negligently left open or destroyed by any person not being owner of such inclosure, nor employed by such owner, or that it arose from accident, and was not wilful, in which case such justices may remit the said penalty; and the money arising from such sale, after deducting the said penalty, and charges and expenses of impounding, keeping, and selling every such horse, ass, sheep, swine, or other beast or cattle, shall be paid to the person whose property the same so sold shall appear to have been; and in case the owner thereof shall not be known, and no application shall be made for the money arising from such sale within one calendar month after such sale shall have taken place, the said money shall be applied, after deducting the said charges and expenses, in the same manner as the said penalty of one shilling is herein directed to be applied: Provided always, That no owner of any horse, ass, sheep, swine, or other beast or cattle impounded as aforesaid shall in any case pay more than the sum of twenty shillings, over and above the charges and expenses of impounding and keeping the same, for any number of horses, asse, sheep, swine, or other beast or cattle impounded at one time: And provided always, That nothing in this act shall be deemed, taken, or construed to extend to take away any right of pasturage which may exist on the sides of any highway.

LXXV. That in case any person shall release or attempt to release any horse, ass, sheep, swine, or other beast or cattle which shall be seized for the purpose of being impounded under the authority of this act from the pound or place where the same shall be so impounded, or in the way to or from any such pound or place, or shall pull down, damage, or destroy the same pound or place, or any part thereof, or any lock or bolt belonging thereto or with which the same shall be fastened,
or shall rescue or release, or attempt to rescue or release, any distress or levy which shall be made under the authority of this act, until or before such horse, ass, sheep, swine, or other beast or cattle seized or so impounded, or such distress or levy so made, shall be discharged by due course of law, every person so offending shall, upon conviction thereof before any two of his Majesty's justices of the peace, either upon confession of the party or parties offending, or upon oath of one credible witness, forfeit and pay any sum not exceeding twenty pounds, at the discretion of the said justices, and in default thereof be committed by such justices, by warrant under their hands and seals, to the house of correction of the county wherein the said offence shall have been committed, there to be kept to hard labour for any time, at the discretion of the justices, not exceeding three calendar months.

LXXVI. That the owner of every waggon, cart, or other such carriage shall paint or cause to be painted in one or more straight lines or lines, upon some conspicuous part of the right or off side of his waggon, cart, or other such carriage, or upon the off-side shafts thereof, before the same shall be used on any highway, his christian name and surname, or the style and title by which he is commonly designated, and the place of his trade or abode, or the christian and surname and place of trade or abode of a partner or owner thereof, at full length, in large legible letters in white upon black or black upon white, not less than one inch in height, and continue the same thereupon so long as such waggon, cart, or other such carriage shall be used upon any highway; and every owner of any waggon, cart, or other such carriage who shall use or allow the same to be used on any highway without the name and descriptions painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious name or place of trade or abode on such waggon or cart or other such carriage, shall forfeit and pay, on conviction, for every such offence a sum not exceeding forty shillings, with or without costs, as to the justices before whom the conviction shall take place shall think fit.

LXXVII. That no one person shall act as the driver of more than two carts, waggons, or other such carriages on any highway: Provided always, That it shall and may be lawful for any one person to act as the driver of two carts, waggons, or other such carriages on any highway, and for such carts to pass and travel on any highway being only under the care and superintendence of such single person: Provided always, That such carts, waggons, or other carriages, when under the care of only one person, shall not be drawn by more than one horse each, and the horse of the hinder cart, waggon, or other carriage shall be attached by a rein in length not exceeding four feet to the back of the cart, waggon, or other carriage which shall be foremost; and in case the said horse shall not be so attached, the driver of the said carts, waggons, or other carriages shall forfeit, on conviction, the sum of twenty shillings, to be recovered as other penalties are by this act to be recovered.

LXXVIII. That if the driver of any waggon, cart, or other carriage of any kind shall ride upon any such carriage, or upon any horse or horses drawing the same, on any highway, not having some other person on foot or on horseback to guide the same (such carriages and carts as are driven with reins, and are conducted by some person holding the reins of all the horses drawing the same, excepted); or if the driver of any carriage whatsoever on any part of any highway shall by negligence or wilful misbehaviour cause any hurt or damage to any person, horse, cattle, or goods conveyed in any carriage passing or being upon such highway, or shall quit the same and go on the other side of the hedge or fence inclosing the same, or negligently or wilfully be at such distance from such carriage or in such a situation whilst it shall be passing upon such highway that he cannot have the direction and government of the horses or cattle drawing the same, or shall leave any cart or car-

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Carriage on such highway so as to obstruct the passage thereof; or if any person shall drive or act as the driver of any waggon, cart, or other such carriage not having the owner's name as hereby required painted and remaining legible thereon, and shall refuse to tell or to discover the true christian and surname of the owner or principal owners of such waggon, cart, or carriage; or if the driver of any waggon, cart, or other carriage whatsoever, or of any horses, mules, or other beast of draught or burthen, meeting any other waggon, cart, or other carriage, or horses, mules, or other beasts of burthen, shall not keep his waggon, cart, or carriage, or horses, mules, or other beasts of burden, on the left or near side of the road; or if any person shall in any manner wilfully prevent any other person from passing him, or any waggon, cart, or other carriage, or horses, mules, or other beasts of burthen, under his care, upon such highway, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, waggon, cart, or other carriage, or horses, mules, or other beasts of burthen, on any highway, or shall not keep his waggon, cart, or other carriage, or horses, mules, or other beasts of burden, on the left or near side of the road, for the purpose of allowing such passage; or if any person riding any horse or beast, or driving any sort of carriage, shall ride or drive the same furiously so as to endanger the life or limb of any passenger; every person so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a justice, or by the oath of one or more credible witnesses, before any two justices of the peace, shall, in addition to any civil action to which he may make himself liable, for every such offence forfeit any sum not exceeding five pounds in case such driver shall not be the owner of such waggon, cart, or other carriage, and in case the offender be the owner of such waggon, cart, or other carriage, then any sum not exceeding ten pounds, and in either of the said cases shall, in default of payment, be committed to the common gaol or house of correction, there to be kept to hard labour, for any time not exceeding six weeks, unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases shall and may by the authority of this act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be conveyed before any justice of the peace, to be dealt with according to law; and if any such driver in any of the cases aforesaid shall refuse to discover his name, it shall and may be lawful for the said justice of the peace before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the common gaol or house of correction, there to be kept to hard labour, for any time not exceeding three months, or to proceed against him for the penalty aforesaid by a description of his person and the offence only, without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

LXXX. And whereas offences may be committed against this act by persons whose names are unknown to the surveyor, assistant surveyor, or district surveyor, That it shall be lawful for the surveyor, assistant surveyor, or district surveyor, or any person acting under his authority, and such other person as he shall call to his assistance, or any other person witnessing the commission of the offence, without any other authority than this act, to seize and detain such unknown person who shall commit any such offence, and take him forthwith before any justice of the peace, who shall proceed and act with respect to such offence according to the provisions of this act.

LXXX. That the said surveyor shall and he is hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every public cartway leading to any market town twenty feet wide at the least, and every public horseway eight feet wide at the least, and to support and maintain every public footway by the side of any carriage-way or cartway three feet at the least, if the ground between the fences including the same will admit thereof: Provided nevertheless, that
nothing herein contained shall require any surveyor to make or form any public footway without the consent of the inhabitants in vestry assembled.

LXXXI. That if any gate across any public cartway shall be less than ten feet wide, or any gate across any public horseway shall be less than five feet wide, clear between the posts thereof, then and in every such case, upon notice in writing from the surveyor to the person to whom such gate shall belong, left at the dwelling-house of such person or his steward or agent, requiring him to enlarge the same, if such person shall neglect for the space of twenty-one days after such notice shall have been left as aforesaid to remove or enlarge such gate, he shall forfeit a sum not exceeding ten shillings for every day he shall so neglect to remove or to enlarge such gate as aforesaid.

LXXXII. Provided always, That where it shall appear, upon the view of two justices of the peace, that any highway is not of sufficient breadth, and might be widened and enlarged, such justices shall, and they are hereby empowered, within their respective divisions, to order such highway respectively to be widened and enlarged in such manner as they shall think fit, so that the said highway, when widened and enlarged; shall not exceed thirty feet in breadth; and that neither of the said powers do extend to pull down any house or building, or to take away the ground of any garden, lawn, yard, court, park, paddock, planted walk, plantation, or avenue to any house, or any inclosed ground set apart for building ground or as a nursery for trees; and for the satisfaction of the person, body politic or corporate, who is seized or possessed of or interested in their own right, or in trust for any other person, in the said ground that shall be laid into the said highway respectively so to be widened and enlarged, the said surveyor, under the direction and with the approbation of the said justices in writing, shall and is hereby empowered to make an agreement with him for the recompense to be made for such ground, and for the making such new ditches and fences as shall be necessary, according and in proportion to their several and respective interests therein, and also with any other person, body politic or corporate, that may be injured by the widening and enlarging such highway, for the satisfaction to be made to him respectively as aforesaid; and if the said surveyor, under the direction and with the approbation of the said justices, cannot agree with the said person, body politic or corporate, or if he cannot be found, or shall refuse to treat or take such recompense or satisfaction as shall be offered to them respectively by such surveyor, then the justices of the peace at any general quarter sessions to be holden for the limit wherein such ground shall lie, upon certificate in writing signed by the justices making such view as aforesaid of their proceedings in the premises, and upon proof of fourteen days' notice in writing having been given by the surveyor of such parish to the owner, occupier, or other person, body politic or corporate, interested in such ground, or to his guardian, trustee, clerk, or agent, signifying an intention to apply to such quarter sessions for the purpose of taking such ground, shall impanel a jury of twelve disinterested men out of the persons returned to serve as jurorsmen at such quarter sessions; and the said jury shall, upon their oaths, to the best of their judgment, assess the damages to be given and recompense to be made to the owners and others interested as aforesaid in the said ground for their respective interests, as they shall think reasonable, not exceeding forty years' purchase for the clear yearly value of the ground so laid out, and likewise such recompense as they shall think reasonable for the making of new ditches and fences on the side of the said highway that shall be so widened and enlarged, and also satisfaction to any person, body politic or corporate, that may be otherwise injured by the widening and enlarging the said highways respectively; and upon payment or tender of money so to be awarded and assessed to the person, body politic or corporate, entitled to receive the same, or leaving it in the hands of the clerk of the peace of such limit, in case such person, body politic or cor-
porate, cannot be found or shall refuse to accept the same, for the use of the owner of or others interested in the said ground, the interest of the said person, body politic or corporate, in the said ground shall be for ever divested out of them; and the said ground, after such agreement or verdict as aforesaid, shall be esteemed and taken to be a public highway to all intents and purposes whatsoever; saving nevertheless to the owner of such ground all mines, minerals and fossils lying under the same which can or may be got without breaking the surface of the said highway, and also all timber and wood growing upon such ground, to be felled and taken by such owner within one month after such order shall have been made, or in default thereof to be felled by the said surveyor within the respective months aforesaid, and laid upon the land adjoining, for the benefit of the said owner; and where there shall not appear sufficient money in the hands of the surveyor for the purpose aforesaid, then the said two justices in cases of agreement, or the said court of quarter sessions after such verdict as aforesaid, shall direct the surveyor to make, collect, and levy an equal rate in the same manner as the rate by this act authorized to be made, and to pay the money to the person, body politic or corporate, so interested, in such manner as the said justices or court of quarter sessions respectively shall direct and appoint; and the money thereby raised shall be employed and accounted for, according to the order and direction of the said justices or court of quarter sessions respectively, for and towards the purchasing the land to widen and enlarge the said highway, and for making the said ditches and fences, and also satisfaction for the damages sustained thereby; provided that no such rate to be made in any one year shall exceed one third part of the rate by this act authorized to be levied, in addition to the rate for the repair of the highways.

LXXXIII. That in case such jury shall give in and deliver a verdict for more monies as a recompence for the right, interest, or property of any person, body politic or corporate, in such lands or grounds, or for the making such fence, or for such damage or injury to be sustained by him as aforesaid, than what shall have been proposed and offered by the said surveyor before such application to the said court of quarter sessions as aforesaid, that then and in such case the costs and expenses attending the said several proceedings shall be borne and paid by the surveyor out of the monies in his hands or to be assessed and levied by virtue and under the powers of this act; but if such jury shall give and deliver a verdict for no more or for less monies than shall have been so offered and proposed by the said surveyor before such application to the said court of quarter sessions, that then the said costs and expenses shall be borne and paid by the person, body politic or corporate, who shall have refused to accept the recompence and satisfaction so offered to him as aforesaid.

LXXXIV. That when the inhabitants in vestry assembled shall deem it expedient that any highway should be stopped up, diverted, or turned, either entirely or reserving a bridgeway or footway along the whole or any part or parts thereof, the chairman of such meeting shall, by an order in writing, direct the surveyor to apply to two justices to view the same, and shall authorize him to pay all the expenses attending such view, and the stopping up, diverting, or turning such highway, either entirely or subject to such reservation as aforesaid, out of the money received by him for the purposes of this act: Provided nevertheless, That if any other party shall be desirous of stopping up, diverting, or turning any highway as aforesaid, he shall, by a notice in writing, require the surveyor to give notice to the churchwardens to assemble the inhabitants in vestry, and to submit to them the wish of such person; and if such inhabitants shall agree to the proposal, the said surveyor shall apply to the justices as last aforesaid for the purposes aforesaid; and in such case the expenses aforesaid shall be paid to such surveyor by the said party, or be recoverable in the same manner as any forfeiture is recoverable under this act; and the said surveyor is hereby required to make such application as aforesaid.
LXXXV. That when it shall appear upon such view of such two justices of the peace, made at the request of the said surveyor as aforesaid, that any public highway may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the public, and the owner of the lands or grounds through which such new highway so proposed to be made shall consent thereto by writing under his hand, or if it shall appear upon such view that any public highway is unnecessary, the said justices shall direct the surveyor to affix a notice in the form or to the effect of Schedule (No. 19) to this act annexed in legible characters, at the place and by the side of each end of the said highway from whence the same is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same notice in one newspaper published or generally circulated in the county where the highway so proposed to be diverted and turned or stopped up, either entirely or subject as aforesaid, (as the case may be,) shall lie, for four successive weeks next after the said justices have viewed such public highway, and to affix a like notice on the door of the church of every parish in which such highway so proposed to be diverted, turned, or stopped up, either entirely or subject as aforesaid, or any part thereof, shall lie, on four successive Sundays next after the making such view; and the said several notices having been so published, and proof thereof having been given to the satisfaction of the said justices, and a plan having been delivered to them at the same time particularly describing the old and the proposed new highway, by metes, bounds, and admeasurement thereof, which plan shall be verified by some competent surveyor, the said justices shall proceed to certify under their hands the fact of their having viewed the said highway as aforesaid, and that the proposed new highway is nearer or more commodious to the public; and if nearer, the said certificate shall state the number of yards or feet it is nearer, or if more commodious, the reasons why it is so; and if the highway is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the certificate shall state the reason why it is unnecessary; and the said certificate of the said justices, together with the proof and plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said certificate, be lodged with the clerk of the peace for the county in which the said highway is situated, and shall (at the quarter sessions which shall be holden for the limit within which the highway so diverted and turned or stopped up, either entirely or subject as aforesaid, shall lie, next after the expiration of four weeks from the day of the said certificate of the said justices having been lodged with the clerk of the peace as aforesaid,) be read by the said clerk of the peace in open court; and the said certificate, together with the proof and plan as aforesaid, as well as the consent in writing of the owner of the land through which the new highway is proposed to be made, shall be enrolled by the clerk of the peace amongst the records of the said court of quarter sessions: Provided always, That any person whatever shall be at liberty, at any time previous to the said quarter sessions, to inspect the said certificate and plan so as aforesaid lodged with the said clerk of the peace, and to have a copy thereof, on payment to the clerk of the peace at the rate of sixpence per folio, and a reasonable compensation for the copy of the plan.

LXXXVI. Provided always, That in any case where it is proposed to stop up or divert more than one highway, which highways shall be deemed to be so connected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different highways in one order or certificate.

LXXXVII. Provided also, That in the event of any appeal being brought against the whole or any part or parts of any order or certificate, for diverting more highways than one, it shall be lawful for the court to decide upon the propriety of confirming the whole or any part or parts of such order or certificate without prejudice to the remaining part or parts thereof.
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Persons who may think themselves aggrieved if such highway should be ordered to be stopped up, &c. may appeal.

In case of appeal, jury at sessions to determine whether new highway is nearer, &c.

Costs to be awarded in appeal against stopping up, &c. highway.

LXXXVIII. Provided always, That when any such certificate shall have been so given as aforesaid it shall and may be lawful for any person who may think that he would be injured or aggrieved if any such highway should be ordered to be diverted and turned or stopped up, either entirely or subject as aforesaid, and such new highway set out and appropriated in lieu thereof as aforesaid, or if any unnecessary highway should be ordered to be stopped up as aforesaid, to make his complaint thereof by appeal to the justices of the peace at the said quarter sessions, upon giving to the surveyor ten days' notice in writing of such appeal, together with a statement in writing of the grounds of such appeal, who is hereby required, within forty-eight hours after the receipt of such notice, to deliver a copy of the same to the party by whom he was required to apply to the justices to view the said highway; provided that in all cases where the said surveyor shall have been directed by the inhabitants in vestry assembled to apply to such justices as aforesaid, then the said surveyor shall not be required to deliver a copy of such notice to any party. Provided also, that it shall not be lawful for the appellant to be heard in support of such appeal unless such notice and statement shall have been so given as aforesaid, nor on the hearing of such appeal to go into or give evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

LXXXIX. That in case of such appeal the justices at the said quarter sessions shall, for the purpose of determining whether the proposed new highway is nearer or more commodious to the public, or whether the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or whether the said party appealing would be injured or aggrieved, impanel a jury of twelve disinterested men out of the persons returned to serve as jurors at such quarter sessions; and if, after hearing the evidence produced before them, the said jury shall return a verdict that the proposed new highway is nearer or more commodious to the public, or that the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or that the party appealing would not be injured or aggrieved, then the said court of quarter sessions shall dismiss such appeal, and make the order herein mentioned for diverting and turning and stopping up such highway either entirely or subject as aforesaid, or for diverting, turning, and stopping up of such old highway, and purchasing the ground and soil for such new highway, or for stopping up such unnecessary highway either entirely or subject as aforesaid; but if the said jury shall return a verdict that the proposed new highway is not nearer or not more commodious to the public, or that the highway so intended to be stopped up, either entirely or subject as aforesaid, is not unnecessary, or that the party appealing would be injured or aggrieved, then the said court of quarter sessions shall allow such appeal, and shall not make such order as aforesaid.

XC. That the court of quarter sessions is hereby authorized and required to award to the party giving or receiving notice of appeal such costs and expenses as shall be incurred in prosecuting or resisting such appeal, whether the same shall be tried or not, and such costs and expenses shall be paid by the surveyor or other party as aforesaid at whose instance the notice for diverting and turning or stopping up the highway, either entirely or subject as aforesaid, shall have been given; and in case the said surveyor or other party as aforesaid shall not appear in support thereof, the said court of quarter sessions shall award the costs of the appellant to be paid by such surveyor or other party as aforesaid, and such costs shall be recoverable in the same manner as any penalties or forfeitures are recoverable under this act.

XCI. Provided always, That if no such appeal be made, or if dismissed, sessions to make order for diverting,
new highway, or to stop up such unnecessary highway, either entirely or subject as aforesaid, by such ways and means, and subject to such exceptions and conditions in all respects as in this act is mentioned in regard to highways to be widened; and the proceedings thereupon shall be binding and conclusive on all persons whomsoever; and the new highways so to be appropriated and set out shall be and for ever after continue a public highway to all intents and purposes whatsoever; but no old highway (except in the case of stopping up of such useless highway as herein is mentioned) shall be stopped until such new highway shall be completed and put into good condition and repair, and so certified by two justices of the peace upon view thereof, which certificate shall be returned to the clerk of the peace, and by him enrolled amongst the records of the court of quarter sessions next after such order as aforesaid shall have been made pursuant to the directions herein-before contained.

XCII. Provided always, That in every case in which a highway shall have been turned or diverted under the provisions of this act, the parish or other party which was liable to the repair of the old highway shall be liable to the repair of the new highway, without any reference whatever to its parochial locality.

XCIII. That the powers and provisions in this act contained with respect to the widening and enlarging, diverting, turning, or stopping up any highway shall be applicable to all highways which any person, bodies politic or corporate, is or are bound to repair by reason of any grant, tenure, limitation, or appointment of any charitable gift, or otherwise howsoever; and that when such last-mentioned highways are so widened or enlarged, turned or diverted, the same shall and may, by an order of the justices at a special sessions for the highways, be placed under the control and care of the surveyor of the parish in which such highways may be situate, and shall be from time to time thereafter repaired and kept in repair by the said parish. Provided also, that the said highways so widened, enlarged, diverted, or turned shall be viewed by two justices of the peace, who shall make a report thereof to the justices at a special sessions for the highways: and such last-mentioned justices shall, by an order under their hands, fix the proportionate sum which shall be annually paid, or shall fix a certain sum to be paid, by such person, bodies politic or corporate, his or their heirs, successors, or assigns, to the said surveyors of the parish, in lieu of the repair of the said part of the said old highway; and the order of the said last mentioned justices shall be and continue binding on all such persons, bodies politic or corporate, their heirs, successors, or assigns; and in default of payment thereof the said surveyor shall proceed for the recovery of the same in the manner as any penalties and forfeitures are recoverable under this act.

XCIV. That from and after the commencement of this act, if any highway is out of repair or is not well and sufficiently repaired and amended, and information thereof, on the oath of one credible witness, is given to any justice of the peace, it shall and may be lawful for such justice, and he is hereby authorized and required to issue a summons requiring the surveyor of the parish, or other person or body politic or corporate chargeable with such repairs, to appear before the justices at some special sessions for the highways in the said summons mentioned, to be held within the division in which the said highway may be situate; and the said justices shall either appoint some competent person to view the same, and report thereon to the justices in special sessions assembled, on a certain day and place to be then and there fixed, at which the said surveyor of the highways or other party as aforesaid shall be directed to attend, or the said justices shall fix a day whereon they or any two of them shall attend to view the said highway; and if to the justices at such special sessions, on the day and at the place so fixed as aforesaid, it shall appear, either on the report of the said person so appointed by them to view, or on the view of such justices, that the said highway is not in a state of thorough and effectual
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In what cases justices cannot interfere.

Mode of proceeding if obligation to repair is disputed.

repaired, they the said justices at such last-mentioned special sessions shall convict the said surveyor or other party liable to the repair of the said highway in any penalty not exceeding five pounds, and shall make an order on the said surveyor, or other person or bodies politic or corporate liable to repair such highway, by which order they shall limit and appoint a time for the repairing of the same; and in default of such repairs being effectually made within the time so limited, the said surveyor, or such other person or body politic or corporate as aforesaid, shall forfeit and pay to some person to be named and appointed in a second order a sum of money to be therein stated, and which shall be equal in amount to the sum which the said justices shall, on the evidence produced before them, judge requisite for repairing such highway, which money shall be recoverable in the same manner as any forfeiture is recoverable under this act, and such money when recovered shall be applied to the repair of such highway; and in case more parties than one are bound to repair any such highway, the said justices shall direct in their said order what proportion shall be paid by each of the said parties: Provided, that if the said highway so out of repair is a part of the turnpike road, the said justices shall summon the treasurer or surveyor or other officer of such turnpike road, and the order herein directed to be made shall be made on such treasurer or surveyor or other officer as aforesaid, and the money therein stated shall be recoverable as aforesaid: Provided nevertheless, that the said justices shall not have power to make such order as aforesaid in any case where the duty or obligation of repairing the said highway comes in question.

XCV. That if on the hearing of any such summons respecting the repair of any highway the duty or obligation of such repairs is denied by the surveyor on behalf of the inhabitants of the parish, or by any other party charged therewith, it shall then be lawful for such justices and they are hereby required to direct a bill of indictment to be preferred, and the necessary witnesses in support thereof to be subpoenaed, at the next assizes to be held in and for the said county, or at the next general quarter sessions of the peace for the county, riding, division or place wherein such highway shall be, against the inhabitants of the parish or the party to be named in such order for suffering and permitting the said highway to be out of repair; and the costs of such prosecution shall be directed by the judge of assize before whom the said indictment is tried, or by the justices at such quarter sessions, to be paid out of the rate made and levied in pursuance of this act in the parish in which such highway shall be situate: Provided nevertheless, that it shall be lawful for the party against whom such indictment shall be so preferred at the quarter sessions as aforesaid to remove such indictment by certiorari or otherwise into his Majesty's court of king's bench.

XCVI. That no fine, issue, penalty, or forfeiture for not repairing the highway, or not appearing to any indictment for not repairing the same, shall hereafter be returned into the court of exchequer or other court, but shall be levied by and paid into the hands of such person residing in or near the parish where the road shall lie, as the justices or court imposing such fines, issues, penalties, or forfeitures shall order and direct, to be applied towards the repair and amendment of such highway; and the person so ordered to receive such fine shall and is hereby required to receive, apply, and account for the same according to the direction of such justices or court, or in default thereof shall forfeit double the sum received; and if any fine, issue, penalty, or forfeiture to be imposed for not repairing the highway, or not appearing as aforesaid, shall hereafter be levied on any inhabitant of such parish, township, or place, then such inhabitant shall and may make his complaint to the justices at a special sessions for the highways: and the said justices are hereby empowered and authorized, by warrant under their hands, to make an order on the surveyor of the parish for payment of the same out of the money receivable by him for the highway rate, and shall within two months next after service of the said order on him pay unto such inhabitant the money therein mentioned.
XCVII. That if any surveyor or other person shall be summoned before any justice to answer any information or complaint exhibited or made against him touching or concerning any offence committed or alleged to have been committed by such surveyor or other person against the provisions of this act, or for any supposed neglect of duty, in case such surveyor or other person be convicted thereof, such justice shall be authorized and empowered to order the payment by such surveyor or other person of all costs or proceedings against him; but in case such information or complaint shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence or neglect of duty charged against him, it shall be lawful for such justices to order and award that the person exhibiting or making such information or complaint shall pay to the defendant all such costs as to such justice shall seem reasonable; and in default of immediate payment of the sum so awarded, it shall be lawful for such justices to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, it shall be lawful for such justices to commit such person to the common gaol or house of correction, there to be kept to hard labour, for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

XCVIII. That it shall and may be lawful for the court before whom any indictment shall be preferred for not repairing highways to award costs to the prosecutor, to be paid by the person so indicted, if it shall appear to the said court that the defence made to such indictment was frivolous or vexatious.

XCIX. That from and after the commencement of this act it shall not be lawful to take or commence any legal proceeding, by presentment, against the inhabitants of any parish, or other person, on account of any highway or turnpike road being out of repair.

C. That no person shall be deemed incompetent to give evidence or be disqualified from giving testimony or evidence, in any action, suit, prosecution, or other legal proceedings to be brought or had in any court of law or equity, or before any justice or justices of the peace, under or by virtue of this act, by reason of being an inhabitant of the parish in which any offence shall be committed, or of being a treasurer, clerk, surveyor, district surveyor, assistant surveyor, collector, or other officer appointed by virtue of this act, nor shall such testimony or evidence for any of the reasons aforesaid be rejected or liable to be questioned or set aside.

Cl. That in all cases in which any penalty or forfeiture is recoverable before justices of the peace under this act, it shall and may be lawful for any justice to whom complaint shall be made of any such offence to summon the party complained against before any two justices, and on such summons the said two justices may hear and determine the matter of such complaint, and on proof of the offence convict the offender, and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing shall have been exhibited or taken by or before such justice; and all such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes as if an information in writing was exhibited.

CII. That if any person, after having been paid or tendered a reasonable sum of money for his costs, charges, and expenses, shall be summoned as a witness to give evidence before any justices of the peace touching any matter or fact contained in any information or complaint for any offence against this act, either on the part of the prosecutor or the person accused, and shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for his refusal or neglect, or appearing shall (after having been paid or tendered a reasonable sum for his costs, charges, and expenses,) refuse to
Forfeitures, costs, and charges may be levied by distress and sale.

Highways. [Part VI.

be examined upon oath and give evidence before such justice of the peace, then and in either of such cases such person shall forfeit for every such offence any sum not exceeding five pounds.

CII. That all penalties and forfeitures by this act inflicted or authorized to be imposed for any offence against the same, and all balances due from a surveyor; and all costs and charges to be allowed and ordered by the authority of this act, (the manner of levying, recovering, and applying of which is not hereby otherwise particularly directed,) shall, upon proof and conviction of the offences respectively before any two or more justices, either by the confession of the party offending, or by the oath of any credible witness or witnesses (which oath such justices are in every case hereby fully authorized to administer), or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of two or more justices before whom the party may have been convicted (which warrant such justices are hereby empowered and required to grant); and the overplus (if any) after such penalties, forfeitures, and fines, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices as aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justices as aforesaid, for his or their appearance before such justices on such day or days as shall be appointed for the return of such warrant of distress, such day not being later than seven days from the time of taking any such security, and which security the said justices as aforesaid are hereby empowered to take by way of recognizance or otherwise; or in case it shall appear to the satisfaction of such justices, either by the confession of the offender or otherwise, that he hath not goods or chattels within the jurisdiction of such justices sufficient whereon to levy all such penalties and forfeitures, costs and charges, such justices may at their discretion, without issuing any warrant of distress, commit the offender for such period of time, and in such like manner, as if a warrant of distress had been issued, and nulla bona returned thereon; but if a warrant of distress shall be issued, and upon the return thereof it shall appear that no sufficient distress can be had, whereupon to levy the said penalty, forfeiture, or fine, and costs and expenses aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such justices, upon the confession of the offender, or otherwise, that he hath not sufficient goods and chattels whereupon such penalty, forfeiture, or fine, costs, and expenses, could be levied if a warrant of distress were issued, such justices shall not be required to issue such warrant, but in such case such justices are hereby required, by warrant under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to be kept to hard labour, for any term not exceeding three calendar months unless such penalties, forfeitures, and fines, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the penalties and forfeitures, when so levied, shall be paid, the one half to the informer, and the other half to the surveyor of the parish where such offence, neglect, or default shall happen, to be applied towards the repair of the highways thereof, unless otherwise directed by this act; but in case the surveyor shall be the informer, then the whole shall be applied towards the repair of such highway.

CIV. That where any distress shall be made for any sum of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on distress not to be deemed unlawful for want of form in the proceedings.
account of any default or want of form in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity which shall be afterwards done in making the distress, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case: Provided always, That no plaintifl shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on behalf of the party who shall have committed or caused to be committed any such irregularity, trespass, or wrongful proceedings, before such action brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall see fit, whereupon such proceedings or orders and judgment shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

CV. Provided also, That if any person shall think himself aggrieved by any rate made under or in pursuance of this act, or by any order, conviction, judgment, or determination made, or by any matter or thing done, by any justice or other person in pursuance of this act, and for which no particular method of relief hath been already appointed, such person may appeal to the justices at the next general or quarter sessions of the peace to be held for the county, division, riding, or place wherein the cause of such complaint shall arise, such appellant first giving or causing to be given to the surveyor or surveyors, or to such justice of other person by whose act such person shall think himself aggrieved, notice in writing of his intention to bring such appeal, together with a statement in writing of the grounds of such appeal, within fourteen days after such rate shall have been made, or cause of complaint shall have arisen, and within four days after such notice entering into a recognizance before some justice, with two sufficient sureties, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the justices at such general or quarter sessions; and such justices, upon hearing and finally determining the matter of such appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever: Provided nevertheless, That in case there shall not be time to give such notice and enter into such recognizance as aforesaid before the next sessions to be holden after the making of any rate or the cause of complaint shall have arisen, then and in every such case such appeal may be made to the next following sessions, and shall be then heard and determined: Provided also, That it shall not be lawful for the appellant to be heard in support of such appeal, unless such notice and statement shall have been so given as aforesaid, nor on the hearing of such appeal to go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

CVI. That in all cases of appeal against the rate or assessment made in pursuance of this act the several provisions and enactments contained in a certain act made and passed in the forty-first year of the reign of his late Majesty king George the third, intituled An Act for the better Collection of the Rates made for the Relief of the Poor, shall be applicable thereto, as if the same had been repeated and re-enacted in this act with respect to such appeals.

CVII. Provided always, That no rate, nor any proceeding to be had touching the conviction of any offender against this act, or any order made, or any other matter or thing done or transacted in or relative to the execution of this act, shall be vacated or quashed for want of form, or be removed or removable (except as herein mentioned) by certiorari, or any other writ or process whatsoever, into any of his Majesty's courts of record at Westminster.
In case of appeal sessions may grant a special case.

CIX. That no action or suit shall be commenced against any person for any thing done in pursuance of or under the authority of this act until twenty-one days' notice has been given thereof in writing to the justice, surveyor, or person against whom such action is intended to be brought, nor after sufficient satisfaction or tender of satisfaction has been made to the party aggrieved, nor after three calendar months next after the fact committed for which such action or suit shall be so brought, and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action or suit may plead the general issue, and give this act and every special matter in evidence at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this act, or if it shall appear that such action or suit was brought before twenty-one days' notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the defendant therein, then and in any of the cases aforesaid such defendant shall have costs as between attorney and client, and shall have such remedy for recovering the same as any defendant may have for his or her costs in any other case by law.

Amount of fees.

CX. That the several fees hereafter limited and expressed, and no others, shall be taken by the clerk of the peace, clerk to the justices, or others, for their several respective services in the execution of this act; (that is to say,) the sum of sixpence for every information; the sum of one shilling for every summons or warrant, and sixpence for the service thereof; the sum of sixpence for every notice, and sixpence for the service thereof; the sum of one shilling for every order, and sixpence for the service thereof; the sum of two shillings for every warrant of distress; the sum of one shilling for every appointment; and the sum of two shillings for every conviction. Provided always, That in no place regulated by a local act of parliament, when the amount of the fees to be taken by the clerk to the justices, or others, in any proceeding for the recovery of any rate shall be less than the fees herein-before mentioned, shall it be lawful for such clerk to the justices or others to demand or take a greater fee for any similar proceeding under this act than the fee which may be mentioned or directed to be taken by such local act.

CXI. That if the inhabitants of any parish shall agree at a vestry to defend any indictment found against any such parish, or to appeal against any order made by or proceeding of any justice of the peace in the execution of any powers given by this act, or to defend any appeal, it shall and may be lawful for the surveyor of such parish to charge in his account the reasonable expenses incurred in defending such prosecution, or prosecuting or defending such appeal, after the same shall have been agreed to by such inhabitants at a vestry or public meeting as aforesaid, and allowed by two justices of the-peace within the division where such highway shall be; which expenses, when so agreed to or allowed, shall be paid by such parish out of the fines, forfeitures, payments, and rates authorized to be collected and raised by virtue of this act: Provided nevertheless, That if the money so collected and raised is
not sufficient to defray the expenses of repairing the highways in the said parish, as well as of defending such prosecution, or prosecuting or defending such appeal as aforesaid, the said surveyor is hereby author-
ised to make, collect, and levy an additional rate in the same manner as the rate by this act is authorized to be made for the repair of the highway.

CXII. That nothing in this act contained shall be construed to Limiting abridge, repeal, alter, amend, or interfere with the powers and provi-
sions contained in an act passed in the fifty-seventh year of the reign of 57 G. 3, c. 29. king George the third, intituled An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Ob-
structions therein, or the powers and provisions contained in any act relat-
ing to any particular parish or place for any of the purposes in this act mentioned.

CXIII. Provided always, That nothing in this act contained shall Not to extend apply to any turnpike roads, except where expressly mentioned, or to any roads, bridges, carrigeways, cartways, horseways, bridleways, foot-
ways, causeways, churchways, or pavements, which now are or may hereafter be paved, repaired, or cleansed, broken up, or diverted, under or by virtue of the provisions of any local or personal act or acts of par-
liament.

CXIV. Provided always, That nothing in this act contained shall Not to affect tend to alter or in any manner to affect any of the rights or privileges of the universities; the universities of Oxford or Cambridge, or any of the powers vested by charter or otherwise in the chancellor, masters, and scholars, and their successors, of the said universities.

CXV. Provided always, That nothing in this act contained shall ex-
extend to alter or in any manner to affect the city of London and the liberties of the mayor and commonalty of citizens of the city of London; nor the rights, interests, privileges, franchises, or authorities of the lord mayor and aldermen of the said city, or the lord mayor of the said city for the time being as conservator of the river Thames or otherwise, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this act the said mayor and commonalty and citizens, the said lord mayor and aldermen of the said city, or the said lord mayor for the time being as conservator of the river Thames or otherwise, did or might lawfully claim, use, or exercise by any act of parliament or otherwise, to vary or alter any of the provisions or regulations thereby made, directed, or provided, within the said city of London and the liberties thereof, any thing herein con-
tained to the contrary thereof in anywise notwithstanding.

CXVI. Provided always, That nothing in this act contained shall ex-
extend to alter or in any manner affect the provisions of an act passed in 1 G. 4, c. vii. the first year of the reign of his late Majesty king George the fourth, intituled An Act for regulating the Repairs of Bridges in the County of Montgomery, so far as the same relates to the repairs of so much of the highways as lie next adjoining to any ends of any bridges within the said county of Montgomery, the repairs of which have already been made chargeable upon the rates of the said county under the provisions of the said recited act.

CXVII. Provided always, That nothing in this act contained shall extend to or be deemed or construed to extend to alter, affect, restrain, or abridge the powers or authorities given to the commissioners of sewers by any act of parliament whatsoever, or to vary or alter any of the provisions or regulations thereby made, directed, or provided, any thing herein contained to the contrary thereof in anywise notwithstanding.

CXVIII. That the forms of proceedings relative to the several matters Concerning contained in this act, which are set forth and expressed in the schedule the forms of hereto annexed, shall be used upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and that no objection shall be made or advan-
Highways. [Part VI.

tage taken for want of form in any such proceedings by any person whomsoever.

CXIX. That this act shall commence and take effect from and after the twentieth day of March one thousand eight hundred and thirty-six.

CXX. That this act may be altered, amended, or repealed in this present session of parliament.

The SCHEDULE (stating the Forms) to which this Act refers.

No. 1.

Notice to Person of his having been elected Surveyor.

A. B. Take notice, that you were, at a meeting held at [insert the name of the parish, &c.] on the day of elected and chosen surveyor [or one of the surveyors] of the highways for the said [parish, &c.] for the year ensuing.

Dated the day of

To A. B. of

C. D. Chairman.

No. 2.

Appointment of Surveyor with Salary.

At a meeting of the inhabitants of in vestry assembled at on the day of A. B. was nominated, elected, and appointed as surveyor of such parish, for the purpose of carrying into execution the provisions of an act passed in the fifth and sixth year of the reign of king William the fourth, intituled "An Act," &c. [here set out title of act], for the year ensuing; and the salary to be allowed to the said A. B. was fixed at the sum of payable on

Dated the day of

C. D. Chairman.

No. 3.

Appointment of Surveyor by Justices.

(to wit.) } At a special sessions for the highways held at in the division, &c. of by justices of the peace for the said county acting within the said division, &c. on the day of

WHEREAS it hath appeared to us the said justices, on the oath of A. B. an inhabitant of the parish of that the inhabitants of the said parish in vestry assembled have neglected [or refused] to nominate and elect a surveyor in manner and for the purposes mentioned in a certain act made and passed in the fifth and sixth year of the reign of king William the fourth, intituled "An Act," &c. [here set out title of act] [or that the surveyor appointed by the inhabitants of the said parish is dead, or has ceased to possess the qualification required by the said act, or has become disqualified, or has neglected to act, or has refused to carry into operation the duties imposed upon him by the said act], we do therefore hereby appoint you C. D. of surveyor for such parish for the year ensuing [or for the space of ], with the salary of for your trouble; and you the said C. D. are faithfully and truly to execute the office of surveyor according to the directions of the said statute.

Given under our hands the day and year first above mentioned. E. F.

To C. D.

G. H.
<table>
<thead>
<tr>
<th>Names of Occupiers or Persons rated.</th>
<th>Description of the Premises and Property rated.</th>
<th>Annual Value.</th>
<th>Sums assessed at 10d. in the Pound.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. B.</td>
<td>House and Garden</td>
<td>£ 5 0 0</td>
<td>0 4 2</td>
</tr>
<tr>
<td>C. D.</td>
<td>A Farmhouse, Lands, and Buildings.</td>
<td>100 0 0</td>
<td>4 3 4</td>
</tr>
<tr>
<td>E. F.</td>
<td>A Warehouse</td>
<td>20 0 0</td>
<td>0 16 8</td>
</tr>
<tr>
<td>and so forth.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. B. Surveyor [or surveyors] of the parish
C. D. of

No. 5.—Weekly Account of Money expended on the Highways of the Parish of from the hundred and to the day of One thousand eight

<table>
<thead>
<tr>
<th>Day Labour, and when performed.</th>
<th>Labourers' Names.</th>
<th>No. of Days.</th>
<th>Rate per Day.</th>
<th>Team Work, and where done.</th>
<th>Rate.</th>
<th>Total Weekly Expenditure.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>£ s. d.</td>
<td></td>
<td></td>
<td>£ s. d.</td>
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<td></td>
<td></td>
<td></td>
<td>£ s. d.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Materials.</td>
<td></td>
<td></td>
<td>£ s. d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Team Work.</td>
<td></td>
<td></td>
<td>£ s. d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rent of Pits and Quarries.</td>
<td>Name.</td>
<td></td>
<td>£ s. d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Materials got and prepared, and from whence</td>
<td>Parties' Names.</td>
<td>Quantity.</td>
<td>Rate per Day.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>£ [s. d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incidental Expences</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>£ s. d.</td>
</tr>
</tbody>
</table>
Highways.

No. 6.

Notice of Intention to make Highway.

I, do hereby give you notice, That after the expiration of three calendar months from the date hereof I [or if given by the clerk, &c. of a body politic or corporate describe them] do intend to make a certain highway in the parish of [describing its situation and extent,] and to dedicate such highway to the use of the public.

Dated this day of

To E. F., &c.
Surveyor of the parish

A. B.

or

C. D. [Clerk, &c.]

of

No. 7.

Certificate of Justices of Highway having been made in a substantial Manner, &c.

We, two of the justices of the peace in and for the county of having viewed a certain highway lately made by A. B. in the parish of in the said county, situate, &c. [describing its situation and extent], do hereby certify, that the same has been made in a substantial manner, and of the width required by a certain act made and passed in the fifth and sixth year of the reign of king William the fourth, intitled "An Act," &c. [here set out title of the act.]

Dated this Day of

C. D.
E. F.

No. 8.

Notice to remove Snow, &c.

I, A. B., justice of the peace in and for the county of do hereby give you, the surveyor [or surveyors] of the parish of notice, that the highway leading from to [describing its situation] is obstructed or impeded from the accumulation of snow [or from the falling down of the banks on the said highway, &c. as the case may be,) and require you to cause the same to be removed.

Dated this day of

To C. D. and E. F. &c.
surveyors of the parish

A. B. of, &c.
No. 9.

Schedule to be filled up by the Surveyors of Highways of all Parishes, and presented by them, with their Accounts, to the Magistrates, at the End of every Year.

State of the Roads and Highways

- Bridges
- Causeways
- Hedges and Ditches
- Watercourses

State all Nuisances

- all Encroachments
- the Extent of Roads and Highways the Parish is liable to repair
- what portion thereof has been repaired, and where
- what materials were used for such Repairs
- the Expence of such Repairs
- the amount levied during the Year
Highways.

No. 11.

Licence from Justices at a Special Sessions for the Highways to get Materials for the Repair of the Highways in another Parish besides that wherein such Materials are to be employed.

At a special session for the highways held at the hundred, &c. of the said county, by justices of the peace for the said county acting within the said hundred, on the day of the

It appearing to us, upon evidence this day received, that sufficient materials cannot conveniently be had within the waste land, common grounds, rivers, or brooks, nor in the inclosed lands or grounds, lying within the [parish, &c.] of the said hundred, for the repairs of the highways within the said [parish], nor in the waste lands, common grounds, rivers, or brooks within the [parish] of adjoining to the said [parish] of the said [parish] of it appearing from evidence before us, that there are proper materials within the said lands for the purposes aforesaid lying convenient to the said highways, and that after such materials shall be so taken there will be sufficient left for the use of the highways within the said parish of the said parish of upon the said surveyor [or surveyors] making satisfaction for the same, and also for the damage done to such lands, in the manner directed by the act made and passed in the fifth and sixth year of the reign of king William the fourth, intituled "An Act," &c. [here set out title of act] subject to such restrictions as are therein contained. Given under our hands the day and year above written.

J. P.
K. P.
County of [At a special sessions for the highways holden, &c.]

I. S., the surveyor [or one of the surveyors] of the parish of A., came before the justices aforesaid, and informed them, that there is in the said county a certain common highway leading from M. to N., and see plan that there is a certain part of the said highway, that is to say, so much thereof as lies between a certain place called C. and a certain other place called D., being in length [as the case may be], one side of which last-mentioned part of the said highway adjoining to the parish of A. lies within the said parish of A., and is to be and of right ought to be repaired by the said parish of A. [or by, &c., describing the body politic or corporate, or person, liable to the repair,] and that the other side of the same part of the said highway adjoining to the parish of B. lies within the parish of B., and is to be and of right ought to be repaired by the said parish of B. [or by, &c.,] and stating that the repair of such part of the said highway is very inconvenient to the parishes aforesaid, and the want thereof detrimental to the public; and therefore praying, that such part of the said highway may be allotted and apportioned for the repair thereof by the justices aforesaid to the said several parishes of A. and B. [or to, &c.,] in the manner directed by an act passed in the fifth and sixth year of the reign of king William the fourth, intitled "An Act," &c. [set out title of act.]

(Signed) I. S. one of the Surveyors of Parish of A.

The above application was made to us the day and year first, above written.

J. P.
K. P.

No. 13.

Summons to be subjoined to a Copy of the above Information.

County of [To the surveyor [or surveyors] of the parish of B. in the said county, any or either of them.]

WHEREAS a certain information has been given to us, his Majesty's justices of the peace for the said county at a special sessions for the highways, by I. S., the surveyor [or one of the surveyors] of the parish of A. in the said county, a true copy whereof is above written: These are, in his Majesty's name, to summon you, any or either of you, to appear before us, at in the said county, on the day of to show cause (if any) why an allotment and apportionment of the highways therein mentioned should not be made according to the provisions of the act referred to in the said information. Hereof fail not. Given under our hands this day of

J. P.
K. P.

No. 14.

Final Order and Adjudication, to be filed with the Clerk of the Peace.

WHEREAS, &c.

1.—State the original Application.
2.—The Summons.
3.—The Appearance, and that the Parties were heard, or their Nonappearance.
Highways. [Part VI.

No. I.

Now we, the justices aforesaid, having fully heard and understood the premises, do declare, adjudge, and order, that the said highway shall be divided in the following manner; (that is to say,) that at the distance of measuring from the place called C., there shall be erected certain posts or stones, E. and F., on each side of the said highway, and the whole of the said highway from the place called C. to such posts or stones shall be from time to time and at all times hereafter repaired by the parish of D. [or by, &c.], and the whole of the said highway from such posts or stones to the place called D. shall from time to time and at all times hereafter be repaired by the parish of B. [or by, &c.]

In witness whereof we have hereunto set our hands this day of

J. P. (l.s.)
K. P. (l.s.)

No. 16.

Notice from Surveyor to remove Nuisances.

To C. D. of

In pursuance of the directions given by an act passed in the fifth and sixth year of the reign of King William the fourth, intitled "An Act," &c., I, A. B. &c., the surveyor [or one of the surveyors] of the parish of

do hereby give you notice forthwith to remove the [dung, ashes, rubbish, &c.] placed by you on a certain part of the king's highway, lying between and in the [parish] of to the obstruction and annoyance of the said highway.

Dated this day of

A. B. &c.

No. 16.

Order of Two Justices for widening a Highway.

{Wz.}

(to wit.)

Majesty's justices of the peace for the said county, acting within the [hundred, &c.] of

within the said county, having, upon view, found that a certain part of the highway between and in the [parish, &c.] of

in the said [hundred], for the length of yards or thereabouts, and particularly described in the plan hereunto annexed, is for the greatest part thereof narrow, but may be conveniently enlarged and widened by adding thereto from the lands and grounds of and of the length of yards or thereabouts, and of the breadth of feet or thereabouts, particularly described in the plan hereunto annexed, which we think will widen and enlarge the same, and be much more commodious to the public, do hereby order, that the said highway be widened and enlarged accordingly, and that the surveyor [or surveyors] of the [parish, &c.] of

where the said old highway lies, do forthwith proceed to treat and make agreement with the said and for the recompense to be made for the said ground, and for the making such ditches and fences as shall be necessary, in such manner, with such approbation, and by pursuing such measures and directions in all respects as are warranted and prescribed by the statute made in the fifth and sixth year of the reign of King William the fourth, intitled "An Act," &c.; and in case such agreement shall be made as aforesaid, we do order an equal assessment, not exceeding the rate of in the pound, to be made, levied, and collected upon all and every the
parties liable to the payment of the highway rate in the said [parish, &c.] of and that the money arising thereupon be paid and applied in making such recompence and satisfaction as aforesaid, pursuant to the directions of the said act.

A. B.
C. D.

No. 17.

Certificate from the said Justices to the Court of Quarter Sessions.

To the justices of the peace at their general quarter sessions to be held at the day of the said county, one thousand eight hundred and We, the within-named A. D. and C. B. do hereby certify to the said court of quarter sessions, that we made and signed the within order, and that with our approbation and by our direction the said surveyor [or surveyors] has [or have] treated with the said and for the said lands required for the purposes aforesaid, but was not able to make any agreement for that purpose with them or either of them, and that he tendered to the said the sum of and to the said the sum of as a recompence for the said ground, and for the making the said ditches and fences, which he [or they and each of them] refused to receive.

A. B.
C. D.

No. 18.

Consent from the Owner of the Land through which a new Highway is proposed to be made.

I A. B. of in the county of being the owner of the lands described in the plan hereunto annexed, through which part of a certain highway lying between and is intended to be diverted and turned, in consideration of the sum of to be paid to me for the said land and soil thereof, do hereby consent to the making and continuing such new highway through my said lands.

Given under my hand this day of One thousand eight hundred and

No. 19.

Form of Notice of diverting, &c. Highway.

NOTICE is hereby given, That on the day of next application will be made to his Majesty's justices of the peace assembled at quarter sessions in and for the county of at for an order for [if the order be for turning, diverting, and stopping up, &c. here to state it, and describe the road ordered to be turned, diverted, and stopped up; if the order be for stopping up a useless road, here to state it, and describe the ordered to be stopped up]; and that the certificate of two justices having viewed the same, &c., with the plan of the old and proposed new highway, will be lodged with the clerk of the peace for the said county on the day of next. A. B. Surveyor [or surveyors] of the C. D. &c. parish of
Highways.

No. 20.

Summons for any Persons or Persons to attend a Justice or Justices.

To A. B.

WHEREAS complaint and information hath been made

(to wit.) upon oath before me, C. D. one of his Majesty's justices

of the peace for the said [county, &c.] by E. F. of that, &c. [here state the nature and circumstances of the case, as far as it shall be necessary to show the offence and to bring it within the authority of the justice; and, in doing that, follow the words of the act as near as may be]: These are therefore to require you personally to appear before me [or the justices to be assembled at their petty sessions (or special sessions for the highways) to be holden at the said county, &c.] on the ______ day of ______ next, at the hour of ______ noon, to answer to the said complaint and information made by the said E. F., who is likewise directed to be then and there present to make good the same. Herein fail not.

Given under my hand this ______ day of ______

No. 21.

Information.

(to wit.) Be it remembered, That on the ______ day of ______ in the said county, informeth and maketh oath before me A. B. of one of his Majesty's justices of the peace for the said county that ______ in the said county, [here describe the offence, with the time and place, and follow the words of the act as near as may be] contrary to the statute in the fifth and sixth year of the reign of his Majesty king William the fourth, intituled, "An Act," &c. [here set out title of act.] which hath imposed a forfeiture for the said offence.

Taken and sworn the ______ day of ______ before me A. B.

No. 22.

Form of Conviction.

(to wit.) Be it remembered, That on the ______ day of ______ in the year of our Lord at ______ in the county aforesaid, A. B. came before us ______ of his Majesty's justices of the peace for the said county, and informed us that E. F. of ______ on the ______ day of ______ now last past, at ______ in the said county, did [set forth the fact in the manner described by the act], whereupon the said E. F., after being duly summoned to answer the said charge, appeared before us ______ on the ______ day of ______ in the said county, and having heard the charge alleged against him, declared that he was not guilty of the said offence; but the same being fully proved upon the oath of G. H. a credible witness, it manifestly appears to us the said justices that he the said E. F. is guilty of the offence charged upon him in the said information: It is therefore considered and adjudged by us the said justices, that the said E. F. be convicted, and we do hereby convict him of the offence aforesaid; and we do hereby declare and adjudge that he the said E. F. hath forfeited the sum of ______ of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided. Given, &c.
Warrant to restrain for the Forfeiture.

(to wit.)

Wexbrer A. B. of__in the said county [yeoman, &c.] is this day convicted before us, two of his Majesty's justices of the peace in and for the said county, upon the oath of G. H. a credible witness, for that the said A. B. hath [here set forth the offence, describing it particularly in the words of the act, as near as may be], contrary to the statute in that case made and provided; by reason whereof the said A. B. hath forfeited the sum of__to be distributed as herein is mentioned which he hath refused to pay:

These are therefore in his Majesty's name to command you to levy the said sum of__by distress of the goods and chattels of him the said A. B.; and if within the space of four days next after such distress by you taken, the said sum of__together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels so by you distrainted, and out of the money arising by such sale that you do pay one half of the said sum of__to E. F. of__who informed me of the offence, and the other half of the said sum of__to I. K. the surveyor of the parish [township or place] where the said offence [neglect or default] happened, to be employed towards the repair of the said highways, returning the overplus, upon demand, to him the said A. B., the reasonable charges of taking, keeping, and selling the said distress being first deducted; and if sufficient distress cannot be found of the goods and chattels of the said A. B. whereon to levy the said sum of__that then you certify the same to us, together with this warrant.

Given under our hands the__day of__

C. D.

E. F.

No. 24.

Return of the Constable to be made upon the Warrant of Distress when there are no Effects.

I A. B., constable of the [parish, &c.] of__in the county of__do hereby certify and make oath, that by virtue of this warrant I have made diligent search for the goods of the within-named__and that I can find no sufficient goods whereon to levy the within sum of__As witness my hand the__day of__

A. B.

Sworn before me the day and year, &c. __

C. D.
No. I.
5 & 6 W. 4,
c. 50.

Highways.

Commitment for Want of Distress

{ To the [Constable] of in the said county,
  (to wit.) { and to the Keeper of the Common Gaol [or House of
  Correction] at in the said county.

  Whereas A. B. of in the said county, yeoman,
  was on the day of convicted before us,
two of his Majesty's justices of the peace in and for the said county,
upon the oath of E. F. a credible witness, for that he the said A. B.
[here set forth the offence], contrary to the statute made in the fifth and
sixth year of the reign of king William the fourth, intituled "An Act,"
&c. [here set out title of act.] by reason whereof the said A. B. hath
forfeited the sum of : And whereas on the
day of in the year aforesaid we did issue our war-
 rant to the [constable] of to levy the said sum of
by distress and sale of the goods and chattels of him
the said A. B., and to distribute the same according to the directions of
the said statute: And whereas it duly appears to us upon the oath of the
said [constable] that the said [constable] hath used his best endeavours
to levy the said sum on the goods and chattels of the said A. B. as aforesaid,
but that no sufficient distress can be had whereon to levy the same:
These are therefore to command you the said [constable] of
 aforesaid to apprehend the said A. B., and him safely convey
to the common gaol [or house of correction] at
in the said county, and there deliver him to the keeper thereof, together
with this precept: And we do hereby also command you the said keeper
to receive and keep in your custody, and to keep to hard labour, the said
A. B. for the space of unless the said sum shall be
sooner paid, pursuant to the said conviction and warrant; and for so
doing this shall be your sufficient warrant.

Given under our hands the day of
in the year of our Lord

C. D.
E. F.
PART VI.
CLASS XXIII.

JUSTICES OF PEACE.

[No. I.] 2 & 3 W. IV. c. 117.—An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries, in the East Indies. [16th August 1832.]

WHEREAS it is expedient that other persons besides the covenanted servants of the united company of merchants of England trading to the East Indies, or other British inhabitants of the East Indies, should be capable of being appointed to the office of justice of the peace within and for the towns of Calcutta, Madras, and Bombay; be it therefore enacted, &c., That in the manner prescribed by law for the nomination and appointment of persons now eligible to the office of justice of the peace in the territories in the possession and under the government of the said company, and subject, except as to the taking of any oaths, to the other provisions of the law which relate to the said office, it shall and may be lawful for the governor general in council of Fort William in Bengal, the governor in council of Fort Saint George, and the governor in council of Bombay, respectively for the time being, to nominate and appoint, in the name of the king's Majesty, his heirs and successors, any persons resident within the territories aforesaid, and not being the subjects of any foreign state, whom the said governor general in council and governors in council respectively shall think properly qualified, and who will bind themselves by such oaths or solemn affirmations as may from time to time be prescribed in that behalf by the said governor general in council and governors in council respectively, to act within and for the towns of Calcutta, Madras, and Bombay respectively, as justices of the peace; and the persons so to be nominated and appointed to act as justices of the peace within and for the towns aforesaid shall have full power and authority to act as such justices of the peace, but according only to the tenor of the respective commissions wherein such persons shall be so nominated and appointed.

II. And whereas by an act passed in the seventh year of the reign of 7 G. 4, c. 37, his late Majesty king George the fourth, intitled An Act to regulate the a. 3, repealed Appointment of Juries in the East Indies, it is amongst other things provided and enacted, that the grand juries in all cases, and all juries for or of jurors to the trial of persons professing the christian religion, shall consist wholly of persons professing the christian religion: And whereas it is expedient to repeal such enactment; be it therefore enacted, That from and after the first day of July one thousand eight hundred and thirty-two the said recited provision and enactment shall be and the same is hereby repealed.

[No. II.] 3 W. IV. c. 19.—An Act for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity, for Three Years. [18th June 1833.]

WHEREAS it is expedient to consolidate and amend the several acts now in force for the more effectual administration of justice in the office of a justice of the peace in the several police offices established in the metropolis, and for the more effectual prevention of depredations on
the river Thames and its vicinity; be it enacted, &c. That the several police offices now established in the parishes of Saint Margaret Westminster, Saint James Westminster, Saint Mary-le-bone, Saint Andrew Holborn, Saint Leonard Shoreditch, Saint Mary Whitechapel, and Saint John of Wapping, in the county of Middlesex, and Saint Saviour in the county of Surrey, shall be continued; and that the several persons appointed to execute the duties of a justice of the peace at the police offices now established shall continue to execute the same at the said police offices, together with any other justice of the peace for the counties of Middlesex and Surrey respectively who may think proper to attend thereat; and that it shall be lawful for his Majesty, his heirs and successors, in case of a vacancy by death or otherwise, to appoint another fit person, being a justice of the peace of the said counties of Middlesex and Surrey respectively, to execute the duties of a justice of the peace at the said several police offices.

II. That one or more of the said justices so appointed shall diligently attend at each of the said police offices every day from ten of the clock in the morning until eight of the clock in the evening, and at such other times and places as shall be found necessary and directed by one of his Majesty’s principal secretaries of state, and that two of the said justices shall in like manner attend together at each of the said offices from twelve of the clock at noon until three in the afternoon: Provided always, That no such attendance shall be given on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, unless in cases of urgent necessity, or when it shall be directed by such principal secretary of state.

III. That it shall be lawful for his Majesty, his heirs and successors, by and with the advice of his or their privy council, to alter the situation of any of the said police offices, or to discontinue any of the said police offices, or to establish any additional police offices, or to make such regulations in the attendance of the justices, and in conducting such police offices, as may be deemed expedient.

IV. That the present receiver for the said police offices shall continue such receiver, and that it shall be lawful for his Majesty, his heirs and successors, upon any vacancy in the said office of receiver by death or otherwise, to appoint any other proper person, not being one of the justices appointed to act at any of the said police offices, to be the receiver of the said police offices; and that the said receiver for the time being shall receive all fees, penalties, and forfeitures, and other sums of monies applicable to the purposes of this act, and shall keep an exact and particular account of all such monies as shall be received by him, and shall apply the same quarterly in discharge of the salaries, expenses, and charges attending the said police offices, and in carrying this act into execution; and shall make all such contracts and disbursements as shall be necessary for purchasing, hiring, fitting up, and furnishing proper and sufficient houses and buildings wherein the said police offices shall be held, in such manner as shall be directed by one of his Majesty’s principal secretaries of state, of which houses and buildings so to be hired or purchased, and of all houses and buildings already hired or purchased for the like purposes, and of the fixtures and furniture there- of, and of all other necessaries to be held or purchased for the purposes of this act, the property acquired therein shall be vested in the receiver for the time being, who shall and may sell, assign, and dispose of the same, or any part thereof, under the like directions and appointment, as occasion shall require; and such receiver shall prepare proper plans and estimates of all such contracts and disbursements as shall be necessary for the purposes aforesaid, and shall deliver the same to one of his Majesty’s principal secretaries of state; and such receiver shall further do and execute all such other lawful matters and things towards the carrying this act into execution as from time to time shall be directed by one of his Majesty’s principal secretaries of state; and for his care and pains in the execution of such office shall and may retain to his own use, out
of the monies so received by him as aforesaid, a sum not exceeding four hundred pounds per annum.

V. That a sufficient number of fit and able men shall from time to time, by the directions of one of his Majesty's principal secretaries of state, be appointed, retained, and employed as constables at the said police offices, and shall be sworn in by any of the said justices in their respective offices to act as constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; which constables so sworn shall, within the counties of Middlesex, Surrey, Essex, and Kent, and the liberty of his Majesty's Tower of London, and all other liberties in the said counties, have all such powers, authorities, privileges, and advantages as any constable duly appointed now has or hereafter may have by virtue of any law or statute now made or hereafter to be made, and shall obey all such lawful commands as they shall from time to time receive from any of the said justices respectively for the apprehending offenders, or otherwise conducting themselves in the execution of their offices; and such justices may at any time suspend or dismiss from his employment any such constable attached to their respective offices whom they shall think remiss or negligent in the execution of his duty, or otherwise unfit for the same; and when any such constable shall be so dismissed, or cease to belong to any of the said offices, all powers and authorities vested in him as a constable under and by virtue of this act shall immediately cease and determine to all intents and purposes whatever.

VI. That the justices appointed to the said police office in the parish of Saint John of Wapping, commonly called the Thames police office, or any of them, shall (subject to the approbation of one of his Majesty's principal secretaries of state) appoint, retain, and employ any number of fit and discreet men, who, under the name of Thames police surveyors, shall (being first duly sworn in manner above mentioned) have within the counties and liberties aforesaid, the powers, authorities, privileges, and advantages of a constable aforesaid, and shall direct and inspect the conduct of the constables attached to the Thames police office, and of all persons to be employed in and about ships and vessels in the said river Thames, or in or on the several creeks, docks, wharves, quays, and landing places thereto adjacent, and (subject to the orders of any of the said last-mentioned justices) shall have power by virtue of their offices to enter at all times, as well by night as by day, into and upon every ship, hoy, barge, lighter, boat, or other vessel (not being then actually employed in his Majesty's service) lying or being in the said river or creeks, or in any dock or docks thereto adjacent, and into every part of every such vessel, for the purpose of inspecting and upon occasion directing the conduct of any constable who may be stationed on board of any such vessel, and of inspecting and observing the conduct of all other persons who shall be employed on board of any such vessel in or about the lading or unlading thereof, as the case may be, and for the purpose of taking all such measures as may be necessary for providing against fire and other accidents, and preserving peace and good order on board of any such vessel, and for the effectual prevention or detection of any felonies or misdemeanors; and the justices appointed to the said Thames police office may at any time suspend or dismiss any such Thames police surveyor whom they shall find remiss or negligent in the execution of his duty, or otherwise unfit for the same; and when any such surveyor shall be so dismissed, or cease to belong to the said office, all powers and authorities vested in him as such surveyor under and by virtue of this act shall immediately cease and determine to all intents and purposes whatever.

VII. That it shall be lawful for the chief magistrate of the public office in Bow-street to administer to the officers of that office, and to the horse patrol acting under his authority, an oath duly to execute the office of constable within the said several counties and liberties, and within the royal palaces of his Majesty, his heirs and successors, and
Justices of Peace.

No. II. 3 W.4, c. 19.

ten miles thereof; and each of the said officers and patrol of the said public office, being sworn, shall, within the several liberties and counties aforesaid, and also within the said royal palaces and ten miles thereof, have power to act as a constable, and shall have therein all such powers and authorities, privileges and advantages, as any constable duly appointed now has or hereafter may have within his constablewiek:

Provided always, That when any such constable or patrol shall be dismissed from his employment, or cease to belong to the said public office in Bow-street, all powers and authorities, allowances, emoluments, privileges, and advantages, vested in the person so dismissed or ceasing to belong to the said office, shall immediately cease and determine.

VIII. That all powers and authorities, privileges, advantages, exemptions, duties, obligations, and liabilities, by this act conferred and imposed upon the magistrates of the said public office in Bow-street, and upon the clerks, constables, and others therein employed, and on the horse patrol acting under the authority of the chief magistrate of that office, shall, in case of the removal of that office from the said street to any other street or place, be used and exercised, enjoyed and performed, by the magistrates, clerks, officers, patrol, and others respectively, at the office to be substituted for the said public office in Bow-street, in as full and ample manner, to all intents and purposes, as if such substituted office had been expressly named in this act.

IX. That it shall be lawful for the justices of the said public office in Bow-street, or for the justices appointed to attend at the said police offices, or for any of them, if they should think fit, on the application of any person or persons showing the necessity thereof, to appoint any number of fit and competent men recommended by the person or persons so applying, and approved by such justice or justices, to be constables to keep the peace at any place within the limits of the weekly bills of mortality, or within the parishes of Saint Mary-le-bone, Paddington, Saint Pancras, Kensington, or Saint Luke, Chelsea, in the county of Middlesex, for such period of time as such justice or justices shall deem fit and necessary, and to administer an oath to every such constable duly to execute that office within such place, and for the period of time for which he shall be appointed; and every constable so sworn shall, at such place, and during the time he shall so serve, have all such powers and authorities, privileges, advantages, and liabilities, as any constable duly appointed hath or shall have within his constablewiek, and shall be paid by the person or persons on whose application he shall be appointed such wages as shall be deemed reasonable and adequate by the justice or justices by whom he shall be so appointed: Provided always, That in case of any neglect of duty or misconduct of any constable so appointed, or upon the request in writing of the person or persons on whose application such appointment shall have been made, it shall be lawful for any of the aforesaid justices to determine such appointment, and all powers, authorities, privileges, advantages, and liabilities of such constable shall thereupon cease.

X. That if any of the officers or patrols acting under the authority of the chief magistrate of the said public office, Bow-street, or any of the constables retained and employed at any of the said police offices, or any of the constables appointed and sworn in under the authority of the justices of the metropolitan police, or any constable appointed and sworn in as herein-before last mentioned, shall be guilty of any disobedience of orders, neglect of duty, or of any misconduct as such constable, and shall be convicted thereof before two justices of the peace, he shall forfeit any sum not exceeding ten pounds, and in default of immediate payment shall suffer imprisonment, with or without hard labour, for any time not exceeding three months: Provided always, That nothing herein contained shall prevent any such person from being proceeded against by way of indictment for any offence committed by him as constable, so as that no person shall be proceeded against both by indictment and also under this act for the same offence.
XI. That it shall be lawful for his Majesty, his heirs and successors, to direct that such sum shall be issued quarterly, out of the consolidated fund of the united kingdom of Great Britain and Ireland, to the said receiver, as will be sufficient to pay the yearly salary of eight hundred pounds, clear of all fees or deductions, to each of the justices appointed to attend at the said police offices for their time and trouble, and to pay such further sums as may be necessary for the expenses of the offices, and for the payment of clerks, constables, surveyors, and others therein employed, and for the payment of the expenses of the said public office in Bow-street, and of the magistrates, clerks, and constables, and others therein employed, and of the horse patrol acting under the authority of the chief magistrate of that office, and of such horse and foot patrol as have been superannuated under the provisions of the act passed in the third year of the reign of his late Majesty George the fourth, for the more effectual administration of the office of justice of the peace in and near the metropolis; provided that the whole of the said charges shall not exceed the annual sum of fifty-eight thousand pounds, over and above the necessary disbursements for purchasing, hiring, repairing, fitting up, and furnishing the houses and buildings wherein the said offices shall be held; and that the said receiver, out of the monies so issued to him, shall and may pay to the constables and surveyors so appointed as aforesaid, for their trouble and attendance, such sum as may from time to time appear reasonable to one of his Majesty's principal secretaries of state, and any extraordinary expences necessarily incurred in apprehending offenders, and in executing the orders of the justices acting under and by virtue of this act, such extraordinary expences being first examined and approved of by the justices attending the police office to which such constables or surveyors shall be respectively attached; and shall and may pay, under the direction of such principal secretary of state, such further sum for rewarding the extraordinary diligence or exertion of any of the said constables or surveyors, or for compensating them for wounds or severe injuries received in the performance of their duties, or for an allowance to such of them as shall be completely disabled by bodily injury, or worn out by length of service.

XII. That no justice of the peace for the county of Middlesex, county of Surrey, city and liberty of Westminster, or liberty of the Tower of London, or his clerk, or any person on their behalf, elsewhere than at the said public office in Bow-street and at the said police offices, shall directly or indirectly, upon any pretence whatever, take or receive any fee, reward, gratuity, or recompence for any act by him or them done or to be done in the execution of his or their office or employ as justice of the peace or clerk as aforesaid, within the limits of the weekly bills of mortality, or within the parishes of Saint Mary-le-bone, Paddington, Saint Pancras, Kensington, or Saint Luke, Chelsea, in the county of Middlesex, upon pain of forfeiting the sum of one hundred pounds for every such offence, one moiety thereof to the said receiver, to be applied to the purposes of this act, and the other moiety thereof, with full costs of suit, to the person who shall sue for the same in any of his Majesty's courts of record at Westminster; and that every summons which shall, after the passing of this act, be issued by any justice of the peace of the counties of Middlesex and Surrey respectively, requiring any person residing within the said limits and parishes to appear at any place without those limits and parishes, to answer any information or complaint touching any matter arising within the said limits and parishes, shall be utterly void and of none effect; any law, custom, or usage to the contrary notwithstanding: Provided always, That nothing in this act contained shall be construed to extend to any fees taken at any general or quarterly sessions of the peace, or at any meeting of justices for the purposes of licensing alehouses, or to any fees taken by the vestry clerk, or by the clerk to the churchwardens and overseers of any parish, for the purpose of enforcing the payment of any taxes or assessments arising within the same parish, or for the purpose of hearing and determining
any offence cognizable before justices of the peace, by virtue of any
statute made and provided for the special regulation or government of
such parish.

XIII. That in some conspicuous part of each of the said police offices,
and also of the said public office in Bow street, there shall be affixed a
table of the fees which may legally be taken at such offices respectively
under an act passed in the twenty-sixth year of the reign of king George
the second, intituled An Act for the settling and ascertaining the Fees to
be taken by Clerks to Justices to the Peace, and under another act passed
in the twenty-seventh year of the reign of king George the second, in-
tituled An Act for making perpetual several Laws for Punishment of Per-
sons destroying Turnpikes, Locks, or other Works erected by Authority of
Parliament; and that all Acts made for erecting Courts of Conscience shall
be deemed Public Acts; and to empower a certain Number of the Trustees
of the British Museum to do certain Acts; and for confirming the Tables
of Fees to be taken by the Clerks to the Justices of the Peace for the County
of Middlesex; and for giving further Time for the Payment of Duties omit-
ted to be paid for the Indentures or Contracts of Clerks and Apprentices;
and for filing Affidavits in the Execution of Contracts of Clerks to Attor-
nies and Solicitors; and for preventing Persons driving certain Carriages
from riding upon such Carriages; and that it shall be lawful for any
justice at such offices respectively to refuse to do any act for which any
fee shall be demandable unless such fee shall be first paid; and that if
any such act shall be done, and the fee due thereon shall not be paid, it
shall be lawful for any justice of the peace to summon the person from
whom such fee shall be due, and to make order for payment of the same,
with the costs of the proceedings, and in default of payment to levy
the same, with the costs of the distress, by warrant under his hand and
seal.

XIV. That the justices of the said public office in Bow-street and the
justices appointed to attend at the said police offices, and their clerks
respectively, shall, in books to be provided for that purpose, keep a full,
true, and particular account of all fees taken and received at each of the
said offices, together with all penalties and forfeitures which shall have
been recovered, levied, or received in pursuance of any adjudication,
conviction, or order had or made at any of the said offices, or any pro-
cess or warrant issuing from the same; to which books of account the
said receiver shall at all times have free access; and the said justices
shall, once in every quarter of a year, deliver unto such receiver such
account, verified upon oath by such justice or justices, clerk or clerks,
or such other person or persons as shall be employed in keeping such
accounts respectively or any part thereof, before some justice of the
peace for the said county of Middlesex or county of Surrey, and shall
pay the amount of all such fees unto such receiver, to be applied in
manner herein-before mentioned.

XV. That where by any act or acts, other than an act passed in the
tenth year of the reign of his late Majesty king George the fourth, in-
tituled An Act for improving the Police in and near the Metropolis, any
penalties or forfeitures, or shares of penalties or forfeitures, are or shall
hereafter be made recoverable in a summary manner before any justice
or justices of the peace, and by such act or acts respectively the same
are or shall be limited and made payable to his Majesty, or to any body
corporate, or to any person or persons whatsoever, save and except the
informers who shall sue for the same, or any party aggrieved, in every
such case the same, if recovered or adjudged before any justice or jus-
tices at the said public office in Bow-street, or at any of the said police
offices, shall, notwithstanding any thing in such act or acts respectively
contained, be recovered for and adjudged to be paid to the said receiver
for the time being, to be by him applied for the purposes of this act; and
the same shall not in any case be recovered by or adjudged to be paid to
any other person than the said receiver, unless such person be the in-
former or the party aggrieved: Provided always, That nothing herein
contained shall extend or be construed to extend to any penalties or forfeitures recovered under any act relating to the customs or to trade or navigation, and sued for by the direction of the commissioners of his Majesty's customs, which shall be paid to such person as the said commissioners shall direct to receive the same.

XVI. That if the justices appointed as aforesaid, or any other person, having received any such fees at the said public office in Bow-street, or at any of the said police offices, shall neglect to account for and pay the same in manner aforesaid, or if any justice, justices's clerk, constable, officer, or other person who shall levy or receive such penalties or forfeitures, or shares of penalties or forfeitures, shall neglect to pay the same into the hands of such receiver, or if any person having resigned any such office of receiver, or having been removed from the same, shall neglect, within twenty-one days after notice for that purpose, to account for and pay into the hands of the succeeding receiver all such sums of money as shall remain in his hands applicable to the purposes of this act, it shall be lawful for such receiver for the time being, in his own proper name only, or by his name and description of office, to sue for and recover the same, with costs of suit as between attorney and client, in any of his Majesty's courts of record at Westminster, by action of debt, in which action it shall be sufficient for such receiver to declare as for money had and received to the use of such receiver for the purposes of this act; and the defendant or defendants in such action may, at the discretion of any judge of such court, be held to special bail in such competent sum as such judge shall order and direct; and in any such action the court in which such action shall be brought may, if such court shall think proper, at the instance of either of the parties, refer the account in dispute in a summary manner to be audited by any officer of the court or other fit person, at its discretion, who may examine both plaintiff and defendant upon oath (which oath the said referee shall have power to administer); and upon the report of such referee, unless either of the parties shall show good cause to the contrary, such court may make a rule, either for the payment of such sum as upon such report shall appear to be due, or for staying the proceedings in such action, and upon such terms and conditions as to the same court shall appear reasonable and just, or may order judgment to be entered up by confession for such sum as upon such report shall appear to be due.

XVII. That in case of the death of any such receiver, or of any person having resigned or been removed from such office, or of any of the other persons whom the said receiver for the time being is authorised to sue as aforesaid, in every such case the receiver for the time being may, in his own proper name only, or by his name and description of office, sue for and recover such sum of money as shall have been remaining in the hands of such deceased receiver or other person applicable to the purposes of this act, or the executors or administrators of such person deceased, in which action it shall be sufficient for the plaintiff to declare that the deceased was indebted to the plaintiff for money had and received to his use for the purposes of this act, or that the deceased died possessed of money had and received for the purposes of this act, whereby an action accrued to the plaintiff to demand and have the same of such executors or administrators; and the like action shall and may be brought against any executors or administrators of executors or administrators; in all which actions the defendant or defendants may plead in like manner, and avail themselves of the like matters in their defence, as in any action founded upon simple contract of the original testator or intestate; and in all actions to be brought by such receiver by virtue of this act proof of the plaintiff's acting in the execution of such office shall be sufficient evidence of his holding the same, unless the contrary shall be shown in evidence by the defendant or defendants in such action.

XVIII. That such receiver shall every three months, or oftener if required, make out a full and particular account of all monies by him re-
Justices of Peace.

[Part VI.

No. II.
3 W. 4, c. 19.

ofiener if re-
quired.

Justices not to sit in parliament.

No justice, receiver, Thames police surveyor, or police constable to vote at certain elections.

Penalty 100l.

Acts directed to be done by a justice residing in or near the place where the subject matter shall arise, may be done by a justice at the next police office.

Justices of the Tower liberty may act at any of the said offices.

Justices of the said offices except from serving on juries in Middlesex or Surrey, or in the city of London.

6 G. 4, c. 50.

For the regulation of fairs within fifteen miles of Temple-bar.

cieved and paid as aforesaid; and such account, together with proper vouchers, shall be delivered by him, for the purpose of being examined and audited, to any person or persons whom one of his Majesty's principal secretaries of state may direct.

XIX. That no justice appointed as aforesaid shall, during his continuance in such appointment, be capable of being elected, or of sitting as a member of the house of commons; and that no justice, receiver, Thames police surveyor, or police constable appointed by virtue of this act shall, during the time that he shall continue in his office respectively, or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in parliament for the counties of Middlesex or Surrey, or for the city of London, or for the city and liberty of Westminster, the borough of the Tower Hamlets, the borough of Finsbury, or the borough of Mary-le-bone, in the county of Middlesex, or for the borough of Southwark or the borough of Lambeth in the county of Surrey respectively, nor shall, by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a member to serve in parliament for any such county, city, or borough; and every such justice, receiver, surveyor, or constable offending therein shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, and the other moiety thereof to the use of the poor of the parish or place where such offence shall be committed, to be recovered by any person that shall sue for the same in any of his Majesty's courts of record at Westminster within the space of one year after such offence committed: Provided nevertheless, That nothing in this act contained shall extend to subject any such justice, receiver, surveyor, or constable to any penalty for any act done by him at or concerning any of the said elections in the discharge of his duty in any of the said respective capacities.

XX. That where, by any law now in being or hereafter to be made, any act is directed or authorized to be done by any of the justices appointed as aforesaid, the same may be done and executed by any of the justices of the said public office in Bow-street, and where any act is directed or authorized to be done by any justice or justices of the peace residing in or near or next the parish or place where any offence or other matter cognizable before him or them shall be committed or shall arise, the same jurisdiction shall and may be exercised by a justice or justices acting in the said public office in Bow-street, or in such of the said police offices as may be situated next or near such parish or place; and that such of the aforesaid justices who shall be justices of the peace for the liberty of his Majesty's tower of London shall and may sit and act as such justices for the said liberty at the said public office in Bow-street, or at any of the said police offices.

XXI. That the justices of the said public office in Bow-street, and the justices appointed to attend at the said police offices, shall be and are hereby absolutely freed and exempted from being returned, and from serving on any juries or inquests whatsoever in the said counties of Middlesex or Surrey, or in the city of London, and shall not be inserted in any lists of men qualified and liable to serve as jurors, which shall be prepared and made out under and by virtue of an act passed in the sixth year of the reign of his late Majesty king George the fourth, intituled An Act for consolidating and amending the Law relative to Juries; any thing in any act contained notwithstanding.

XXII. And whereas divers fairs are held within the city and vicinity of London by charter or prescription, and other fairs without any lawful authority, which lead to scenes of riot, disorder, debauchery, and crime, and it is expedient to regulate such fairs as are legally held, and to suppress such as have no lawful origin; be it therefore enacted, that at all fairs held within fifteen miles of Temple Bar all business and amusements of all kinds shall cease at the hour of eleven in the evening, and not recommence earlier than the hour of six in the morning;
and that if any house, shop, room, booth, standing, tent, caravan, waggon, or other place shall, during the continuance of any such fair as aforesaid, be open within the hours herein-before prohibited, for any purpose of business or amusement in the place where such fair shall be held, or within three hundred yards thereof, then it shall be lawful for any constable or other peace officer, within his jurisdiction, to take into custody the master or mistress, or other person having the care, government, or management of any such house, shop, room, booth, standing-tent, caravan, waggon, or other place, and also every person being therein, and who shall not quit the same forthwith upon being hidden by any such constable or other peace officer so to do, and to convey every such person so taken, as soon as conveniently may be, before a justice of the peace, who shall proceed to hear the complaint in a summary way; and every person convicted before any such justice, as the master, mistress, or person having the care, government, or management of any such house, shop, room, booth, standing, tent, caravan, waggon, or other place, shall forfeit and pay any sum not exceeding five pounds; and every person so convicted as having been therein, and not having quitted the same forthwith upon being hidden by a constable or other peace officer so to do, shall forfeit and pay any sum not exceeding forty shillings; and if any party so convicted shall not immediately pay the penalty, the justice shall commit him or her to hard labour in the house of correction for any space of time not exceeding three months, unless the penalty shall be sooner paid; and if there shall appear to any two justices, within their respective jurisdictions, reason to believe that any fair usually held within the distance of ten miles of Temple Bar has been held without charter, prescription, or other lawful authority, or that any fair lawfully held within the said distance has been usually held for a longer period than is warranted by charter, prescription, or other lawful authority, it shall be competent to them to summon the owner or occupier of the ground upon which such fair is usually held to appear before such justices as may be present at some petty sessions, to be held at the time and place to be specified in the summons, not less than eight days after the service of the summons, to show his right and title to hold such fair, or to hold such fair beyond a given period (as the case may be); and if such owner or occupier shall not attend in pursuance of such summons, or shall not show to the justices present at such petty sessions sufficient cause to believe that such fair has been held by lawful right and title for the whole period during which the same has been usually held, such justices shall declare, in writing, such fair to be unlawful, either altogether or beyond a stated period (as the case may be), and shall give notice of such their declaration, by affixing copies thereof on the parish church, and on the most public places in and near the ground where such fair has been usually held; and if after such notices shall have been affixed for the space of six days any attempt shall be made to hold such fair, if it shall be declared altogether unlawful, or to hold it beyond the prescribed period, if it shall be declared unlawful beyond a certain period, any justice of the peace within his jurisdiction may, by his warrant, direct any constable or other peace officer to remove every booth, standing, and tent, and every carriage, of whatsoever kind, conveyed to or being upon such ground for the purpose of holding or continuing such fair, and to take into custody every person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such booth, standing, or tent, and every person driving, accompanying, or conveyed in any such carriage, and every person resorting to such ground with any exhibitions, shows, swings, roundabouts, whirligigs, or other instruments of gambling or amusement, and to carry every person so taken before the justice granting such warrant, or before some other justice, who shall proceed to hear the complaint in a summary way; and every person convicted before any such justice of any penalty not of the offences last aforesaid shall forfeit and pay any sum not exceeding ten pounds; and if the party so convicted shall not immediately pay
the penalty, the justice shall commit him or her to hard labour in the house of correction for any space of time not exceeding three months unless the penalty shall be sooner paid: Provided nevertheless, That if the owner or occupier of the ground wherein any such fair has been usually held shall, when summoned before the justices at their petty sessions as aforesaid, enter into a recognizance in the penal sum of two hundred pounds, (which recognizances such justices are hereby authorized to take,) with condition to appear in the court of king’s bench on the first day of the then next term, and to answer to any information in the nature of a quo warranto which his Majesty’s attorney or solicitor general may exhibit against such owner or occupier, touching the right and title to such fair, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, which costs the said court is hereby authorized to award, then, notwithstanding the justices shall declare such fair to be unlawful, they shall forbear from giving notice of such their declaration, and from taking any further measures thereon, until judgment shall be given by the said court against the right and title to such fair; and the justices taking such recognizance shall forthwith transmit the same to one of his Majesty’s principal secretaries of state, to the end that the same may be filed in the said court, and such further directions may be given thereon as to such secretary of state may seem fit and necessary.

XXIII. And whereas there are many shops, rooms, and places of public resort, where thieves, prostitutes, and other disorderly persons assemble at night; be it further enacted, that no shop, room, or place of public resort where ready-made coffee, tea, or other liquors are sold or consumed within the city of London or the liberties thereof, or within the limits of the weekly bills of mortality, or within any of the parishes herein-before mentioned, shall be kept open after the hour of eleven at night during any part of the year, nor open before the hour of four in the morning between Lady Day and Michaelmas, or before five in the morning between Michaelmas and Lady Day; and that no shop, room, or place of public resort where any refreshments or any liquors not subject to any duties of customs or excise are consumed within the city of London and the liberties thereof, or within the said limits and parishes, shall be kept open after the hour of one in the morning or before the hour of five in the morning; and if any such shop, room, or place shall be open within the hours herein-before respectively prohibited, or being shut up, if any person shall during those hours respectively be found therein, except the person actually dwelling there, or having lawful excuse for being there, or if gaming shall be at any time permitted or suffered therein, then the master, mistress, waiter, or other person having the care, government, or management of such shop, room, or place, whether he or she be the real owner or keeper thereof or not, shall forfeit and pay any sum not exceeding ten pounds upon conviction of any such offence before any justice of the peace, by confession or upon the oath of one or more credible witness or witnesses; and if the party so convicted shall not immediately pay the said penalty, the justice shall commit him or her to hard labour in the house of correction for any space of time not exceeding three months unless the said penalty shall be sooner paid; and the said penalty, when paid, shall be distributed, one moiety to the informer, and the other moiety to the chamberlain of the city of London, if the offence be committed in the said city, and if out of the said city, then to the said receiver for the purposes of this act: Provided always, That nothing herein contained shall apply to or affect any house duly licensed for the sale of wines and spirituous liquors; and that no such conviction shall exempt the owner, keeper, or manager of any such shop, room, or place from any penalty or penal consequence whereto he or she may be liable for keeping a disorderly house.

XXIV. That if any person shall, within the city of London and liberties thereof, or within the limits and parishes aforesaid, blow any horn
or use any other noisy instrument, for the purpose of hawking, selling, or distributing any article whatsoever, it shall be lawful for any constable, headborough, patrol, watchman, or other person to apprehend every person so offending, and convey him before any justice of the peace, who shall proceed to examine upon oath any witnesses appearing to give evidence touching such offence; and if the party accused shall be convicted of such offence, then and in every such case he shall for every such offence forfeit and pay any sum not exceeding forty shillings; and in case the offender shall not upon conviction forthwith pay the penalty, such justice is hereby required to commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding ten days, unless the penalty shall be sooner paid.

XXV. And whereas accidents often happen and damage is frequently done in streets and highways by the negligence or wilful misbehaviour of persons driving carriages or vehicles thereon, and the laws now in force have been found insufficient for the due protection of his Majesty's subjects; be it therefore enacted, That if the driver of any carriage or vehicle of any kind whatsoever shall ride upon any such carriage or vehicle, or on any of the horses drawing the same, not having some person on foot or on horseback to guide the same (such carriages or vehicles as are commonly driven or conducted by some person holding the reins of the horse or horses excepted), or if the driver of any carriage or vehicle whatsoever, or any person riding, shall, by negligence, wilful misbehaviour, or any other misconduct, cause any hurt or damage to any person or property being upon any street or highway, or if the driver of any carriage or vehicle whatsoever shall wilfully be at such distance from such carriage or vehicle that he cannot have the direction and government of any horse or horses or cattle drawing the same, not having employed some proper person to take care of the same, or shall, by negligence, wilful misbehaviour, or any other misconduct, interrupt the free passage of any other carriage or vehicle, or of his Majesty's subjects, or shall obstruct any street or highway, and, being required by any constable or peace officer to pass on or move, shall continue to obstruct the same, every person so offending in any of the cases aforesaid within five miles of Temple Bar, and being convicted by any justice of the peace of any such offence, either upon confession, or by the oath of a credible witness, shall for every such offence forfeit any sum not exceeding forty shillings, and in every case where any such hurt or damage shall have been caused as aforesaid shall further pay such a sum, not exceeding five pounds, as shall appear to the said justice to be a reasonable compensation to the person so aggrieved or injured; and the evidence of such person shall be admitted in proof of the offence:

Provided always, That if the person so aggrieved or injured shall have been the only witness examined in proof of the offence, such sum so ordered as compensation shall be paid and applied in the same manner as a penalty; and in default of payment of such penalty and of such compensation, if ordered, together with the costs attending such conviction, immediately or within such time as such justice shall appoint, such justice shall and may commit such offender to the common gaol or house of correction, to be there imprisoned for any term not exceeding two months, unless such penalty, together with the costs and compensation, if ordered, be sooner paid; and every such offender shall and may, by the authority of this act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed or delivered to a constable or other peace officer, in order to be conveyed before some justice of the peace.

XXVI. And whereas great inconvenience has arisen from the driving of stage carriages, and from the driving of cattle, sheep, pigs, and other animals, in the streets and highways of the metropolis during the hours of Divine Service, and it is expedient that regulations should be made for preventing such interruption and annoyance; be it therefore enacted, That on the application of the minister or churchwardens of any church,
chapels, or other places of public worship to the court of aldermen of the city of London, if the same shall be situated within the city of London or the liberties thereof, or to any two of the justices of the said public office in Bow-street, or to any two of the justices appointed to attend at any of the said police offices which shall be in the vicinity of such church or chapel or place of public worship, if the same shall be situated within the limits and parishes aforesaid, it shall be lawful for the court of aldermen, or for such two justices, as the case may be, to make rules or orders for regulating the route and conduct of persons who shall drive any stage carriage, or who shall drive any cattle, sheep, pigs, or other animals within such parish or place, during the hours of Divine Service on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, and to annex reasonable penalties for the breach of such rules or orders, not exceeding forty shillings with costs, if ordered, for any such offence, provided the same be not repugnant to the laws of the realm, and from time to time to alter and amend the same if necessary; and every breach of any such rule or order shall be deemed a separate offence; and any person who shall offend against any such rule or order shall, on conviction thereof before any justice of the peace, forfeit and pay such penalty as shall be adjudged, and, in default of payment within such time as such justice at the time of conviction shall appoint, shall be liable to be imprisoned for any term not exceeding one month; and any person committing any offence against any such rule or order may be immediately apprehended, without any warrant, by any constable who shall see such offence committed, and be conveyed before a justice of the peace, to be dealt with as herein-before is mentioned; and any justice of the peace, on complaint made to him that any such offence hath been committed within his jurisdiction, may issue his warrant for the apprehension of any such offender: Provided always, That when any such rules or orders shall have been made by the court of aldermen of the city of London, or by any two justices as herein-before is mentioned, the same shall be printed, and affixed on the church, chapel, or place of public worship to which the same shall refer, and in the most conspicuous places leading to and contiguous thereto, and elsewhere, as the said court of aldermen or the said justices shall direct.

XXVII. That no proprietor of any stage carriage duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the route or line of route specified in such licence, which the driver of such stage carriage shall be compelled to make during the hours of Divine Service by virtue of any order or rules made by the court of aldermen, or by two justices of the peace, as herein-before is mentioned.

XXVIII. And whereas an act passed in the twenty-first year of the reign of George the third, intituled An Act to prevent the Mischief that arise from driving Cattle within the Cities of London and Westminster, and Liberties thereof, and Bills of Mortality, has been found ineffectual for the prevention of such mischief, and it is expedient to extend the powers and enlarge the limits of the said act; be it therefore enacted, That all the powers and provisions of the said act shall extend and be in force within the distance of five miles from Temple Bar, as fully and effectually as if such limits had been originally inserted in the said act; and that if any person not being employed to drive cattle shall within the said limits pelt with stones, brickbats, or by any other means hunt or drive away, or shall set any dog at any ox, heifer, cow, steer, or other cattle, contrary to the provisions of the said act, such person shall, upon being convicted thereof according to the said act, forfeit and pay, on the first conviction, any sum not exceeding forty shillings nor less than twenty shillings, and on the second and every future conviction, any sum not exceeding five pounds nor less than fifty shillings, to the person or persons who shall prosecute such offender to conviction, and in default of payment shall be committed to the common gaol or house
of correction, there to be kept to hard labour for any time not exceeding two months on the first conviction, nor five months on the second and every future conviction, in the manner prescribed by the said act, unless the penalty be sooner paid.

XXIX. And whereas divers places in and about the metropolis are kept and used for the purpose of fighting or baiting of bears or other bear-baiting, animals, at which places idle and disorderly persons commonly assemble, to the interruption of good order and the danger of the public peace; be it therefore enacted, That any person who shall, within five miles of Temple Bar, keep or use, or shall act in the management or conducting of any premises or place whatsoever for the purpose of fighting or baiting of bears, cock-fighting, baiting or fighting of badgers or other animals, shall, on conviction thereof before any one justice of the peace, forfeit any sum not exceeding five pounds, and in default of immediate payment shall be liable to be imprisoned and kept to hard labour for any time not exceeding two months, unless the said penalty shall be sooner paid.

XXX. That every conviction for any offence mentioned in this act, except in such cases where the form of such conviction is herein-after provided, may be in the following form of words, or some other form of words to the like effect:

"County, &c. BE it remembered, That on the day of
"to wit. in the year of our Lord
"at A. B. is brought before me, [or, having been duly
"summoned, has neglected to appear before me,) C. D. esquire, one of
"his Majesty's justices of the peace for the county of
"[or city or liberty or place, as the case may be,) and is charged before
"me the said justice with having [here describe the offence]; and it ap-
"pearing to me the said justice, upon the confession of the said
"A. B. [or upon the oath of a credible witness, as the case may be,) that
"the said A. B. is guilty of the said offence, I do therefore adjudge the
"said A. B. [insert the adjudication of the justice]. Given under my
"hand and seal the day and year first above written."

XXXI. And whereas suspected persons and reputed thieves frequent Constables, &c. the parks, fields, streets, highways, and places adjacent, and divers places of public resort, and the avenues leading thereto, within the city of London and the liberties thereof, the limits of the weekly bills of mortality, and the parishes aforesaid, and also the said river Thames, and the docks and creeks, quays and warehouses, adjacent thereto, and the streets, highways, and avenues leading to the said river, docks, creeks, quays, and warehouses, with intent to commit felony or other offences; and such persons also frequently assemble together in alehouses and beer shops, and in shops, rooms, and places of public resort, where ready-made coffee or tea, or other liquors, or any refreshments or any liquors not subject to any duties of customs or excise, are consumed, for the purpose of devising or planning such felonies or other offences; and although their evil purposes are sufficiently manifest, the power of his Majesty's justices of the peace to demand of them sureties for their good behaviour hath not been of sufficient effect to prevent them from carrying their evil purposes into execution; be it further enacted, That it may be lawful for any constable, headborough, patrol, watchman or other person, to apprehend every such suspected person or reputed thief, and convey him or her before any justice of the peace; and if it shall appear before the said justice, upon the oath of one or more credible witnesses, that such person is a suspected person or reputed thief, and such person shall not be able to give a satisfactory account of himself or herself, and of his or her way of living, and it shall also appear to the satisfaction of the said justice that there is just ground to believe that such person was in or on any such place as aforesaid with such intent or for such purpose as aforesaid, every such person shall be

Any person may apprehend any suspected person or reputed thief in any public place, or in any warehouse, &c., and convey him before a justice, who, if he sees just ground, may deem him a rogue and vagabond under the act 5 G. 4, c. 83.
deemed a rogue and vagabond within the intent and meaning of the statute made in the fifth year of his late Majesty king George the fourth, intituled An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England, and upon conviction shall be liable to the punishment inflicted by the said act on any person convicted as a rogue and vagabond; and in case any person so convicted shall afterwards be guilty of the like offence he shall be deemed to be an incorrigible rogue within the intent and meaning of the said statute, and shall be liable to be proceeded against as such in manner directed by the said statute.

XXXII. That every such conviction shall be in the form or to the effect following, or as near thereto as circumstances will permit; (that is to say,)

"County, &c. BE it remembered, That on the day of , in the year of our Lord at in the county of A. B. is convicted before me C D., one of his Majesty's justices of the peace for the county of [or city, &c. as the case may be,] of being a rogue and vagabond within the intent and meaning of the statute made in the fifth year of the reign of his late Majesty king George the fourth, intituled An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England; (that is to say,) for that the said A. B., on the day of at in the said county [here state the offence proved before the magistrates], and for which said offence the said A. B. is ordered to be committed to the prison, there to be kept to hard labour for the space of Given under my hand and seal the day and year first above written.'

And the justice or justices of the peace before whom any such conviction shall take place shall and he and they is and are hereby required to transmit the said conviction to the next general or quarter sessions of the peace to be holden in and for the county, riding, division, or place wherein such conviction shall have taken place, there to be filed and kept on record; and a copy of the conviction so filed, duly certified by the clerk of the peace, shall and may be read as evidence in any court of record, or before any justice or justices of the peace acting under the powers or provisions of this act.

XXXIII. That no conviction under this act for any of the offences aforesaid shall be quashed or set aside, or adjudged void or insufficient, for want of form, nor shall the same be removed by certiorari into his Majesty's court of king's bench; but that in all cases where the penalty shall exceed the sum of five pounds or one month's imprisonment, if any person shall think himself aggrieved by such conviction, such person may appeal to the justices of the peace at the next general or quarter sessions of the peace to be held for the county or city wherein the cause of complaint shall have arisen, such person at the time of his conviction entering into a recognizance, with two sufficient sureties, conditioned personally to appear at the said sessions to try such appeal, and to abide the further judgment of the justices at such sessions assembled; and it shall be lawful for the justice before whom such conviction has taken place to bind over the witnesses who shall have been examined in proof of such offence in sufficient recognizances to attend and be examined at the hearing of such appeal, and that every such witness, on producing a certificate of his being so bound over under the hand of such justice, shall be allowed compensation for his time and trouble and expenses in attending such appeal, which compensation shall be paid by the treasurer of the county in like manner as in cases of misdemeanour according to and under the provisions of an act passed in the seventh year of the reign of his late Majesty, intituled An Act for improving the Administration of Criminal Justice in England: Provided always, that in case such
appeal shall be dismissed and such conviction affirmed, the reasonable expenses of all such witnesses attending as aforesaid, to be ascertained by the court, shall be paid by the appellant or appellants, and the recognizance or recognizances so entered into as aforesaid shall be estreated, unless such expenses are so paid by such appellant or appellants.

XXXV. That if any person shall wilfully destroy or damage or endeavour to destroy or damage, or be wilfully concerned in destroying or damaging or endeavouring to destroy or damage, any boat or vessel belonging to or hired or employed by or by the authority of the justices appointed to attend at the Thames police office, or any part of the sails, oars, or other tackle, stores, goods, or furniture contained in or belonging to any such boat or vessel, every person so offending shall on conviction thereof before a justice of the peace forfeit and pay for every boat or vessel so destroyed or damaged or attempted to be destroyed or damaged, or of which any of the tackle or other contents shall have been so destroyed or damaged or attempted to be destroyed or damaged, any sum not exceeding thirty pounds, or shall suffer imprisonment for any time not exceeding three months, over and above any such damages as may be recoverable by action at law against any such offender.

XXXVI. That it shall be lawful for every such Thames police surveyor (subject to the orders of any of the said justices appointed to attend the Thames police office), having just cause to suspect that any felony has been or is about to be committed in or on board of any ship, hoy, barge, lighter, boat, or other vessel lying or being in the said river, docks, or creeks, to enter at all times, as well by night as by day, into and upon every such ship, hoy, barge, lighter, boat, or other vessel, and therein to take all necessary measures for the effectual prevention or detection of all felonies which he has just cause to suspect to have been or to be about to be committed in and upon the said river, docks, or creeks, and to apprehend and detain all persons suspected of being concerned in such felonies, and also all property so suspected to be stolen, and the same to produce before some justice, to be dealt with according to law.

XXXVII. That it shall be lawful for any Thames police surveyor or constable, or any other police or peace officer, within his jurisdiction, to stop, search, and detain in some place of safety any boat, craft, or vessel which there shall be reason to suspect of having or conveying by water, and also any cart or carriage which there shall be reason to suspect of having or conveying on land, any goods, matter, or thing stolen or unlawfully obtained, and also to apprehend, search, and detain any person who may be reasonably suspected of having or conveying in any manner any goods, matter, or thing stolen or unlawfully obtained, and to convey every such person as soon as conveniently may be, together with such goods, matter, or thing, before some justice of the peace; and if such person shall not give an account to the satisfaction of such justice how he or she came by the same, such person shall be deemed and adjudged guilty of a misdemeanor, and shall suffer as herein-after mentioned; and such boat, craft, or vessel, cart or carriage, shall upon such conviction be forfeited and disposed of as is herein-after directed.
XXXVIII. That if on information given on oath it shall appear to any justice that there is reasonable cause for suspecting that any goods, matter, or thing stolen or unlawfully obtained are or is concealed or otherwise lodged in any dwelling house, warehouse, yard, garden, or any other place, it shall be lawful for such justice by special warrant under his hand and seal, directed to any Thames police surveyor or constable as aforesaid, or other constable within his jurisdiction, to cause every such place to be entered and searched at any time of the day, or by night, if power for that purpose be especially given in and by such warrant; and the said justice, if it shall appear to him necessary, may moreover empower such surveyor or constable, with any such assistance as to the said justice may appear, or by such surveyor or constable may be found necessary (such surveyor or constable having previously made known such his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such goods, matter, or thing shall be found, then to convey the same forthwith to and before a justice, or to guard the same on the spot while the offenders are taken before a justice, or otherwise dispose thereof in some place of safety, subject to the orders of a justice in manner above mentioned, and moreover to apprehend and convey before the said justice the person or persons in whose house, lodging, or other place the same shall so have been found, as also every other person found in such house, lodging or place who shall appear to have been privy to the depositing of such goods, matter, or thing in such place, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained; and if such person respectively shall not immediately, or within some reasonable time to be assigned by the justice, make it appear to the satisfaction of the justice by what lawful means such goods, matter, or thing came to be deposited or situated in such place as aforesaid without any default on the part of such persons respectively, then and in such case the person or persons in whose house, lodging, or other place any such suspected goods, matter, or thing shall have been found, and also every other person so appearing to have been privy to the depositing thereof, knowing or having cause to suspect the same to have been stolen, or otherwise unlawfully obtained, shall be deemed and adjudged guilty of a misdemeanor, and shall suffer as herein-after mentioned.

XXXIX. That when any person shall be brought before such justice charged with having or conveying any such goods, matter, or thing stolen or unlawfully obtained, and shall declare himself or herself to have received the same from some other person, or to have been employed as a carrier, agent, or servant to convey the same for some other person, such justice is hereby authorized and required to cause every such person, and also, if necessary, every prior or pretended purchaser, or other person through whose possession the same shall have passed, to be brought before him and examined, and to examine witnesses upon oath touching the same; and if upon the whole evidence it shall appear to such justice that any person shall have had possession of such goods, matter, or thing, and have had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be deemed and adjudged guilty of a misdemeanor, and shall suffer as herein-after mentioned; and every such person shall be deemed to have had possession of such goods, matter, or thing at the time and place when and where the same shall have been found or seized; and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who shall have employed such other person to convey the same.

X. That every person who, for the purpose of protecting or preventing any goods, matter, or thing whatsoever from being seized on suspicion of their being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or made to serve as evidence of or concerning any felony or misdemeanor, shall frame or cause to be framed, or
be anywise concerned in framing or causing to be framed, any bill of parcels containing any false statement in regard to the name or abode of any alleged vendor, the quantity or quality of any such goods, matter, or thing, the place from whence or the conveyance by which the same were furnished, the price agreed upon or charged for the same, or any other particular, knowing such statement to be false, or who shall fraudulently produce such bill of parcels knowing the same to have been fraudulently framed, shall be adjudged guilty of a misdemeanor, and shall suffer as herein-after mentioned.

XLII. That any person who shall be found in or upon any canal, dock, warehouse, wharf, quay, or bank, or on board any ship, vessel, boat, or craft, having in his or her possession any tube or other instrument for the purpose of unlawfully procuring or obtaining any wine, spirits, or other liquors, or having in his or her possession any skin, bladder, or other material or utensil, for the purpose of unlawfully secreting or carrying away any such wine, spirits, or other liquors, and any person who shall attempt unlawfully to procure or obtain any such wine, spirits, or other liquors, shall be deemed and adjudged guilty of a misdemeanor, and shall suffer as herein-after mentioned.

XLIII. And whereas, for the purpose of increasing the facility of predation, it hath been a common practice among persons concerned in the landing and warehousing of merchandise from on board ships and vessels in the said river willfully to injure and promote the opening and breaking of casks, bags, and other packages, and the spilling of their contents; for remedy thereof be it further enacted, that if any person employed in the loading, landing, or warehousing of any goods, or any other person, shall willfully or through culpable negligence or carelessness cause or suffer, or be concerned in causing or suffering, to be broken, bruised, pierced, started, cut, torn, or otherwise injured, any cask, box, chest, bag, or other package containing or being designed and prepared for containing any goods while on board of any barge, lighter, or other craft lying or being in the said river, or any dock, creek, quay, wharf, or landing place adjacent to the same, or in the way to or from any warehouse to or from which such package shall have been removed, shall be removing, or about to be removed, with intent that the contents of such package or any part thereof may be spilled or dropped from such package, every person so offending shall for every such offence be deemed and adjudged guilty of a misdemeanor, and shall suffer as herein-after mentioned.

XLIV. That if for the purpose of preventing the seizure or discovery of any materials, furniture, stores, or merchandise belonging to or having been part of the cargo of any ship or vessel lying in the said river, or the docks or creeks adjacent thereto, or of any other articles unlawfully obtained from any such ship or vessel, any such or any other article shall be willfully let fall or thrown into the river, or in any other manner directly or purposely conveyed away or endeavoured to be conveyed away from any ship, boat, barge, lighter, craft, wharf, quay, or other landing place, every person being party, privy, or accessory to such letting fall, throwing, or conveyance, or to any previous instructions or premeditated design so to let fall, throw, or convey away any such article with any such purpose as aforesaid, shall be deemed and adjudged guilty of a misdemeanor, and suffer as herein-after mentioned; and every Thames police surveyor, or constable or other peace officer within his jurisdiction, shall apprehend and detain and forthwith convey such person before some justice, and shall also seize and detain any boat in which such person shall be found, or out of which any such article shall be so let fall, thrown, or conveyed away; and upon the conviction of such person, such boat, with her tackle, apparel, furniture, and loading, shall be forfeited and disposed of as is herein-after directed.

XLV. That for every offence herein-before declared to be a misde- For offences meanor, or for which no special penalty is herein-before appointed, the declared mis-
offender shall, at the discretion of the justice before whom the conviction shall take place, either forfeit and pay any sum not exceeding five pounds, or suffer imprisonment for any time not exceeding two months, with or without hard labour, in any gaol or house of correction within the jurisdiction of such justice; and in case of the adjudication of a pecuniary penalty, and nonpayment thereof, it shall be lawful for such justice to commit the offender to any gaol or house of correction for the like term, unless such penalty shall be sooner paid; and one moiety of every such pecuniary penalty, if recovered or adjudged before any justice or justices at the said public office in Bow-street, or at any of the said police offices, shall be paid to the said receiver as aforesaid for the purposes of this act, and if recovered or adjudged in the city of London, or the liberties thereof, shall be paid to the chamberlain of the city of London for the time being, and the other moiety thereof, under the direction of the justice by whom the same shall have been adjudged, shall either be paid and applied to the use of the informer alone, or be distributed between such persons as shall have contributed to the conviction of the offender, in such shares and proportions as such justice shall think fit; and that when any articles shall be seized by virtue of this act, and the person in whose possession the same shall have been found shall be convicted of a misdemeanor as aforesaid, it shall be lawful for the justice before whom the conviction shall take place to cause such articles to be advertised in some public newspaper, to the end that persons having a right thereto may claim and receive the same within thirty days from the date of such advertisement, in the manner and upon the conditions directed in and by an act of the second year of the reign of king George the third, intituled An Act to prevent the committing of Thefts and Frauds by Persons navigating Bum-boats and other Boats upon the River Thames; and if no person shall prove his property and right to the said articles within the said thirty days, the same shall be sold for the best price that can reasonably be gotten for the same; and after deducting the charges, according to the said recited act, the residue of the produce thereof shall be paid to the said receiver for the purposes of this act.

XLV. That in every case in which complaint shall be made of any offence by this act declared to be a misdemeanor, or of any offence touching any boat or vessel belonging to or hired or employed by the justices appointed to attend at the Thames police office, the matter of such complaint, if the offence shall have been committed or the offender apprehended within the jurisdiction of the city of London, may be heard and determined by the lord mayor, recorder, or one of the aldermen of the said city, and not elsewhere; but if the offences shall have been committed or the offender apprehended out of the said jurisdiction, such complaint may be heard and determined, either by one of the justices appointed to the Thames police office as aforesaid, or by any other justice within whose jurisdiction the offence shall have been committed or the offender apprehended; and every conviction for any such offence shall be certified, filed, and entered in such manner as is directed in and by the said last-recited act with respect to convictions under that act, and may also be drawn up in such form and manner, mutatis mutandis, as is appointed in and by the same act; and neither such conviction nor any proceeding previous thereto shall be removed by certiorari or otherwise into any court of record, but such conviction shall be final and conclusive to all intents and purposes whatsoever.

XLVI. And whereas the punishments for misdemeanors provided in and by the said last-recited act have been found insufficient for the preventing of such offences; be it enacted, that every person who shall be guilty of any of the offences respectively made and declared to be misdemeanors in and by the said act may be punished, at the discretion of the justice or justices by or before whom the offender shall be convicted, either with the punishment appointed in and by the said act, or by such other punishment as is hereby appointed in cases of offences declared to
be misdemeanors by this present act; and that all the powers and pro-
visions of the said last-recited act respecting the obstruction of its ex-
ecution, and the commencement and prosecution of actions against jus-
tices, and their officers acting thereunder, shall extend to all things done and to all persons acting under this act, as fully as if the same powers and provisions were herein repeated and re-enacted.

XLVII. That in all cases in which it is directed by the said last-
recited act that any boat, with her tackle and appurtenances, which shall instead of being forfeited, shall be burnt and destroyed, it shall be lawful for any burnt, may be justice before whom any person shall have been convicted of any offence restored or sold. whereby any boat is or should be adjudged to be forfeited under that act, and also for any justice by whom any boat shall be adjudged to be forfeited under this act, to direct such boat, with her tackle and appurtenances, either to be burnt and destroyed, or to be restored to the owners thereof, or to be publicly sold, and the produce of such sale to be applied in like manner as other forfeitures under this act.

XLVIII. And for the more effectual prevention of accidents by fire and other mischiefs upon the said river, be it further enacted, that if any master or commander or other officer of any ship or vessel (except his Majesty's ships) shall, while such ship or vessel shall lie or be in the said river between Westminster bridge and Blackwall, keep any gun on board such ship or vessel shot or loaded with ball, or cause or permit to be fired or discharged any gun on board such ship or vessel before sun-rising or after sun-setting, such master, commander, or other officer shall for every such gun so kept shot or loaded forfeit the sum of five shillings, and for every gun so fired or discharged the sum of ten shillings; and if any master, commander, or other officer of any such ship or vessel, or any other person on board of the same, or any person on board of any barge, lighter, boat, or other craft or vessel, shall, while such ship, barge, lighter, boat, craft, or vessel shall lie or be in the said river between Westminster bridge and Blackwall, heat or melt, or cause or permit to be heated or melted, by fire, loggerheat shot, or any other means, on board any ship, barge, lighter, boat, craft, or vessel whatsoever, any pitch, tar, resin, grease, tallow, oil, or other combustible matter, every person so offending shall for every such offence forfeit any sum not exceeding five pounds; and any one of the justices appointed to attend at the Thames police office, or any other justice within his juris-
diction, is hereby authorized and required, upon any complaint made in that behalf within ten days next after any such offence shall have been committed, to summon the party accused, and also the witnesses on either side, or, after oath made of the commission of any of the facts above mentioned by one or more credible witness or witnesses, to issue a warrant to apprehend the party accused, and upon the party's appear-
age, or contempt in not appearing (upon the proof of notice given), such justice shall proceed to the examination of the witness or witnesses on oath, and upon due proof thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or wit-
nesses, to give judgment or sentence; and in case the party accused shall be convicted of such offence it shall and may be lawful for such justice to commit such offender to prison, there to remain for any time not exceeding the space of two months, unless the penalty shall be sooner paid.

XLIX. And whereas disputes frequently arise between bargemen, lightermen, watermen, ballastmen, coal-whippers, coal-porters, sailors, lumpers, riggers, shipwrights, caulker, and other labourers who work for hire in or upon the said river, and the docks, creeks, wharfs, quays, and places adjacent, respecting wages or money due to them for work, and the owners, masters, or commandants of vessels and their agents, and the owners, wharfers, &c. or occupiers of such wharfs or quays, and their agents, and other persons employing such labourers; be it fur-
other enacted, That all differences, complaints, and disputes which shall happen and arise between any bargemen, lightermen, watermen, ballastmen (except Trinity ballastmen), coal-whippers, coal-porters, sailors, lumpers, riggers, shipwrights, caulkers, or other labourers who work for hire in or upon the said river, or the docks, creeks, wharfs, quays, or places adjacent, and the owners, masters, or commanders of vessels, or their agents, on the said river, or the docks or creeks thereunto adjoining, or the owners, wharfingers, or occupiers of such wharfs or quays, or their agents or other employers, respecting wages or money due to such labourers for work, whether the same persons be employed for any certain time, or in any other manner, shall be heard and determined by the justices appointed to the Thames police office, or any one of them, or any other justice within his jurisdiction; and every such justice is hereby empowered to summon before him any such master or commander of any vessel, or any such owner thereof, or his agent, or the owner, wharfinger, or occupier of any wharf or quay, or their respective agents, or any other employer; and if any such person being so summoned shall refuse or neglect to attend such summons, then every such justice is hereby empowered to issue his warrant to bring such person summoned before him to answer such complaint, and to examine upon oath any such labourer as aforesaid, or any other witness or witnesses, touching any such complaint or dispute, and to make such order for payment of so much wages to such labourer as to such justice shall seem just and reasonable, provided that the sum ordered do not exceed five pounds, besides all reasonable costs attending the prosecution of the complaint, which costs the justice is empowered to order; and in case of refusal to pay, or nonpayment of any sum so ordered, by the space of twenty-four hours next after such determination, such justice may issue forth his warrant to levy the same by distress and sale of the goods and chattels of the person ordered to pay the same, together with the charges of such distress and sale; and if no sufficient distress shall be found, such justice shall commit the person ordered to make such payment to prison for any time not exceeding one month, unless the sum so ordered shall be sooner paid; and every such order shall be final and conclusive to all intents and purposes, and shall not be removable by certiorari or otherwise into any court whatsoever.

L. Provided always, That nothing herein contained shall extend to authorize or empower any justice, except the lord mayor, aldermen, and recorder of the city of London for the time being, or some or one of them, to hear and determine any such differences, complaints, or disputes as shall or may arise for or in respect of any employment or work done within the said city of London, or the suburbs and liberties thereof, or on board of any ship, hoy, barge, lighter, bost, or other vessel lying or being on the north side of the river, between the tower of London and the western extremity of the Temple, adjoining Essex-street in the county of Middlesex.

LI. Provided always, That nothing in this act shall extend to deprive the lord mayor and commonalty and citizens of the city of London of any right, privilege, or jurisdiction heretofore lawfully claimed, exercised, or enjoyed within the town and borough of Southwark or the liberties thereof, or to prevent the said lord mayor for the time being, or such of the aldermen of the said city as have borne the office of mayoralty, or the recorder of the said city for the time being, from acting as justices of the peace within the said town and borough of Southwark and the liberties thereof in such and the like manner as they could or might have done in case this act had not been made, nor to deprive the lord mayor and commonalty and citizens of the said city of any rights, privilege, immunity, or jurisdiction which they have heretofore lawfully claimed, exercised, or enjoyed upon the said river, or the lord mayor of the said city for the time being as conservator of the said river, nor to prevent the said lord mayor and the said aldermen and recorder of the
said city from acting as justices of the peace upon the said river, or taking cognizance of offences committed upon or within the limits of 3 W. 4, c. 19.

LIII. Provided also, That nothing in this act shall extend to deprive nor the dean or the dean and chapter of the collegiate church of Saint Peter Westminster, high steward of or the high steward or high bailiff of the city and liberty of Westminster, Westminster, for the time being, or their respective lawful deputies, of any rights, privileges, or jurisdictions which they have heretofore lawfully claimed, exercised, or enjoyed within the said city and liberty, in such and the like manner as they could or might have done in case this act had not been made.

LIII. Provided also, That nothing in this act contained shall extend Not to affect to prejudice or derogate from any of the rights, privileges, or authori- the rights of the ties of the master, warden, and assistants of the guild, fraternity, or Trinity-house, brotherhood of the most glorious and undivided Trinity, and of Saint &c. Clement, in the parish of Deptford Strond in the county of Kent.

LIV. That this act shall commence and take effect upon the day next Comme- after the day of the passing thereof, and shall continue until the fifth ment and con- day of July in the year one thousand eight hundred and thirty-six, and dua-issuance of act. from thence until the end of the then next session of parliament; and that as soon as this act shall commence and take effect, an act passed in mer acts. the third year of the reign of his late Majesty George the fourth, intituled An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity for Seven Years; and an act passed in the sixth year of the reign of his 6 G. 4, c. 21. said late Majesty George the fourth, intituled An Act to amend an Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis; and also an act passed in the tenth year of the reign of his said late Majesty George the fourth, intituled An Act to continue until the Fifth Day of July One thousand eight hundred and thirty-two an Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, shall cease and determine; except as to any offences which may have been committed against any Provision. of the said acts before the commencement of this act, and as to any penalties which may have been incurred under any of the said acts before the commencement of this act, which offences shall be dealt with and punished, and the penalties recovered, as if this act had not been passed; and except also as to any matters done by any persons under the authority of any of the said acts before the commencement of this act, with respect to which every privilege and protection given to such persons by any of the said acts shall continue in force as if this act had not been passed.

LV. That it shall be lawful for any justice of the peace, on complaint Justice may made to him of any offence committed against this act, either to sum- mon or to issue his warrant for the apprehension of the offender, as he shall think fit.

LVI. That wherever the word month or months shall occur in this The word act, the same shall be deemed and taken to mean a calendar month or month to sig- calendar months. nify a calendar month.

LVIII. That this act shall be deemed, adjudged, and taken to be a public act, and shall be judicially taken notice of as such by all judges, Public act. justices, and other persons whomsoever, without the same being spe- cially pleaded.
[No. III.] 4 & 5 W. IV. c. 43.—An Act to authorize Persons duly appointed to act as Justices of the Peace in the Islands of Scilly, although not qualified according to Law.

[13th August 1834.]

WHEREAS the islands of Scilly in the county of Cornwall are situated at a considerable distance from the coast of the said county, and great inconvenience to the inhabitants of the said islands, and frequent delays in the administration of justice, arise by reason of there being no justice or justices of the peace resident in the said islands or any of them, or persons therein resident possessed of such qualification as is required by a certain act passed in the fifth year of the reign of his Majesty king George the second, intituled An Act for the further Qualification of Justices of the Peace, and by a certain other act passed in the eighteenth year of the reign of his said late Majesty king George the second, intituled An Act to amend and render more effectual an Act passed in the Fifth Year of his present Majesty’s reign, intituled ‘An Act for the further Qualification of Justices of the Peace.’ And whereas it is expedient that justices duly appointed in and for the county of Cornwall should be authorized to act as justices of the peace within the said islands, although such persons should not be qualified according to the provisions of the said recited acts or either of them; be it therefore enacted, &c., That it shall be lawful for all persons who shall after the passing of this act be duly appointed in such and the same manner as other justices of the peace acting in and for the said county of Cornwall are now appointed to act as such justices of the peace in and for the said islands of Scilly, and in relation to all felonies, misdemeanors, offences, and trespasses, and all other matters and things happening or arising in the said islands of Scilly in which justices of the peace have jurisdiction or authority as justices of the peace, without being qualified in respect of property, or taking the oath required as to such qualification, and without being subject to any penalties or forfeitures or disabilities in the said acts or either of them specified; any thing in the said acts or either of them to the contrary notwithstanding.

II. That all acts, matters, and things done by any such justice acting in and for the said islands of Scilly in relation to any felonies, misdemeanors, offences, and trespasses, or other matters and things happening or arising within the said islands of Scilly, and within the jurisdiction or authority of justices of the peace, shall be good, valid, and effectual in law, to all intents and purposes, in the said county of Cornwall, as if such justices had been and were duly qualified according to the provisions of the said recited acts, and taken the oath in the said last-recited act specified, although such justices shall not be qualified in respect of property, and shall not have taken the oath relating thereto; any thing in the said recited acts or either of them to the contrary notwithstanding.

[No. IV.] 4 & 5 W. IV. c. 27.—An Act for the better Administration of Justice in certain Boroughs and Franchises.

[25th July 1834.]

Inserted ante, Part V. Class XXV, p. 892.
[No. V.] 4 & 5 W. IV. c. 93.—An Act to amend the
Laws relating to appeals against summary Convictions be-
fore Justices of the Peace in Ireland. [15th August 1834.]

WHEREAS general or quarter sessions of the peace are holden in
each of the divisions of counties in Ireland, and it is expedient, for
the ease and convenience of the parties concerned in appeals thereto
from the orders or convictions of justices of the peace, that the hearing
thereof should be limited to the sessions holden in the division wherein
such order or conviction has been made or pronounced: Be it therefore
enacted, &c., That from and after the passing of this act every such
Appeals to be
heard in the
appeal shall and may be heard and determined on at the next general
division of the
or quarter sessions of the peace to be holden in the same division of the
county wherein the order or conviction has been made or pronounced,
and not at the sessions holden in any other division of such county; any
ing thing in any act to the contrary notwithstanding.

PART VI.
CLASS XXIV.

LORD'S DAY.

[Several bills have of late years been introduced into the house of
commons for the better observance of the Lord’s Day, but no enactment
has as yet been made upon the subject.]
PART VI.

CLASS XXV.

LUNATICS.

[For the provisions of the 1 W. 4, c. 60, with respect to lunatics who are trustees or mortgagees, see ante, Part II. Class I.
And for the 1 W. 4, c. 65, consolidating and amending the laws relating to property belonging to idiots, lunatics, and persons of unsound mind, see ante, Part II. Class VI.]

[No. I.] 11 G. IV. c. 1.—An Act to authorize the Transfer of certain Balances in the Hands of the Clerks of the Peace of the several Counties of England and Wales on account of Lunatic Asylums Licences. [4th March 1830.]

WHEREAS by an act passed in the fourteenth year of his late Majesty the clerks of the peace of the several counties in England and Wales were authorized to receive certain fees for the granting of licences to the keepers of lunatic asylums: And whereas no provision is made for the appropriation of the balances of the said fees, after the payment of the expenses directed by the said act to be defrayed out of the said fees: And whereas considerable sums arising from the said balances are now in the possession of the clerks of the peace for several counties of England and Wales: And whereas the said act of the fourteenth year of his late Majesty has since been repealed, and other provisions made for the licensing and visiting lunatic asylums: May it therefore please your Majesty that it may be enacted; and be it enacted, &c. That the justices of the peace of the several counties of England and Wales, at any general quarter or annual sessions of the peace assembled, shall and may direct any balance remaining from the fees received under the said act passed in the fourteenth year of his late Majesty, over and above the expenses directed to be defrayed by the said act, to be paid over to the treasurer or treasurers of the respective counties, and to be applied in aid of the rates of the said counties.

II. That in the construction of this act 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; and that the word “treasurer” shall include any officer of any such place as aforesaid who has the custody of any funds asessed upon or raised in such place in the nature of county rates, and applicable to the purposes to which county rates are applicable.

[No. II.] 11 G. IV. c. 22.—An Act for appropriating the Richmond Lunatic Asylum in Dublin for the purposes of a District Lunatic Asylum. [29th May 1830.]

[No. III.] 1 W. IV. c. 13.—An Act to amend an Act passed in the Eleventh Year of the Reign of his late Majesty King George the Fourth, intituled An Act for appropriating the Richmond Lunatic Asylum in Dublin to the purposes of a District Lunatic Asylum. [11th March 1831.]
[No. IV.] 2 & 3 W. IV. c. 107.—An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in England (1).

[11th August 1832.]

WHEREAS an act was made in the ninth year of the reign of his late Majesty king George the fourth, intituled An Act to regulate the Care and Treatment of Insane Persons in England, and which Act was amended by another Act, made in the Tenth Year of the Reign of his said late Majesty, intituled, An Act to explain, amend, and alter the Act of the Ninth Year of the Reign of his present Majesty, for regulating the Care and Treatment of Insane Persons in England: And whereas it is expedient that the provisions of the said acts should be amended and consolidated, for the more effectually carrying into execution the purposes thereof; be it therefore enacted, &c. That from and after the passing of this act the said recited acts of the ninth and tenth years of the reign of his late Majesty king George the fourth shall be and the same are hereby repealed: Provided always, That until the appointment of commissioners and visitors, and their respective clerks, under the provisions of this act, the authority of the commissioners and visitors, and of their respective clerks, appointed under the said recited acts, shall continue as if given by this act; and that all matters and things at any time done or directed to be done by them respectively under the said recited acts or this act shall be and remain as good, valid, and effectual, to all intents and purposes, as if the said recited acts had not been repealed, and as if such commissioners and visitors and clerks had been appointed under this act, except so far as specially altered by this act as to the visitation of single patients.

II. And inasmuch as, in order to avoid unnecessary repetition, and 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, extraparochial 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 be deemed to include all justices, physicians, surgeons, or apothecaries appointed at a general or adjourned quarter sessions to visit houses of reception for two or more insane persons; that the words “insane persons” shall be deemed and construed to extend to all persons who are idiot, lunatic, or of unsound mind; that the words “parish pauper” shall be deemed to include every person sent to and maintained at any house licensed under this act, wholly or in part at the expense of any parish; that the word “proprietor” shall be deemed to include every person exercising any superintending or proprietary duties in any house licensed under this act; that the words “clerk of the peace” shall be deemed to include any person acting as such, or any deputy duly appointed; that the word “physician” shall be deemed to include any fellow or licentiate of the royal college of physicians in London,

(1) See the 3 & 4 W. 4, c. 64, post.
that the word "surgeon" shall be deemed to include any member of the royal college of surgeons in London; and that the word "apothecary" shall be deemed to include any person authorized to practise as such under an act passed in the fifty-fifth year of the reign of his late Majesty king George the third, intituled _An Act for the better regulating the Practice of Apothecaries throughout England and Wales_, or under an act passed in the sixth year of the reign of his late Majesty king George the fourth, intituled _An Act to amend and explain the said Act of the Fifty-fifth Year of his late Majesty_; and the words "treasurer of the county" shall be deemed to include any officer 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: And further, that in the construction of this act, in cases where the singular number only is used, the word importing the singular number shall be held to include and shall be applied to several persons or things as well as one person or thing, in the same manner as if the plural number had been also used; and in cases where the plural number only is used the word importing the plural number shall be held to include those applied to one person or thing as well as several persons or things, in the same manner as if the singular number had also been used; and where any word in this act shall import the masculine gender only the same shall be held to include and be applied to females as well as males, in the same manner as if a word importing the feminine gender had been also used: Provided always, That the provisions of the present clause shall in each case apply only so far as the application thereof shall be consonant with or not repugnant to the subject and context of this act.

III. That it shall and may be lawful for the lord chancellor or the lord keeper or commissioners of the great seal of Great Britain, or other the person or persons for the time 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 idiot, lunatic, or of unsound mind, annually, on the first day of September in every year, or within ten days next following, by an instrument under his hand and seal, to appoint, at his discretion, not less than fifteen nor more than twenty persons to be commissioners, during the space of one year, for licensing and visiting all houses for the reception of two or more insane persons, to be situate within the cities of London and Westminster, the county of Middlesex, the borough of Southwark, and also within the several parishes and places herein-after enumerated; (videlicet,) Brixton, Battersea, Barnes, Saint Mary Magdalen Bermondsey, Christ Church, Clapham, Saint Giles Camberwell, Dulwich, Saint Paul Deptford, Grave- nay, Kew Green, Kennington, Saint Mary Lambeth, Mortlake, Merton, Mitcham, Saint Mary Newington, Norwood, Putney, Peckham, Saint Mary Rotherhithe, Roehampton, Streatham, Stockwell, Tooting, Wimbledon, Wandsworth, and Walworth, in the county of Surrey; Black- heath, Charlton, Deptford, Greenwich, Lewisham, Lee, Southend, and Woolwich, in the county of Kent; and East Ham, Leyton, Leytonstone, Low Leyton, Plaistow, West Ham, and Walthamstow, in the county of Essex; and to be called "The Metropolitan Commissioners in Lunacy;" of which commissioners not less than four nor more than five, at the discretion of the said lord chancellor or other the person or persons intrusted as aforesaid, shall be physicians, and two barristers; and the jurisdiction of the said metropolitan commissioners shall be deemed to include any township, liberty, tything, vill, or any other extra-parochial place within the cities of London and Westminster, and within seven miles thereof, and within the county of Middlesex, any thing herein contained to the contrary notwithstanding; and the said lord chancellor, or other the person or persons intrusted as aforesaid, shall cause the names of such commissioners to be published in the _London Gazette_.
within ten days after their appointment; and the said 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 insane persons, of one or both sexes, as the said commissioners shall think fit, within the jurisdiction of the said commissioners; and every commissioner shall be allowed and paid his travelling expenses while employed in executing the duties of his office; and each and every such commissioner, being a physician as aforesaid, 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 commissioners' expenses.

IV. 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 the lord chancellor, or other person or persons intrusted as aforesaid, 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; and the name of such new commissioner shall be published, within ten days after his appointment, in the London Gazette.

V. That every person who shall be appointed a commissioner as aforesaid shall, before he acts 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,)

'I. A. B. do swear, [or solemnly affirm,] That I will discreetly, impartially, and faithfully execute all the trusts committed unto me by virtue of an act of parliament made in the year of the reign of his Majesty king William the fourth, intituled An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, 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), or so far as I shall feel myself called upon to do so for the better execution of the duty imposed on me by this act.

So help me GOD.'

Which oath or solemn affirmation it shall and may be lawful for the lord chancellor, or other person or persons intrusted as aforesaid, to administer to every such commissioner so to be appointed as aforesaid; and any five of the said metropolitan commissioners, who shall have previously taken the oaths, are hereby authorized to administer such oath at any meeting held under the authority of this act.

VI. That the said lord chancellor, or other person or persons intrusted as aforesaid, is hereby empowered, by an instrument under his hand and seal, to appoint during pleasure a fit person to be treasurer appointed; or clerk to the said metropolitan commissioners, and to allow such person such salary for his trouble as the lord chancellor, or other person or persons intrusted as aforesaid, shall think reasonable, exclusive of the fees to be received by him under this act; and all official duties to be performed by such clerk (except as herein-after is excepted) shall be subject to the inspection, direction, and control of the said commissioners.

VII. That every such person so appointed shall, at the first meeting and to take the of the said metropolitan commissioners next after his appointment, following oath, take the following oath, to be administered by any one of such commissioners:

'I. A. B. do swear, That I will faithfully execute all such trusts as shall be committed to my charge as treasurer and clerk to the metropolitan commissioners in lunacy for executing an act of parliament made in the second and third year of the reign of his Majesty king William the fourth, intituled An Act for regulating for Three Years, and from
Lunatics. [Part VI.

VIII. That the said metropolitan commissioners, or any five of them, two of whom at the least shall not be physicians as aforesaid, shall meet at such place as the said lord chancellor, or other the person or persons intrusted as aforesaid, may direct, on the first Wednesday in the months of November, February, May, and July in every year, in order to receive applications from persons requiring houses to be licensed for the reception of two or more insane persons within their jurisdiction, and (if they shall think fit) to license the same; and in case on any such occasion five such commissioners shall not then and there be present, 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.

IX. Provided also, That it shall and may be lawful to and for any five of the said metropolitan commissioners (two of whom at the least shall not be physicians as aforesaid) to assemble themselves, when and as often as they shall think fit, for the purpose of executing and performing the several matters and things by this act intrusted to them, notice being given under their hands to require the clerk of the said commissioners to convene a meeting of the said commissioners; and the said clerk is hereby required and commanded duly to summon the rest of the said commissioners four clear days before such intended meeting; and that at all meetings of the said metropolitan commissioners a chairman shall be chosen, who, in case of an equality of votes, shall have a second or casting vote.

X. That in all other parts of England the justices of the peace assembled in general or quarter sessions shall have like authority within their respective counties (except within the jurisdiction of the metropolitan commissioners) to license houses (if they shall think fit) for the reception of two or more insane persons, in the same manner as the metropolitan commissioners within their jurisdiction.

XI. 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, surgeon, or apothecary, to act as visitors of each house licensed for the reception of two or more insane persons within the county; and the said justices, physician, surgeon, or apothecary, so appointed as visitors for each house as aforesaid, shall and are hereby authorized and empowered to visit every such house in manner directed by this act; and such visitors shall at their first meeting take the oath required by this act to be taken by the metropolitan commissioners, mutatis mutandis, such oath to be administered by a justice of the peace, being one of such visitors; and every 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 as the justices in general quarter sessions shall be pleased to direct, to be paid him by the clerk of the peace out of the monies to be received by him for licences granted under this act, and in case of deficiency, then out of the county rates: 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 any general or adjourned sessions of the peace shall, within seven clear days after such appointment, be published in some newspaper circulated in the county wherein such licensed house shall be situate; and the appointment of such visitors shall, within twenty-one clear days, be communicated by the clerk of the peace to the clerk of the metropolitan commissioners, who shall register the same in a book to be kept for that purpose; and in case of default of such communication the clerk of the peace shall forfeit and pay a penalty of five pounds, to be recovered as is herein-after directed.

XII. That no person shall be eligible to be appointed commissioner or visitor as aforesaid, nor shall any justice of the peace act in granting any licence, who shall be, or who shall have been within two years then next preceding, directly or indirectly interested in the keeping any house licensed for the reception of insane persons; and no physician as aforesaid appointed a commissioner, and no physician, surgeon, or apothecary appointed a visitor, shall professionally attend upon the patients in any such licensed house, unless he be specially directed to visit any patient by any relation or friend under whose order such patient has been admitted into any such licensed house, or by a committee appointed by the lord chancellor or by the lord keeper or commissioners of the great seal of Great Britain, or other the person or persons for the time 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 idiot, lunatic, or of unsound mind; and if any such commissioner or visitor shall after his appointment become so interested, or shall professionally attend upon the patients in any licensed house (except as aforesaid), such commissioner or visitor shall respectively signify the same in writing to the lord chancellor, or other the person or persons intrusted as aforesaid, or to the clerk of the peace, as the case may require; and the appointment of such commissioner or visitor shall thenceforth become null and void, and it shall not be lawful for him to act as such commissioner or visitor.

XIII. That the clerk of the peace, or some other person to be appointed by the justices at quarter sessions, shall act as clerk to the visitors so appointed as aforesaid; and such clerk shall summon the said visitors to meet at such time and place, for the purpose of executing the duties imposed upon them by this act, as the said justices in sessions shall appoint; and such clerk to the visitors shall at their first meeting take the oath required by this act to be taken by the clerk of the metropolitan commissioners, mutatis mutandis, such oath to be administered by one of such visitors; and the said clerk of the peace, or other person so appointed, shall be paid out of the county rate, for his services in attending the said visitors, such remuneration as the justices in quarter sessions assembled shall think fit; and the appointment of any such deputy clerk shall within twenty-one clear days be communicated by the clerk of the peace to the clerk of the metropolitan commissioners, under the like penalty for omitting to do so, and to be recovered in like manner, as is declared in default of the communication of the appointment of visitors.

XIV. That if the clerk of the commissioners or the clerk of the peace, Assistant to the or other person appointed as aforesaid, shall at any time, in the due execution of this act, find it necessary to employ any assistant in the copying any of the orders, certificates, registers, returns, or written papers or documents which shall come into the possession of such clerk in pursuance of this act, or in any other matters relating to the execution thereof, then the clerk of the metropolitan commissioners is hereby required to certify such necessity, and the name of such assistant, to the said commissioners, and the clerk of the peace or other person appointed as aforesaid shall certify such necessity, and the name of such
assistant, to one of the visitors, being a justice of the peace, and if they respectively shall approve thereof they are hereby respectively empowered and required to administer the following oath to such assistant previously to his being employed as aforesaid:

' I, A. B. do solemnly swear, That I will faithfully keep secret all such matters and things as shall come to my knowledge in consequence of my employment as assistant in the office of the clerk to the commissioners [or clerk of the visitors, as the case may be,] appointed by virtue of an act of parliament made in the second and third year of the reign of his Majesty king William the fourth, intituled An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in England, unless required to divulge the same by legal authority.

'So help me GOD.'

Notice of application for and plan of licensed house to be given to the clerk of the commissioners or clerk of the peace 14 days previous to their meeting.

Detached buildings to be considered part of the house.

Upon alteration of house, notice and amended plan to be given to commissioners, &c.

Licences to be made out by the clerk of the commissioners or clerk of the peace, and to be renewed yearly.

Charge for licence.

XV. That all persons who shall apply or intend to apply to have a house licensed for the reception of insane persons shall give notice to the clerk of the metropolitan commissioners or to the clerk of the peace, as the case may be, fourteen clear days at the least prior to any quarterly or other meeting of the metropolitan commissioners, or to any general or quarter session of the peace for the county where he shall apply for a licence respectively; which notice shall contain the true christian and surname and place of abode of the person so applying and intending to keep such house, and in case such person so applying does not propose to reside himself in the licensed house, the christian and surname and previous occupation of the superintendent who is to reside therein; and such notice, when given for any house which shall not have been previously licensed, shall be accompanied by a plan of every such house, 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 the length, breadth, and height of, and a reference by a figure or letter to, every room and apartment therein, and a statement of the greatest number of patients proposed to be received into such house; which notice and plan shall be laid by the clerk of the metropolitan commissioners before the said commissioners, or by the clerk of the peace before the justices respectively, at such time as they shall take into their consideration the application for such licence.

XVI. That if there be any place or building detached from any house, licensed or to be licensed, but belonging to or in anywise appertaining to such house, such place or building shall be considered part of such licensed house for all the purposes of this act.

XVII. That notice of any additions or alterations which shall from time to time be made to any house licensed under this act shall be given, by the person to whom the licence shall have been granted, to the clerk of the commissioners or to the clerk of the peace, as the case may require, within one calendar month next after the completion thereof, accompanied with a plan of all the additions and alterations, to be drawn upon the scale aforesaid; and if any person shall (wilfully and with intention to deceive) not give a full and complete plan of the whole of the house to be licensed, or notice of any and all such additions and alterations as shall have been made, he shall be deemed guilty of a misdemeanour.

XVIII. That every such licence shall be made out by the clerk of the metropolitan commissioners or the clerk of the peace, as the case may require, according to the form in Schedule (A) annexed to this act, for such time, not exceeding thirteen calendar months, as the said metropolitan commissioners or justices shall think fit; and for every licence to be granted to any person for keeping a house for the reception of 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 ten shillings for every insane person not being a parish pauper, and the sum of two shillings and sixpence for every parish pauper, pro-
posed to be received into such house, but for no licence to be so granted shall be paid less than fifteen pounds; and such licence shall not be delivered nor be of any avail until the sum due on such licence shall be paid: Provided always, That if the period for which such licence shall be granted be less than thirteen calendar months, or if from the change of the proprietor or of the house to be licensed, or any casual circumstance happening before the expiration of the original licence, it shall be requisite to grant or renew a licence for a less period of time than thirteen calendar months, then and in any of the said cases it shall and may be lawful for the said commissioners and justices, if they think fit, to reduce the payments to be made on such licence to not less than five pounds in the whole.

XIX. Provided always, That all licences granted by the metropolitan commissioners or justices shall be duly stamped with a ten shillings stamp, and shall be under the hands and seals of five or more of the metropolitan commissioners, two of whom shall not be physicians, as aforesaid, or of three or more of the said justices in quarter sessions assembled.

XX. That all monies to be received for such licences shall be retained by the clerk of the metropolitan commissioners or clerk of the peace, as the case may be, and from such monies all the expenses required to be disbursed in the execution of this act shall be paid; and such clerk of the commissioners shall keep a true account of all receipts and payments; which account shall be made up to the first day of August in each year, and shall be signed by five at least of the said commissioners; and such account shall specify the several heads of expenditure, and shall be laid before parliament on or before the twenty-fifth day of March in each year, if parliament shall be then sitting, or if parliament shall not be then sitting, within one month after the then next sitting of parliament; and the like account 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 at any time there shall be any balance due to the said clerk to the commissioners, on account of expenses or liabilities incurred in the execution of or incidental to this act, it shall be lawful for the commissioners of his Majesty's treasury, or any three or more of them, and they are hereby empowered, from time to time, if they shall think fit, (on an application to them for such a sum of money as shall have been agreed upon at some quarterly or other meeting of the metropolitan commissioners, attended by seven at the least of the said commissioners, and to be certified under their hands,) to cause to be issued and paid, out of the growing produce of the consolidated fund, to the clerk of the said metropolitan commissioners, such a sum of money as the said metropolitan commissioners shall have so certified as requisite to defray the expenses incurred under the provisions of or incidental to this act.

XXI. That the clerk of the peace or other person appointed as aforesaid shall keep like accounts of all receipts and payments in respect of this act, and which accounts shall respectively be made up to the first day of August in every year, and shall be approved by two at least of the visitors, and signed by them in testimony thereof; and the said accounts, when so made up, shall be laid by the clerk of the peace, or other person appointed as aforesaid, before the justices at their Michaelmas quarter sessions; and if it shall appear by the said accounts that there is a balance in the hands of the clerk of the peace or other person hand of or due appointed as aforesaid, the same shall within twenty-one clear days be to clerk of the 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 or other person appointed as aforesaid, such balance shall be paid to him by the treasurer of the county out of the county rate, upon an order for such payment being made and signed by two or more justices in quarter sessions assembled.

XXII. That from and after the commencement of this act it shall not
be lawful for any person to keep a house for the reception of two or more insane persons, unless the same shall have been first duly licensed in the manner directed by this act; and every person keeping a house for the reception of two or more insane persons, not duly licensed, shall be deemed guilty of a misdemeanor: Provided always, That no one licence shall authorize any person to keep more than one house; but all licences which shall have been heretofore granted shall remain in full force until the period for which they shall have been granted shall have expired, unless revoked as herein-after directed; and all plans heretofore delivered shall be deemed sufficient for the purposes of this act, if the commissioners or justices shall so think fit.

XXIII. Provided always, That if any person to whom a licence for keeping a house shall have been duly granted under this act shall die before the expiration of the said licence, and the legal representatives of such deceased person shall, within ten days next after such death, give notice thereof to the clerk of the metropolitan commissioners or to the clerk of the peace, as the case may be, it shall be lawful for the said metropolitan commissioners at any meeting duly assembled, or for the said justices of the peace at the next general quarter sessions respectively, if they shall think fit, by an order in writing under the hands of five of the said commissioners or three of the said justices, to confirm the said licence, with all the conditions and liabilities annexed thereto, for the term unexpired, to such person as shall at the time of such death be the superintendent of such house, or have the care of the patients therein, or to such other persons as the said commissioners or justices respectively shall think fit, and in the meantime such previous licence shall, notwithstanding the death of such person remain in full force.

XXIV. That if any person duly licensed under this act shall by sickness or other sufficient reason become incapable of keeping such house, or if any licensed house shall be pulled down or occupied under the provisions of any act for public purposes, or shall by fire, tempest, or other unavoidable calamity be rendered unfit for the accommodation of insane persons, it shall and may be lawful for the said metropolitan commissioners, or any five of them, two of whom shall not be physicians, at any quarterly or other meeting convened as aforesaid, or for the said justices at any general or quarter sessions, upon the payment of not less than one pound for each licence, exclusive of the sum to be paid for the stamp, to grant a new licence to such other person as they shall think fit, and also to grant to the person whose house has been so rendered unfit a licence to keep such other house for the accommodation of insane persons, as the said commissioners or the said justices shall think fit: Provided always, That the notice of such intended change of persons, and all plans and statements of such new house, shall be given as are required when application is made for a licence for the first time: Provided also, That the cause of such change of house shall be duly specified in writing to the clerk of the commissioners or clerk of the peace, as the case may be, within three clear days after the happening thereof.

XXV. That in case the metropolitan commissioners or justices shall think fit to refuse to renew any licence for keeping a house for insane persons, notice of such refusal shall be given in manner herein-after mentioned in the case of revoking any such licence; and the lord chancellor, or other the person or persons intrusted as aforesaid, for the time being, is hereby 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 such refusal by them shall be effectual, unless the said lord chancellor, or other the person or persons intrusted as aforesaid, shall, within one calendar month from the time of the receipt of the said representation of the said commissioners or justices, refuse to confirm the determination of the said metropolitan commissioners or justices.
XXVI. That if at any meeting under this act a majority of the metropolitan commissioners then and there present, or any three visitors, shall think fit to recommend to the lord chancellor, or other the person or persons intrusted as aforesaid, for the time being, that any licence granted by the said commissioners or justices respectively should be revoked, it shall and may be lawful for such lord chancellor, or other the person or persons intrusted as aforesaid, after making such inquiries 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 executors or administrators, or to the superintendent, in case the person to whom such licence shall have been granted shall not reside in the licensed house, before any such publication shall take place; but if the lord chancellor, or other the person or persons intrusted as aforesaid, shall not think fit to comply with such recommendation, he shall communicate his refusal to the said commissioners or justices respectively as soon as conveniently can be: Provided always, That in case of such revocation being recommended to the lord chancellor, or other the person or persons intrusted as aforesaid, notice in writing thereof shall be given to the parties so complained of seven clear days previous to the transmission of such recommendation to the lord chancellor, or other the person or persons intrusted as aforesaid.

XXVII. That no person (not being a parish pauper) shall be received into any house licensed for the reception of insane persons in that part of the united kingdom called England, without an order under the hand of the person by whose direction such insane person is sent, which order shall be according to the form in Schedule (B.) annexed to this act, and in it shall be stated the christian and surname, and place of abode, and the degree of relationship or other circumstance of connection between such person and the insane person, and the true name, age, place of residence, former occupation, and the asylum or other place (if any) in which the insane person shall have been previously 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 other the person or persons intrusted as aforesaid; nor shall any such person be received into any such house without a medical certificate of two physicians, surgeons, or apothecaries, 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 house licensed under this act, without such order and medical certificate, and without making, within three clear days after the reception of such patient, a minute or entry in writing in a book to be kept for that purpose, according to the form in Schedule (M.) annexed to this act, of the true name of the patient, and also the christian and surname, occupation, and place of abode of the person by whom such patient shall be brought, every person so offending shall be deemed guilty of a misdemeanor.

XXVIII. That every medical certificate upon which any order shall be given for the confinement of any person (not a parish pauper) in a house licensed under this act shall be according to the form in schedule (C.) annexed to this act, and shall be signed by two medical practitioners, not being in partnership, and each of them being a physician, surgeon, or apothecary who shall have separately visited and personally examined the patient to whom it relates not more than seven clear days previous to such confinement, and such certificate shall be signed and dated on the day on which he or she shall have been so examined, and shall state that such person is insane and proper to be confined; and every such certificate for the confinement of any person in a house licensed under this act shall, if the same be not signed by two medical practitioners, state the special circumstance which shall have prevented the patient being visited
by two medical practitioners; and any patient may under such special circumstance be admitted into any such house upon the certificate of one medical practitioner, 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 house as aforesaid; and any person who shall, knowingly and with intention to deceive, sign any such medical certificate, untruly setting forth any of the particulars required by this act, shall be deemed guilty of a misdemeanor: Provided always, That no physician, surgeon, or apothecary shall sign any certificate of admission of a patient to any licensed house who is wholly or partly the proprietor or the regular professional attendant of such licensed house, nor shall any physician, surgeon, or apothecary sign any certificate for the reception of a patient into any such house, of which his father, son, brother, or partner is wholly or in part proprietor or the regular professional attendant, on pain of being deemed guilty of a misdemeanor.

XXIX. That no parish pauper shall be received into any house licensed for the reception of insane persons without an order according to the form in schedule (D.) annexed to this act, under the hand and seal of one justice of the peace, or an order according to the form in schedule (E.) annexed to this act, signed by the officiating clergyman and one of the overseers of the poor of the parish to which such pauper shall belong, and also a medical certificate according to the form in schedule (F.) annexed to this act, signed by one physician, surgeon, or apothecary, that such parish pauper is insane, and a proper person to be confined; and if any person shall knowingly and wilfully receive any parish pauper represented or alleged to be insane into any licensed house, without such order and medical certificate, every person so offending shall be deemed guilty of a misdemeanor.

XXX. And in order that the said metropolitan commissioners and visitors may know when any patient is received into any house licensed for the reception of insane persons, be it further enacted, That the proprietor or resident superintendent of every house licensed under this act, whether by the said metropolitan commissioners or by the said justices, shall, within the space of two clear days next after the day on which any person shall have been received into such house, transmit a copy of such order and medical certificates as aforesaid, with a notice according to the form in schedule (G.) annexed to this act, to the clerk of the commissioners; and the proprietor or resident superintendent of every house licensed within the jurisdiction of the visitors shall also within the same space of time transmit a duplicate copy thereof to the clerk of the peace; and every proprietor or resident superintendent of any such house who shall knowingly and wilfully neglect so to do shall be deemed guilty of a misdemeanor; which copies the said clerk of the commissioners or clerk of the peace is hereby required to preserve, and also within five clear days to enter in a register to be provided for that purpose the christian and surname of each insane person so returned to him, and of the persons by whose order and upon whose medical certificates such insane persons shall be confined, and the house in which such insane person is confined, according to the form in schedule (M.) annexed to this act; and the clerk of the commissioners and clerk of the peace shall for every omission or neglect in this particular forfeit and pay, on conviction before any one of his Majesty’s justices of the peace, the sum of five pounds, to be recovered and applied as herein-after mentioned.

XXXI. That whenever any patient confined in any house licensed for the reception of insane persons shall be removed therefrom, or shall die, the proprietor or resident superintendent of such house shall, within two clear days next after such removal or death, transmit a written notice thereof to the clerk of the metropolitan commissioners or clerk of the peace, according to the form in schedule (H.) annexed to this act; and in cases of removal such notice shall state by whom removed, and in what state of mind such person shall have been when removed, and (if within his knowledge) to what place removed; which notices shall in
like manner be preserved and entered by the clerk of the commissioners or clerk of the peace as is required in the case of the notice of the admission of any patient into such licensed house; and every proprietor or resident superintendent of any such house who shall knowingly and willfully neglect so to do shall be deemed guilty of a misdemeanor.

XXXII. That in the case of the death of any parish pauper patient in any licensed house, a statement of the causes of the death of such patient shall be drawn up and signed by the medical attendant of such licensed house, and a copy thereof, duly certified by the proprietor or resident superintendent of such house, shall be by him transmitted to the clerk of the metropolitan commissioners or the clerk of the visitors respectively within two clear days of the death of such patient; and every medical attendant and proprietor, or resident superintendent, who shall knowingly or willfully neglect to draw up, sign, or transmit such statement as aforesaid, shall respectively, on conviction thereof before one justice of the peace, forfeit and pay the sum of ten pounds, to be recovered as herein-after directed.

XXXIII. That in every house licensed under this act 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 once in every week to make and sign a statement of the health of all the patients, and the condition of the house, according to the form in schedule (I.) annexed to this act; and such statement shall be entered in a book to be kept at such house, and be regularly laid before the visiting metropolitan commissioners or visitors, for their inspection and signature.

XXXIV. Provided always, That when any house shall be licensed to receive less than eleven insane persons, then and in such case it shall and may be lawful for a majority of the said commissioners at any the periodical meeting under this act, or any three of the said visitors, if they shall visit of medical so think fit, to direct and permit that such house shall be visited by the attendants, physician, surgeon, or apothecary once at the least in four weeks, instead of twice in every week: Provided always, That such permission shall be in writing under the hands and seals of five of the said commissioners or three of the said visitors, as the case may require, according to the form in schedule (K.) annexed to this act, and shall be subject to such alteration or revocation as the said commissioners or justices respectively shall think fit; and that such physician, surgeon, or apothecary shall enter in a book to be kept for that purpose the date of his visit, and the condition of the house, and state of health of the patients therein.

XXXV. That every licensed house within the jurisdiction of the metropolitan commissioners shall be visited by three at least of the said metropolitan commissioners, one of whom at the least shall not be a physician as aforesaid, four times at the least 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 21st day of September to the 21st day of March, and between the hours of six in the morning and eight in the evening from the twenty-first day of March to the twenty-first day of September, in each year, and 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.

XXXVI. That every licensed house within the jurisdiction of the said and by visitors visitors appointed at quarter sessions shall be visited by two at least of three times a the said visitors three times at the least in every year, in like manner year at least; and with like powers as is herein-before directed and given to the metro- but not by politan commissioners: Provided always, That it shall not be lawful for clerk of the the clerk of the said metropolitan commissioners, or clerk of the peace, commissioners or justices.
Commissioners and visitors to inquire and state whether Divine Service is performed.

If not performed, the proprietor to state the reason.

Plan of house to be hung up, and copy of act kept; and at each visitation commissioners to make minutes.

Minutes to be transcribed into a book.

Concealing persons from inspection to be deemed a misdemeanor.

Commissioners may set at liberty persons improperly confined.

XXXVIII. That there shall be hung up in some conspicuous part of every licensed house a copy of the plan delivered to the metropolitan commissioners or justices, and there shall also be kept in every such house a king's printer's copy of this act bound up in a book, in which book the said commissioners or visitors within their jurisdictions are hereby required, at every such visitation, to make minutes in writing of the condition of such house, 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; and the said metropolitan commissioners or visitors shall transmit a copy of such minute to the respective clerk of the commissioners or clerk of the peace.

XXXIX. That the clerk of the metropolitan commissioners and the clerk of the peace respectively, or other person appointed as aforesaid, shall enter such copy of minute in a book to be kept by them for that purpose; and all such minutes shall be laid before the said commissioners or justices respectively previous to the consideration of any renewal of the licence to the house to which such minutes shall relate.

XL. That if the proprietor or resident superintendent of any licensed house shall fraudulently conceal or attempt to conceal any part of such house or premises, or any person detained therein as insane, from any such commissioners or visitors, or from any medical or other person authorised under the provisions of this act to visit and inspect such house and the patients confined therein, every person so offending shall be deemed guilty of a misdemeanor.

XLI. That if it shall appear, after three separate and distinct visits, to be made by three at the least of the said metropolitan commissioners, or three at the least of the said visitors, within their respective jurisdictions, two of which commissioners at the least shall be physicians, or one of which visitors shall be a medical practitioner, fourteen days at the least to intervene between each visit, that any person is detained in any such house without sufficient cause, and notice thereof in writing shall have been given by the clerk of such commissioners or visitors to the proprietor or resident superintendent of such house, and to the person by whose authority such insane 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 four clear days' notice, or for the justices in quarter sessions, to set such person at liberty, or otherwise to act under the circumstances as the case may seem to require: Provided always, That in case of illness or other reasonable cause preventing the subsequent visitations to be made by the same medical commissioners or medical visitors, then such subsequent visitation may be made by any other medical commissioner or medical visitor; but such power of liberation shall not extend to the case of any person who shall have been found idiot, lunatic, or of unsound mind under a commission.
issued for that purpose by the lord chancellor or other the person or persons intrusted as aforesaid, nor to any insane person confined under any order or authority of his Majesty’s principal secretary of state for the home department; but it shall and may be lawful for the said metropolitan commissioners or visitors, if they shall think fit, to examine into the state of mind or condition of any such person, and to report their opinion in writing of the state of mind or condition of such person to the lord chancellor or other the person or persons intrusted as aforesaid, or to his Majesty’s principal secretary of state for the home department, as the case may be.

XLI. That it shall and may be lawful to and for any two or more of the said commissioners or visitors respectively, upon receiving 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 this act, which malpractices cannot be ascertained by examination and inspection during the day, to visit and inspect any such house at such hour of the night as they shall think fit.

XLIII. That any person shall apply to one of the metropolitan commissioners or any visitor within their respective jurisdictions, in order to be informed whether any particular person is confined therein, and the said commissioner or visitor shall think it reasonable to permit such inquiry to be made, and shall sign an order directed to the clerk of the commissioners or clerk of the peace, or other person appointed as aforesaid, for that purpose, the said clerk of the commissioners or clerk of the peace, or other person appointed as aforesaid, is hereby required, upon the receipt of such order, and upon payment of the sum of seven shillings and no more for his trouble, to make search; and if it shall appear upon search that the person so inquired after is or has within the last twelve months been confined in any of the said houses, the said clerk of the commissioners or clerk of the peace, or other person appointed as aforesaid, shall deliver to the person so applying, in writing, the name of the proprietor or resident superintendent in whose house the person so inquired after is or has been confined, the situation of such house, and (if required) a copy of the order and medical certificates upon which such person was received into such house.

XLIV. That the metropolitan commissioners shall in the month of June in every year make a report of the state and condition of the of houses to be several houses licensed by them under this act, and also as to the care of the patients therein, and such other particulars as they shall think desirable of notice, to the lord chancellor or other the person or persons intrusted as aforesaid.

XLV. That the clerks of the peace within their respective jurisdictions shall in the month of June in every year prepare a complete transcript of the minutes of the said visitors on their several visitations to the several houses within their respective jurisdictions licensed under this act, which transcript shall be transmitted by the respective clerks of the peace, on or before the first day of August, to the clerk of the metropolitan commissioners, who shall preserve the same for the inspection of the said metropolitan commissioners, his Majesty’s principal secretary of state for the home department, the lord chancellor or other the person or persons intrusted as aforesaid, and any other person having authority from them respectively.

XLVI. That no person (except he be a guardian or relative who does not derive any profit from the charge, or a committee appointed by the lord chancellor or other the person or persons intrusted as aforesaid,) shall, under pain of being deemed guilty of misdemeanor, receive to board or lodge in any house not licensed under this act, or take the care or charge of, any insane person, without first having the like order and medical certificates as are required on the admission of an insane person (not being a parish pauper patient) into a licensed house. No person to receive any insane person into an unlicensed house without an order and medical certificates.
XLVII. That every person (except as aforesaid) who shall receive to board or lodge in any house not licensed under this act, or take the care or charge of, any insane male or female person, shall within twelve calendar months next after, if such insane persons respectively shall not previously have returned to their own or usual place of abode, transmit to the clerk of the metropolitan commissioners a copy of such order and medical certificates, sealed, and indorsed "Private Return," and not to be inspected by any person except by the said clerk or other person authorized by the lord chancellor or his Majesty's secretary of state for the home department; and every such person (except as aforesaid) shall also (if such insane male or female person shall not have been removed) on the first day of January in every succeeding year, or within seven clear days after, transmit to such clerk a certificate signed by two physicians, surgeons, or apothecaries, describing the then actual state of mind of such insane person, and to be indorsed "Private Return;" and all such orders, medical certificates, and returns shall be preserved by the said clerk, and 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 other the person or persons 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; and every person (except as aforesaid) who shall receive to board or lodge in any house not licensed under this act, or take the care or charge of, any insane person in any such house, and who shall omit to transmit such copies of orders and certificates, shall be deemed guilty of a misdemeanor; and the clerk of the metropolitan commissioners in lunacy, with the sanction in writing of his Majesty's principal secretary of state for the home department, is hereby required to enforce the due execution of this provision of law; and he shall be paid or allowed such a sum of money for any proceedings thereabout as his Majesty's principal secretary of state for the home department shall think fit, and to be charged upon the contingency fund of the home office.

XLVIII. Provided always, That it shall and may be lawful for the lord high chancellor or other the person or persons intrusted as aforesaid, or for his Majesty's principal secretary of state for the home department, in case of any person being confined as a state lunatic, or under the order of any criminal court of justice, if they shall think fit, at any time or times, by an order by either of them directed to the said metropolitan commissioners, or to any other person whom they shall think fit to appoint, to require the said metropolitan commissioners or other person so to be appointed to visit and examine any person confined as an insane person who shall be confined in the care of any guardian or relative, or of any other person, and to make a report to the lord chancellor or other the person or persons intrusted as aforesaid, or to his Majesty's principal secretary of state for the home department, of such matters as 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 the care of a committee appointed by the lord high chancellor or other the person or persons intrusted as aforesaid.

XLIX. That it shall and may be lawful for the lord chancellor or other the person or persons intrusted as aforesaid, or his Majesty's principal secretary of state for the home department, if he shall think fit, to employ any metropolitan commissioner appointed under this act, or medical or other person, to inspect and inquire into the state of any lunatic asylum, public hospital, or other house or place wherein any insane person, or person represented to be insane, shall be confined, and to report to him the result of such inspection and inquiry; and every such commissioner, medical or other person, employed to visit any person to inspect any place as aforesaid, shall be paid or allowed such sum of money for his attendance and trouble as to the lord chancellor or other the person or persons intrusted as aforesaid, or his Ma-
jesty's secretary of state for the home department, shall seem to be an adequate and reasonable allowance, and such expenses shall be charged on the contingency fund of the home office.

L. Provided always, That in all cases in which any patient shall die, or have been discharged as cured, the order, medical certificates, and notices required under this act, or under the said recited act of the ninth year of the reign of his said late Majesty, may be delivered up to the lord chancellor, or other the person or persons intrusted as aforesaid, to be cancelled, and the name of such person to be wholly erased from the register thereof, within one year after the period of such death or discharge.

LI. Provided always, That after the passing of this act the clerk to the metropolitan commission appointed under the former act for licensing houses for the reception of insane persons shall forthwith deliver up any register of private patients which may be in his possession to the lord chancellor, or other person or persons intrusted as aforesaid, in order that the same may be cancelled.

LII. And for the better enabling the metropolitan commissioners and visitors executing this act to inquire into the several matters and things by this act referred to them, be it enacted, That it shall be lawful to and for any three of the said commissioners, one of whom shall not be a physician, or the said visitors, from time to time as they shall see occasion, to require, by summons (according to the form in Schedule (N.) annexed to this act), any person to appear before them to testify the truth touching any matters relating to the execution of the powers given by this act, on oath or affirmation, which oath or affirmation the said commissioners or visitors are hereby empowered to administer; and every person who shall not appear before the said commissioners or visitors pursuant to such summons, without assigning some reasonable excuse for not appearing, or appearing shall refuse to be sworn or examined, and being thereof convicted before one of his Majesty's justices of the peace, upon information thereof upon oath 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.

LIII. And for the more effectual prosecution of offences punishable Summary con-
by summary conviction under this act, be it enacted, That where any vic-tion.
person shall be charged upon the oath of a credible witness before a justice of the peace for any offence against the provisions of this act, 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, and upon proof of the due service of the summons, (by leaving the same at his last or usual place of abode,) the said justice, with another justice, may either proceed to hear and determine the case, or issue his warrant for apprehending such person, and bringing him before him or some other justices of the peace; and the justices before whom the person so charged shall appear or be brought shall proceed to hear and determine the case.

LIV. That the 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 may require; and that no conviction under this act shall be void through want of form:

BE it remembered, That on the day of
the in the year of our Lord
at in the county of ,
convicted before us, of his Majesty's justices of the peace for the said county, for that he the said did
adjudge the said for his offence to pay the sum of
LV. And whereas it is not intended by this act to give the proprietors or resident superintendents of any licensed house, or any other person concerned in confining any of his Majesty's subjects, any new justification from their being able to prove that the person so confined has been sent there by such order and upon such medical certificates as are required by this act; be it therefore enacted, That in all proceedings which shall be had under his Majesty's writ of habeas corpus, and in all indictments, informations, and actions and other proceedings that shall be preferred or brought against any person for confining or ill-treating any of his Majesty's subjects, insane, or represented or alleged to be insane, 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.

LVI. That all complaints and informations of and for offences against this act, where any fines, penalties, or forfeitures are imposed by virtue of this act, and not otherwise provided for, shall and may be made before one or more justices of the peace for the county or place wherein the offence shall be committed, and such justice is hereby authorised and empowered to take cognisance thereof, and to summon the person complained of to appear before two or more justices of the peace, and upon complaint upon oath to issue their warrant for the apprehension of any such person, and upon the appearing or not appearing of such person pursuant to such summons, or upon such person being apprehended with such warrant, to hear the matter of every such complaint and information, by examination of any witness upon oath, and to make any such determination thereon as such justices shall think proper; and, upon conviction of any persons, such justices shall and may issue a warrant under their 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 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, for his appearance before the said justice 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 is 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 distresses can be had whereupon 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 otherwise, that the offender hath not sufficient goods and chattels whereupon the said penalties, forfeitures, fines, costs, and charges may be levied under a warrant of distress, such justice shall not be required to issue such warrant of distress; and thereupon it shall be lawful for such justice, and he is hereby authorized and required, by warrant under his hand and seal, 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 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 dispossessed.

LVII. Provided always, That any person thinking himself aggrieved by any order or determination of any justice of the peace in pursuance of this act may, within four calendar months after such order 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 appealing having first given at least fourteen clear days' notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some justice of the peace, 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 the 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.

LVIII. 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, then the jury shall find a verdict for the defendant; and upon a verdict being so found, or if the plaintiff shall be assessed, or discontinue his action or suit after the defendant shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff, then the defendant shall recover treble costs, and have such remedy for recovering the same as any defendant hath or have in any other cases by law.

LIX. Provided always, That it shall not be lawful for any person whomsoever 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 metropolitan commissioners at some one of their meetings, or by the justices at their general quarter sessions, within their respective jurisdictions, or as is otherwise directed by this act; and if any action, bill, plaint, information, or indictment shall be commenced, entered, filed, or preferred by or in the name of any person whomsoever, (except as aforesaid,) the same and all proceedings thereupon had shall be null and void; and the court and justice where or before whom such action, bill, plaint, information, or indictment is or shall be or commenced, prosecuted, entered, filed, or preferred, shall not permit or suffer any proceedings to be had; and no metropolitan commissioner, justice, or visitor shall in anywise be liable to any criminal proceeding or civil action for any reasons to be given in the execution of this act.

LX. That it shall and may be lawful for the clerk of the metropolitan commissioners or clerk of the peace to sue for and recover all penalties or forfeitures granted by this act; and they are hereby respectively required to enforce the due execution of this act upon their own authority, in all cases not otherwise directed to have the previous order of the said commissioners or justices, or by the lord chancellor, or other person or
properties of persons intrusted as aforesaid, or by his Majesty’s principal secretary of state for the home department, for the doing thereof.

LXI. That the prosecution for every offence under this act (except such as are committed within the jurisdiction of the metropolitan commissioners, or such as are punishable by summary conviction,) shall be by indictment preferred to a grand jury at the assizes to be held in and for the county wherein the offence shall have been committed.

LXII. Provided always, That nothing in this act contained shall be construed to extend to the royal hospital of Bethlehem, or 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 erected and established, or hereafter to be erected and established, under the provisions of an act passed in the ninth year of the reign of his late Majesty king George the fourth, intituled 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.

LXIII. Provided also, 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, or by applying the excess of payments of the more affluent in reduction of the payment by persons in more limited circumstances, excepting so far as relates to visitations appointed by the lord chancellor or other the person or persons intrusted as aforesaid, or his Majesty’s principal secretary of state for the home department, and the transmission in the month of August in every year of a full and complete report, according to the form Schedule (M.) to this act, of every patient confined therein, or who shall have been confined therein within the twelve months preceding and ending on the thirty-first day of July, to the lord chancellor or other person or persons intrusted as aforesaid, and also to the clerk of the metropolitan commissioners, who shall file and preserve the same for the inspection of the said metropolitan commissioners.

LXIV. That this act, and the several matters and things therein contained, shall commence and take effect from and after the passing of this act, and not sooner, and shall continue in force for the term of three years, and from thence to the end of the next session of parliament; and shall be deemed and taken to be a public act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM of Licence.

Know all men, That we the undersigned, being five of the metropolitan commissioners in lunacy, [or we the undersigned justices of the peace acting in and for in quarter sessions assembled,] do hereby certify, That A. B. of the parish of in the county of hath delivered a notice to and deposited with our clerk [or clerk of the peace] a plan and description of a house and premises proposed to be licensed for the reception of insane persons; and we, having considered and approved the same, do hereby authorise and empower the said A. B. [or C. D. as superintendent, the said A. B. not intending to reside therein himself,] to use and employ the house and buildings situate at in the parish of in the county of as a house for the reception of insane persons [male and female, or male or
Lunatics.

female only] whereof to be parish pauper patients; and this licence to continue in force for the space of calendar months and no longer.

Given under our hands and seals this day of in the year of our Lord

(l.s.)
(l.s.)
(l.s.)
(l.s.)

Witness
A. B.

Clerk to the Metropolitan Commissioners, or Clerk of the Peace.

Note.—Fourteen days' previous notice of the intention to renew this licence must be given to the clerk of the metropolitan commissioners or clerk of the peace.

SCHEDULE (B.)

STATEMENT and ORDER to be annexed to the Medical Certificates authorising the Reception of an Insane Person.

The patient's true christian and surname 

at full length

The patient's age

Married or single

The patient's previous occupation (if any)

The patient's previous place of abode

The licensed house or other place (if any) in which the patient was before confined

Whether found lunatic by inquisition, and date of commission

Special circumstance which shall prevent the patient being separately examined by two medical practitioners

Special circumstance which exists to prevent the insertion of any of the above particulars

Sir,

UPON the authority of the above statement, and the annexed medical certificates, I request you will receive the said as a patient into your house.

I am, sir,
Your obedient servant,

Name
Occupation (if any)
Place of abode
Degree of relationship (if any) to the insane persons

To Mr.
Proprietor of

SCHEDULE (C.)

FORM of MEDICAL CERTIFICATES.

I, the undersigned, hereby certify, That I separately visited and personally examined the person named in the annexed statement and order, on the day of

1018

No. IV. 2 & 3 W. 4, c. 107.
Lunatics.

one thousand eight hundred and
said
be confined.

(Signed) Name
Physician, surgeon, or 

 apothecary
Place of abode

and that the
is of unsound mind, and a proper person to

I, the undersigned, hereby certify, That I separately visited and per-
sonally examined the person named in the
one thousand eight hundred and
is of unsound mind, and a proper person to be
confined.

(Signed) Name
Physician, surgeon, or 

 apothecary
Place of abode

SCHEDULE (D.)

Form of Order by Justice of Peace in Cases of Pauper Lunatics.

to wit. 

WHEREAS it appears to me, 
of his Majesty's justices of the peace in and for the 
having called to my assistance Mr.

that
chargeable to the parish of
in the 
said county, is of unsound mind, you are hereby directed to cause the 
said
to be conveyed to the lunatic asylum in the 

county of
[or the house of

at

duly licensed for the recep-
tion of insane persons].

Given under hand and seal, this day of one
thousand eight hundred and 

(L.S.)

To the Overseers of the Poor of the 

parish of

in the county of

SCHEDULE (E.)

Form of Order by Officiating Clergyman and One Overseer of the 
Parish.

WHEREAS it appears to us, the undersigned, being the officiating 
clergyman of the parish of 

and one of the overseers of 

the poor of the said parish of 

having called to our 

assistance A. B. [physician, surgeon, or apothecary], that E. K., 
chargeable to the parish of 

is of unsound mind, and 
a proper person to be received into a house licensed for the reception of 

insane persons, we request you to receive the said E. K. into your 

licensed house.

(Signed) 

Officiating Clergyman.

(Signed) 

Overseer.
Lunatics.

SCHEDULE (F.)

Form of Medical Certificate in the above Case.

I do hereby certify, that by the directions of
[or] the reverend minister and [or, officiating
the county of overseeing] I have personally examined the
said [and that the said] is of unsound
mind.

Dated this hundred and

(Signed)

[Day of] one thousand eight

Physician,

Surgeon,

Apothecary.

SCHEDULE (G.)

NOTICE.

Sir,

I am to acquaint you, that was received into my house on the day of
and I herewith transmit a copy of the order and medical certificates.

(Signed)

To
The Clerk of the Metropolitan Commissioners,
[or,
The Clerk of the Peace.]

SCHEDULE (H.)

Form of Notice on Discharge, Removal, or Death of Patient.

I hereby give you notice, that of of
a patient in the licensed house situate in was
removed therefrom by of one thousand
died] on the day of eight hundred and
[Here describe the state of mind on removal.]
Dated this day of one thousand eight

hundred and

(Signed)

To
The Clerk of the Metropolitan Commissioners in Lunacy,
[or,
Clerk of the Peace.]
SCHEDULE (I.)

MEDICAL JOURNAL and WEEKLY STATEMENT to be kept in each licensed House for the Inspection of Commissioners or Visitors.

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</tbody>
</table>

In cases of restraint, the approbation or disapprobation of the physician, surgeon, or apothecary to be certified.

(Signed) ____________________________

Physician, Surgeon, or Apothecary.

To be inspected by the commissioners or visitors at their visitation, and signed accordingly.

SCHEDULE (K.)

FORM OF PERMISSION for regulating Medical Attendance.

WHEREAS by an act of parliament made and passed in the second and third year of the reign of his present Majesty, intituled "An Act for regulating for Three Years, and from thence until the end of the then next Session of Parliament, the Care and Treatment of Insane Persons in England," it is amongst other things provided and enacted, that when any house licensed for the reception of insane persons shall be licensed to receive less than eleven insane persons, then it shall and may be lawful for a majority of the said commissioners, at any meeting under this act, or the said visitors, if they shall so think fit, to direct and permit that such house shall be visited by the physician, surgeon, or apothecary once at the least in every four weeks, instead of twice in every week, as required by the said act: And whereas on the day of ___________________________ the metropolitan commissioners appointed under the said act [or the justices] duly granted a licence for the space of ___________________________ calendar months to ___________________________ for a house situate at ___________________________ in the county of ___________________________ for the reception of ___________________________ insane persons: And whereas the said ___________________________ hath applied to the said commissioners [or visitors] that they will be pleased to direct and permit the said house to be visited once in every four weeks instead of twice in every week: Now know ye, That
SCHEDULE (M.)

Form of Book of Entry of Patients to be kept in the licensed Houses, and of Register to be kept by the Clerk of the Metropolitan Commissioners and Visitors, and of Annual Report to be made by Public Hospitals and Charitable Institutions.

<table>
<thead>
<tr>
<th>Surname and Christian Names, Sex and Age of Patient, and whether single or married.</th>
<th>Occupation or Profession</th>
<th>Place of Residence</th>
<th>Date of Admission of Patient, and by whose Authority sent.</th>
<th>Date of Medical Certificates, and by whom signed.</th>
<th>Whether found Lunatic by Inquisition.</th>
<th>When discharged.</th>
<th>Cured, not cured, or incurable.</th>
<th>Death.</th>
</tr>
</thead>
</table>

*In the Book of Entry of Patients to be kept in a licensed House, the Name, Occupation, and Place of Abode of the Person by whom such Patient shall be brought must be entered; and in the Register to be kept by the Clerk of the Commissioners or Clerk of the Peace, the Name of the Proprietor or Resident Superintendent, and of the licensed House in which the Patient is confined, must be added.*

---

We the undersigned commissioners (or visitors) having brought fit to No. IV.,

accord to the above request, do by this instrument in writing under our hands and seals direct and permit that the house so licensed to the said physicians, surgeon, or apothecary once and by the least in four weeks, as required by the said act, provided always, and it is hereby expressly declared, that the said Commissioners shall be subject to such revocation or alteration in the said Metropolitan commissioners so far as to think fit. Witnesses our hands and seals.

[Signature] [Signature] [Signature]
We whose names are hereunto set and sealed affixed (commissioners or visitors) appointed under and by virtue of an act of parliament made and passed in the second and third year of the reign of his present Majesty, intitled "An Act for regulating for Three Years, and from thence until the end of the then next Session of Parliament, the Care and Treatment of Insane Persons in England," do hereby summon and require you personally to appear before us at in the parish of in the county of on next, the day of at the hour of in the noon of the same day, and then and there to be examined, and testify the truth touching certain matters relating to the execution of the said act.

Given under our hands and seals, this day of in the year of our Lord

[No. V.] 3 & 4 W. IV. c. 36.—An Act to diminish the Inconvenience and Expence of Commissions in the Nature of Writs De lunatico inquirendo; and to provide for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such by Inquisition.

[24th July 1833.]

WHEREAS great inconvenience and expence have been experienced from the practice of directing or addressing commissions in the nature of writs de lunatico inquirendo to three or more persons therein named as commissioners: And whereas doubts have arisen whether such commissions can be directed or addressed to one such commissioner only: Be it therefore enacted, &c. That it shall and may be lawful to and for the lord chancellor, or the lord keeper or commissioners of the great seal of Great Britain, or other the person or persons for the time 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 idiot, lunatic, or of unsound mind, (in case he or they shall deem it advisable,) to cause any commission in the nature of a writ de lunatico inquirendo to be directed or addressed to any one or more person or persons, who shall make inquisition thereon, and return the same into the high court of chancery, and who for that purposes shall have the same power to issue precepts to the sheriff to summon a jury, and to compel the attendance of witnesses, and the production or attendance of the alleged lunatic, idiot, or person of unsound mind, and all other the powers hitherto possessed by the the three or more commissioners in such commissions named; and such inquisition shall be good and valid to all intents and purposes as if the said commission in the nature of a writ de lunatico inquirendo had been directed or addressed to, and the said inquisition returned by, three or more commissioners, as heretofore.

II. And whereas it is expedient, for the better care and treatment of idiots, lunatics, and persons of unsound mind, found such by inquisition, that proper and fit persons should be appointed to superintend, and from time to time report to the lord chancellor, or other the person or persons intrusted as aforesaid, the care and treatment and state of every such idiot, lunatic, and person of unsound mind; be it further enacted, That it shall and may be lawful for the lord chancellor, or other the per-
son or persons intrusted as aforesaid, by an instrument under his hand and seal or their hands and seals, to appoint three persons, two of whom shall be physicians, and one a barrister of not less than five years' standing, to be visitors, during pleasure, for superintending, inspecting, and reporting upon, under the order and direction of the lord chancellor or other the person or persons intrusted as aforesaid, the care and treatment of all persons found idiot, lunatic, or of unsound mind, by inquisition, and to make all such orders and regulations as to the duties of such visitors as the lord chancellor, or other the person or persons intrusted as aforesaid, shall from time to time think fit, and to allow such visitors such salaries, not to exceed five hundred pounds per annum to each of the medical visitors, and three hundred pounds per annum to the other visitor, for their trouble, and also such allowances for travelling expenses, as such lord chancellor, or other the person or persons intrusted as aforesaid, shall think reasonable.

III. That each of such persons so found idiot, lunatic, or of unsound mind as aforesaid shall be visited at the least once in each year by one of such medical visitors, and often if the same shall be deemed expedient by the lord chancellor, or other the person or persons intrusted as aforesaid.

IV. That within a fit and convenient time after each such visitation such visitors shall respectively make a report in writing to the lord chancellor, or other the person or persons intrusted as aforesaid, of the state of mind and bodily health, and of the general condition, and also of the care and treatment of each such person so found idiot, lunatic, or of unsound mind who shall have been visited by him as aforesaid; which said reports shall be duly filed and kept secret in the office of such visitors, and shall be open to the inspection of no person whatsoever, save and except the said visitors, their secretaries, and the lord chancellor, or other the person or persons intrusted as aforesaid, or such other person or persons as the lord chancellor, or other person or persons intrusted as aforesaid, shall specially appoint: Provided always, that all such reports, so far as the same relate to any particular patient, shall be cancelled and destroyed on the decease of each such patient, and shall also be cancelled and destroyed on the supersedeas of his or her commission, unless the lord chancellor, or other the person or persons intrusted as aforesaid, shall deem it fit and expedient that the same shall not be cancelled or destroyed until his or her death.

V. That as often as any of the visitors to be appointed as aforesaid in case of such shall die or be removed, or refuse to act, or become unable, by illness or death, &c. of otherwise, to act, it shall and may be lawful for the lord chancellor, or other the person or persons intrusted as aforesaid, by an instrument under his hand and seal or their hands and seals, to appoint a visitor in the room of every visitor who shall die or be removed, or refuse or become unable to act.

VI. That no person shall be appointed visitor as aforesaid who shall be, or 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 visitor, his appointment as visitor shall henceforth become null and void, and it shall not be lawful for him to act as such visitor.

VII. That the lord chancellor, or other the person or persons intrusted as aforesaid, is and are hereby empowered, by an instrument under his hand and seal or their hands and seals, to appoint, during pleasure, a fit person to be secretary to such visitors, and for the purposes of this act, and to allow such person such salary for his trouble, not exceeding three hundred pounds per annum, and also to allow such further sum or sums of money, not exceeding three hundred pounds per annum, for providing and maintaining suitable offices for the said visitors and secretary, and for the general expenses of carrying into execution the purposes of this act, as such lord chancellor, or other the person or persons intrusted as aforesaid, shall think reasonable.
VIII. That in order to raise a fund for the payment of the said salaries and expenses, and for the other incidental expenses of this act, it shall be lawful for the lord chancellor, or other the person or persons intrusted as aforesaid, to raise such fund by a per-centage on the clear annual incomes of the persons found idiots, lunatics, or of unsound mind by inquisition as aforesaid, such per-centage not to exceed one and a half pounds per cent. on such clear annual incomes, and to order the same, by general order, to be paid by the committees or receiver: or other the person or persons for the time being in receipt of the income of the respective estates of the said idiots, lunatics, and persons of unsound mind, into the bank of England, in the name and with the privity of the accountant general of the court of chancery, to an account to be opened and entitled "The account of the board of visitors for the better care and treatment of lunatics."

IX. That the said committees and receivers or other the person or persons aforesaid shall respectively pay out of the funds in their hands, the said per-centage so ordered to be paid as aforesaid on the sums certified by the masters of the court of chancery to be the amounts of the clear annual incomes as herein-after mentioned, into the bank of England in the name of the accountant general, to the said account so to be opened and entitled as aforesaid, within one calendar month after receiving a notice in writing from the said secretary to the said visitors, setting forth the amount of the sums so certified as the sums to be paid by such committees and receivers or other person or persons as aforesaid, and shall be allowed the same in passing their accounts.

X. And for the better estimating the amounts of the said clear annual incomes, and collecting the said per-centage thereon; be it further enacted, That the masters of the said court of chancery shall, within two calendar months from the passing of this act, in all matters of lunacy referred to them, wherein a committee or committees shall have been then appointed, and within two calendar months after the appointment of committees, or within twelve calendar months after the date of the inquisition in all other cases, respectively ascertain and certify to the lord chancellor, or other the person or persons intrusted as aforesaid, the respective amounts of the clear annual incomes of the persons so found idiots, lunatics, or of unsound mind as aforesaid; and in case any alteration shall afterwards take place, the said several masters shall respectively certify the same to the lord chancellor, or other the person or persons intrusted as aforesaid, within two calendar months after such alteration shall have been made known to them; and for the purpose of enabling the said masters to ascertain and certify the amounts of such clear annual incomes, it shall and may be lawful for the said masters to summon the committees and receivers or other the person or persons for the time being in receipt of the income of the respective estates of the said idiots, lunatics, and persons of unsound mind, to attend them to give them all the information in their power, and also to produce all books, papers, accounts, and documents in their possession or power relating to the incomes or estates of such idiots, lunatics, and persons of unsound mind.

XI. That no sum of money required for the purposes of this act shall be paid by the said accountant general out of the said fund so paid into the bank of England as aforesaid, except upon checks or drafts payable to the bearer, and signed by the lord chancellor, or other person or persons intrusted as aforesaid; and that no fee shall be charged or taken upon, for, or in respect of such payments or any of them.

XII. That the account of monies received and paid under and by virtue of this act shall once in every year be made out by the said secretary, and audited and signed by such one of the said masters of the said court of chancery as the lord chancellor, or other the person or persons intrusted as aforesaid, shall appoint for that purpose, and shall afterwards be filed in the office of the secretary of lunatics; and that no fee shall be charged or taken upon, for, or in respect of such account being so audited or filed.
[No. VI.] 3 & 4 W. IV. c. 64.—An Act to amend an Act of
the Second and Third Year of His present Majesty, for re-
gulating the Care and Treatment of Insane Persons in En-
gland.

[28th August 1838.]

WHEREAS an act was passed in the second and third year of the
reign of his present Majesty, intituled An Act for regulating for
Three Years, and from thence until the End of the then next Session of c. 107.
Parliament, the Care and Treatment of Insane Persons in England: And
whereas it is expedient that some of the provisions of the said act should
be amended: Be it therefore enacted, &c. That whenever the justices
in session shall, under the provisions of the said recited act, appoint a
time and place for the visitors to meet for the purpose of executing the
duties imposed on them by the said act, every such appointment shall
be made as privately as may be, and in such manner that no proprietor
or resident superintendent of any house to be visited shall at any time
have notice of the day or time appointed for the visitation of such
house.

II. That the clerk of the metropolitan commissioners in lunacy shall
preserve every notice and copy of order and medical certificate trans-
mitted to him when any patient is received into any house licensed
under the said act, and also every notice of death, removal, or discharge
of any patient or patients transmitted to him under the said recited act
or this act, and that every clerk of the peace shall also preserve every
duplicate copy of order and medical certificate and notice transmitted to
him in every such case as aforesaid; and that each of them the said
clerk of the said commissioners and clerk of the peace shall at all times
within five clear days next after he shall receive every such notice or
copy of order and medical certificate as aforesaid, enter in a register to
be provided for that purpose the christian and surname of the insane
person to whom such notice or copy shall relate, and also of the persons
by whose order and upon whose medical certificate or certificates such
insane person shall be confined, and the house in which such insane
person shall be confined, according to the form directed by the said act;
and if the said clerk of the said commissioners and clerk of the peace, or
either of them, shall omit or neglect any thing by them or him herein-
before directed to be done, then each of them so offending shall for every
such omission or neglect forfeit and pay, on conviction before any one
of his Majesty’s justices of the peace, the sum of five pounds.

III. That whenever any patient confined in any house licensed under
the said recited act shall be removed or discharged therefrom, or shall
die therein, the proprietor or resident superintendent of such house
shall, within two clear days next after such removal, discharge, or death,
transmit a written notice thereof, and (in case the patient so dying shall
be a parish pauper patient, then) also a copy of the statement of the
cause of his or her death, in the said act directed to be made, certified
and according to the forms respectively prescribed by the said act, or as
near thereto as may be, to the said clerk of the said commissioners, if
the house wherein the patient shall then have died, or from which he
shall have been removed or discharged, shall have been licensed by the
said commissioners, but if such house shall have been licensed by the jus-
tices in session, then such proprietor or resident superintendent shall
transmit one such notice to the clerk of the commissioners, and one
other such notice to the clerk of the peace.

IV. That all copies of orders and medical certificates, and notices of
admissions, and also of removals and deaths, which have been trans-
mitted to the clerk of the metropolitan commissioners or to any clerk of
the peace since the eleventh day of August one thousand eight hundred
and thirty-two under the said recited act, and which have not been re-

Notice of meet-
ings of visitors
to be as private
as possible.

Clerk of metro-
politan com-
missioners and
clers of the
peace to pre-
serve a copy of
all orders, cer-
tificates, and
notices.

Penalty for
neglect, 5l.

Notice of
deaths or re-
movals of pa-
tients to be
transmitted to
clerk of metro-
politan com-
missioners.

All copies of
orders, certifi-
cates, &c.

4 c
Lunatic.

[Part VI.

No. VI.
3 & 4 W. 4, c. 64.

clerk of the metropolitan commissioners, shall be registered.

Notices of deaths or removals, &c. since August 1832, if not already transmitted shall be forthwith transmitted to clerk of metropolitan commissioners.

Commissioners, being practising barristers, to be paid for the time employed in the duties of his office.

Proprietors, &c., neglecting to comply with this act to be deemed guilty of a misdemeanor.

Prosecutions to be carried on and penalties recovered in the same manner as under recited act.

Construction of words.

registered by the said clerk of the metropolitan commissioners or the said clerk of the peace, as the case may be, shall be registered forthwith by the said clerk of the metropolitan commissioners or clerk of the peace, as the case may require, in the same manner as in this act is provided for the registry of orders, medical certificates, and notices of admissions, removals, and deaths, hereafter to be transmitted to the said clerk of the metropolitan commissioners and clerk of the peace respectively.

V. That where any insane person shall, since the eleventh day of August one thousand eight hundred and thirty-two, have died in or been removed from any house licensed under the said act, and the proprietor or resident superintendent thereof shall not have transmitted notice of such death or removal, with a copy of the statement of the causes of death in every case where the insane person so dying shall have been a parish pauper patient, to the clerk of the metropolitan commissioners, and also, in case such house shall have been licensed by the justices in sessions, to the clerk of the peace, then and in every such case such proprietor or resident superintendent shall forthwith transmit every such notice and copy of statement so omitted to be sent or transmitted to the clerk of the metropolitan commissioners or clerk of the peace, or to the clerk of the metropolitan commissioners and clerk of the peace, as the case may require.

VI. That every metropolitan commissioner appointed or to be appointed under the said recited act, being a practising barrister, shall be allowed and paid for the time he shall be employed in executing the duties of his office after the same rate, and in the same manner, and out of the same fund or funds, as by the said act is provided concerning the payment or allowance of commissioners being physicians: Provided always, That not more than two of the said commissioners at any one time shall be capable of receiving such payment or allowance; and if more than two of such commissioners shall be practising barristers, such payment or allowance shall be made to such two of such barristers as the lord chancellor or the lord keeper or commissioner of the great seal of Great Britain, or other the person or persons for the time 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 idiot, lunatic, or of unsound mind, shall direct.

VII. That every proprietor and resident superintendent of any house licensed under the said recited act who shall knowingly and wilfully neglect to transmit any notice, copy of order, medical certificate, or statement by this act required to be by him transmitted, shall be deemed guilty of a misdemeanor; and that all complaints, informations, and prosecutions of and for offences against this act shall be made and prosecuted, and all fines, penalties, or forfeitures shall be recovered, levied, and applied, by such persons and in such and the same manner respectively as in the said recited act is provided respectively concerning the offences against the said act, and the fines, penalties, and forfeitures thereby imposed; and every provision whatsoever in the said recited act contained concerning actions and suits commenced and brought against any person for any thing done in pursuance of the said act shall be applicable and applied to all actions and suits which shall be commenced or brought against any person for any thing done in pursuance of this act, as if the same provisions were here repeated and applied to the said last-mentioned actions and suits.

VIII. That the provisions in the said recited act contained concerning the meaning and construction of words and phrases in the said recited act shall extend and be applied to the like words and phrases in this act.
PART VI.
CLASS XXVI.

PAWNBROKERS.
[There has been no recent act relating to pawnbrokers.]

PART VI.
CLASS XXVII.

PLAYERS.
[For the 3 W. IV. c. 15, amending the Laws relating to Dramatic Literary Property, see Part II. Class I.]

WHEREAS it is expedient to amend the laws relative to the removal of vagrant and poor persons born in the Isles of Jersey and Guernsey, and chargeable to Parishes in England; and to make other provisions in lieu thereof: Be it therefore enacted, &c., That so much of an act made in the seventeenth year of the reign of King George the second, intituled An Act to amend and make more effectual the Laws relating to Rogues and Vagabonds, and other idle and disorderly Persons, and to Houses of Correction, as relates to passing vagrants to the islands of Guernsey and Jersey; and also so much of an act passed in the fifty-ninth year of the reign of King George the third, intituled An Act to amend the Laws for the Relief of the Poor, as relates to the removal of poor persons born in Jersey and Guernsey, who have become chargeable to parishes in England; and also to so much of an act passed in the fifth year of the reign of his present Majesty, intituled An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England, as relates to the removal of poor persons born in the Isles of Jersey and Guernsey, and being chargeable to parishes in England, shall be and the same are hereby repealed.

II. That it shall be lawful for two justices of the peace, and they are hereby required, upon the complaint of the churchwardens and overseers of the poor of any parish, that any person born in either of the Isles of Jersey or Guernsey hath become chargeable to such parish, by himself, or herself, or his or her family, to cause such person to be brought before them, and to examine such person, and any other witness or witnesses, on oath, touching the place of the birth or last legal settlement of every such person, and to inquire whether he or she, or any of his or her children, hath or have gained any settlement in that part of the United Kingdom called England; and if it shall be found by such justices that the person so brought before them was born in either of the Isles of Jersey or Guernsey, and hath not gained any settlement in England, and that he or she hath actually become chargeable to the complaining parish, by himself or herself, or his or her family, then such justices shall and they are hereby empowered, by an order of removal under their hands and seals, to cause such poor person, his wife, and such of his or her children so chargeable, as shall not have gained a settlement in England, to be removed, by and at the charge and expense of the complaining parish, to the place of his or her birth.

[No. II.] 1 W. IV. c. 18.—An Act to explain and amend an Act of the Sixth Year of His late Majesty King George the Fourth, as far as regards the Settlement of the Poor by the renting and Occupation of Tenements. [30th March 1831.]

WHEREAS by an act passed in the sixth year of the reign of his late Majesty George the fourth, intituled An Act for the Amendment of the Law respecting the Settlement of the Poor, as far as regards renting Tenements and paying Parochial Taxes, it was among other things enacted, That no person shall acquire a settlement in any parish or township

(1) See also the 3 and 4 W. 4, c. 40, post.
maintaining its own poor by or by reason of settling upon, renting, or paying parochial rates for any tenement not being his or her own property, unless such tenement shall consist of a separate and distinct dwelling house or building, or of land, or of both, bona fide rented by such person in such parish or township, at and for the sum of ten pounds a year at the least for the term of one whole year; nor unless such house or building, or land, shall be occupied under such yearly hiring, and the rent for the same to the amount of ten pounds actually paid for the term of one whole year at the least: provided always, that it shall not be necessary to prove the actual values of such tenements; any thing in any act or acts, or any construction of or implication from any act or acts, or any usage or custom, to the contrary notwithstanding: And whereas doubts have arisen with respect to the intentions of the legislature concerning the occupation of such house, building, or land by the person hiring the same, and concerning the amount of the rent to be paid and the person paying the same: And whereas it is expedient that such doubts should be removed; be it therefore enacted, &c., That from and after the passing of this act no person shall acquire a settlement in any parish or township maintaining its own poor, by or by reason of such yearly hiring of a dwelling house or building, or of land, or of both, as in the said act expressed, unless such house or building, or land, shall be actually occupied under such yearly hiring in the same parish or township, by the person hiring the same, for the term of one whole year at the least, (1) and unless the rent for the same, to the amount of ten pounds at the least, shall be paid by the person hiring the same.

II. Provided always, That where the yearly rent shall exceed ten pounds, payment to the amount of ten pounds shall be deemed sufficient for the purpose of gaining a settlement under the said recited act.

No. III.] 1 & 2 W. IV. c. 42.—An Act to amend an Act of the Fifty-ninth Year of His Majesty King George the Third for the Relief and Employment of the Poor.

[Inserted ante, Part II, Class III.]

[No. IV.] 1 & 2 W. IV. c. 59.—An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown for the Benefit of Poor Persons residing in the Parish in which such Crown Land is situated.

[Inserted ante, Part II, Class III.]

[No. V.] 2 W. IV. c. 42.—An Act to authorize (in Parishes inclosed under any Act of Parliament) the Letting of the Poor Allotments in small portions to Industrious Cottagers.

(1) Under this statute no settlement is gained by occupying the same tenement for a continuous year, the occupation during part of the year being under one hiring for a year, and during the remainder under another hiring for a year. Rex v. Inhabitants of Banbury, 1 Ad. & E. 136; 3 N. & M. 292.

If a tenement has been hired, and the occupation of it has commenced less than a year before the passing of the above act (30th March, 1831), the occupation to give a settlement must satisfy the requisites of the statute.

If a person hiring a tenement, underlet any part, he has not the actual occupation of it within the terms of this act, if there be any exclusive occupation given by such underletting. And the smallness of the part underlet, and of the rent paid for it, and the shortness of the term for which it is underlet make no difference. The King v. Inhabitants of St. Nicholas, Colchester, 2 Ad. & E. 599; 4 Nev. & M. 447, S. C.; and see 5 B. & Ad. 219.
Poor.

[Part VI.]

[No. VI.] 3 & 4 W. IV. c. 40.—An Act to repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, and to make other Provisions in lieu thereof, until the First Day of May one thousand eight hundred and thirty-six, and to the End of the then next Session of Parliament.

[14th August 1833.]

Whereas it is expedient to amend the laws relative to the removal of poor persons born in Scotland and Ireland, the isles of Man and Scilly, and chargeable to parishes in England, and to make other provisions in lieu thereof: Be it therefore enacted, &c., That from and after the first day of January one thousand eight hundred and thirty-four, so much of an act passed in the seventeenth year of the reign of King George the second, intituled an Act to amend and make more effectual the Laws relating to Rogues and Vagabonds, and other idle and disorderly persons, and to Houses of Correction, as relates to passing vagrants to Scotland and Ireland, and the isles of Man and Scilly; and also so much of an act passed in the fifty-ninth year of the reign of King George the third, intituled an Act to amend the Laws for the Relief of the Poor, as relates to the removal of poor persons born in Scotland and Ireland who have become chargeable to parishes in England; and also so much of an act passed in the fifth year of the reign of his late Majesty King George the fourth, intituled an Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England, as relates to the removal of poor persons born in Scotland and Ireland, and being chargeable to parishes in England, shall be and the same are hereby repealed.

II. That from and after the said first day of January one thousand eight hundred and thirty-four it shall be lawful for two justices of the peace, and they are hereby authorized and required, upon the complaint of the churchwardens and overseers of the poor of any parish, township, or other place maintaining its own poor, that any person born in Scotland or Ireland, or in the isle of Man or Scilly, hath become chargeable to such parish, township, or other place maintaining its own poor, by himself or herself, or his or her family, to cause such person to be brought before them, and to examine such person and any other witness or witnesses on oath touching the place of the birth or last legal settlement of every such person, and to inquire whether he or she, or any of his or her children, hath or have gained any settlement in that part of the united kingdom called England; and if it shall be found by such justices that the person so brought before them was born in either Scotland or Ireland, or the isle of Man or Scilly, and hath not gained any settlement in England, and that he or she hath actually become chargeable to the complaining parish, township, or other place maintaining its own poor, by himself or herself, or his or her family, then such justices shall and they are hereby empowered, by an order of removal under their hand and seals, in the form in the schedule hereunto annexed, to cause such poor person, his wife, and such of his or her children so chargeable, as shall not have gained a settlement in England, to be removed, by sea or land, in such manner as may have been directed by the justices at quarter sessions assembled in and for the county, city, borough, town corporate, division, or liberty in which the said parish, township, or other place maintaining its own poor may be situate, by and at the charge and expence of the complaining parish, to Scotland or Ireland, or the isle of Man or Scilly, respectively, according as such poor person, or his or her family, shall belong to Scotland, Ireland, or the isle of Man or Scilly, the charge and expence whereof shall be repaid, in manner herein-after mentioned, to such complaining parish, township, or other place maintaining its own poor, out of the county rate raised and levied in the county, city, borough, town corporate, division, or liberty in which such parish shall be situate.
III. That the justices of the peace of every county, riding, city, borough, town corporate, division, or liberty are hereby authorized and required, at the general or quarter sessions of the peace held in and for such county, riding, city, borough, town corporate, division, or liberty next after the passing of this act, or some adjournment thereof, and from time to time thereafter, at their general or quarter sessions, or adjournment thereof, to direct in what manner, and whether by sea or land, or part of the way by land and part by sea, such poor person, his wife and child or children, removable under the provisions of this act by the churchwardens and overseers of any parish, township, or place maintaining its own poor within such county, riding, city, borough, town corporate, division, or liberty, shall be removed.

IV. That the justices of the peace of every county, riding, city, borough, town corporate, division, or liberty shall and may and they are hereby required, at the general or quarter sessions of the peace to be held in and for such county, riding, city, borough, town corporate, division, or liberty next after the passing of this act, or some adjournment thereof, and from time to time thereafter, at their general or quarter sessions, or adjournment thereof, to make such orders, rules, regulations, and directions for the more effectually carrying the provisions of this act into execution as they in their discretion shall think proper; which orders, rules, regulations, and directions shall from time to time be observed and submitted to by all justices of the peace, overseers, churchwardens, constables, and other persons concerned in or charged with the removal of such poor person, his wife, child, or children as aforesaid, within such county, riding, city, borough, town corporate, division, or liberty.

V. That in case the churchwardens and overseers of the parish, township, or place maintaining its own poor, on whose complaint such order of removal shall be made as aforesaid, shall bring or send to the clerk of the peace or town clerk of the county, riding, city, borough, town corporate, division, or liberty in which such parish, township, or place maintaining its own poor shall be situate, such order of removal, accompanied with an affidavit sworn before some justice of the peace of such county, riding, city, borough, town corporate, division, or liberty, (who is hereby authorized to administer the same,) of the amount of the expenses bona fide incurred and paid by such churchwardens and overseers on account of the removal of such poor person, his wife, child or children as aforesaid, and also a statement of the several items comprised in such amount, such clerk of the peace or town clerk is hereby required to lay the same before the justices of the peace assembled at the quarter sessions, or adjournment thereof, held in and for such county, riding, city, borough, town corporate, division, or liberty, next after he shall have received the same; and the said justices so assembled as aforesaid are hereby authorized and required to order the amount thereof to be paid out of the county rate raised and levied in such county, riding, city, borough, town corporate, division, or liberty; provided that on the removal of such poor person, his wife, child or children as aforesaid, the orders, rules, regulations, and directions of the said justices, made as herein-before mentioned, have been duly complied with.

VI. That all such charges and expenses as aforesaid, which shall be properly and reasonably made for the purposes aforesaid out of any such parish rates within the city of London, shall by such parish or extra-parochial place maintaining its own poor, or parish next adjoining to such extra-parochial place, be charged against the said city of London, and being audited and allowed by the justices of the said city of London, assembled at any quarter sessions or adjourned sessions of the peace in or for the said city of London, shall thereupon by the chamberlain of the said city of London be repaid to the overseers or guardians of the poor of the said parish or extra-parochial place maintaining its own poor, or parish next adjoining to such extra-parochial place, for the benefit thereof; for which purpose a rate or assessment shall be made by the
order and under the authority of such justices of the said city of London, in the several wards of the said city of London, at such time or times as such justices shall think fit, in the same manner and with the same powers and authorities as the rates for the relief of the poor are made in the said parishes and extra-parochial places; and the powers and authorities contained in the several acts of parliament for making and collecting rates for the relief of the poor shall be and the same are hereby extended to this act.

VII. That in any city, borough, town corporate, division, or liberty which does not contribute to the county rate, or in which no county rate shall be made, raised, or levied, the charges and expences paid for the purposes aforesaid by the parish or parishes within such city, borough, town corporate, division, or liberty as aforesaid shall be allowed by the justices of the peace for such city, borough, town corporate, division, or liberty as aforesaid, at any quarter sessions or adjourned sessions of the peace, and paid by the order of such justices to the churchwardens or overseers of the poor of the parish or parishes within such city, borough, town corporate, division, or liberty, for which purposes a general rate or assessment shall be made by the order and under the authority of such justices in the parish or parishes, if more than one, within such city, borough, town corporate, division, or liberty, at such time or times as such justices shall think fit, in the same manner and with the same powers and authorities as the rates for the relief of the poor are made in the parish or parishes of such city, borough, town corporate, division, or liberty; and the powers and authorities contained in the several acts of parliament, for making and collecting rates for the relief of the poor shall be and the same are hereby extended to this act for the making, raising, levying, and collecting the said rate.

VIII. That this act shall continue in force until the first day of May one thousand eight hundred and thirty-six, and to the end of the then next session of parliament.

SCHEDULE.

Form of Order of Removal.

To the constable of the parish of

in the county of

to wit. } 

Because complaint hath been made by the churchwardens and overseers of the poor of the [parish, township, et cetera, as the case may be] in the said county of unto us, whose names are hereunto set and seals affixed, two of his Majesty's justices of the peace acting in and for the said county (one being of the quorum), that a person born in Scotland or Ireland, or the Isle of Man or Scilly, hath become and is now actually chargeable to the said [parish, township, et cetera, as the case may be]: And whereas upon examination of the said taken upon oath before us (which examination is hereto annexed) it doth appear and we do adjudge, that the said hath not gained a settlement in England, and that he hath a wife named and children, videlicet, neither of which children have gained any settlement in England:

These are therefore to require you the said constable of aforesaid, in the county of aforesaid, to convey the said his wife and family aforesaid, to Scotland or Ireland, or the Isle of Man or Scilly, in the manner directed by the justices of the said county of in pursuance of the provisions of a certain act made and passed in the fourth year of the reign of king William the fourth, intituled [Here set out the title of this
Form of Examination.

The examination of


taken on oath before us,

Two of his Majesty's justices of the peace acting in and for the [county, riding, city, borough, town corporate, division, or liberty] aforesaid, this

day of

in the year of our Lord

one thousand eight hundred and thirty-

who on oath saith, that according to the best of [his or her] knowledge and belief [he or she] was born in

in that part of the

united kingdom of Scotland, [or Ireland, or in the Isle of Man or Scilly] which [he or she] left about

years ago, and hath done

no act whereby to gain a settlement in that part of the united kingdom called England, and hath actually become and is now chargeable to the

[parish] of

in the [county, township, et cetera, as the same may be] of

and

children, neither of which

children have gained a settlement in England.

Sworn the day and year first above written, before us,


[No. VII.] 4 & 5 W. IV. c. 76.—An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales. [14th August 1834.]

WHEREAS it is expedient to alter and amend the laws relating to the relief of poor persons in England and Wales: Be it therefore enacted, &c., That it shall be lawful for his Majesty, his heirs and successors, by warrant under the royal sign manual, to appoint three fit persons to be commissioners to carry this act into execution, and also from time to time, at pleasure, to remove any of the commissioners for the time being, and upon every or any vacancy in the said number of commissioners, either by removal or by death or otherwise, to appoint some other fit person to the said office; and until such appointment it shall be lawful for the surviving or continuing commissioners or commissioner to act as if no such vacancy had occurred.

II. That the said commissioners shall be styled "The Poor Law Commissioners for England and Wales;" and the said commissioners, or any two of them, may sit, from time to time as they deem expedient, as a board of commissioners for carrying this act into execution; and the said commissioners acting as such board shall be and are hereby empowered, by summoners under their hands and seal, to require the attendance of all such persons as they may think fit to call before them upon any question or matter connected with or relating to the administration of the laws for the relief of the poor, and also to make any inquiries and require any answer or return as to any such question or matter, and also to administer oaths, and examine all such persons upon oath, and to require and enforce the production upon oath of books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter; or, in lieu of requiring such oath as aforesaid, the said commissioners may, if they a declaration think fit, require any such person to make and subscribe a declaration for an oath; of the truth of the matters respecting which he shall have been or shall
be so examined: Provided always, That no such person shall be required, in obedience to any such such summons, to go or travel more than ten miles from the place of his abode: Provided also, That nothing herein contained shall extend or be deemed to extend to authorize or empower the said commissioners to act as a court of record, or to require the production of the title, or of any papers or writings relating to the title of any lands, tenements, or hereditaments not being the property of any parish or union.

III. That the said commissioners shall cause to be made a seal of the said board, and shall cause to be sealed or stamped therewith all rules orders, and regulations made by the said commissioners in pursuance of this act; and all such rules, orders, and regulations, or copies thereof, purporting to be sealed or stamped with the seal of the said board, shall be received as evidence of the same respectively, without any further proof thereof; and no such rule, order, or regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

IV. That the said commissioners shall make a record of their proceedings, in which shall be entered in writing a reference to every letter received, from whence, its date, the date of its reception, and the subject to which it relates, and a minute of every letter written or order given by the said commissioners, whether in answer to such letters received or otherwise, with the date of the same, and a minute of the opinion of each of the members of the board of commissioners, in case they should finally differ in opinion upon any order to be given or other proceeding of the board; and such record shall be submitted to one of his Majesty's principal secretaries of state once in every year, or as often as he shall require the same.

V. That the said commissioners shall, once in every year, submit to one of the principal secretaries of state a general report of their proceedings; and every such general report shall be laid before both houses of parliament within six weeks after the receipt of the same by such principal secretary of state, if parliament be then sitting, or if parliament be not sitting then within six weeks after the next meeting thereof.

VI. That the said commissioners shall from time to time, at such times as any one of his Majesty's principal secretaries of state shall direct, give to the principal secretary of state requiring the same such information respecting their proceedings, or any part thereof, as the said principal secretary of state shall require.

VII. That the said commissioners shall and they are hereby empowered from time to time to appoint such persons as they may think fit to be assistant commissioners for carrying this act into execution, at such places and in such manner as the said commissioners may direct, and to remove such assistant commissioners, or any of them, at their discretion, and on every or any vacancy in the said office of assistant commissioner, by removal or by death or otherwise, to appoint, if they see fit, some other person to the said office: Provided always, That it shall not be lawful for the said commissioners to appoint more than nine such assistant commissioners to act at any one time, unless the lord high treasurer, or the commissioners of his Majesty's treasury for the time being, or any three or more of them, shall consent to the appointment of a greater number.

VIII. That no commissioner or assistant commissioner appointed as aforesaid shall during his continuance in such appointment be capable of being elected or sitting as a member of the house of commons.

IX. That the said commissioners may and they are hereby empowered from time to time to appoint a secretary, assistant secretary or secretaries, and all such clerks, messengers, and officers as they shall deem necessary, and from time to time, at the discretion of the said commissioners, to remove such secretary, assistant secretary or secretaries, clerks, messengers, and officers, or any of them, and to appoint others in their stead: Provided always, That the amount of the salaries of
such secretary, assistant secretary or secretaries, clerks,messengers, and officers shall from time to time be regulated by the lord high treasurer, or the commissioners of his Majesty’s treasury, or any three or more of them.

X. That no commissioner to be appointed by his Majesty, nor any assistant commissioner, secretary, or other officer or person to be appointed by the said commissioners, under and by virtue of the provisions of this act, shall continue to hold his respective office or exercise any of the powers given by this act for a longer period than five years next after the day of the passing of this act, and thenceforth until the end of the then next session of parliament; and from and after the expiration of the said period of five years, and of the then next session of parliament, so much of this act as enables his Majesty to appoint any commissioner or commissioners shall cease to operate or have any effect whatever.

XI. That every commissioner and assistant commissioner to be appointed from time to time as aforesaid shall, before he shall enter upon the execution of his office, take the following oath before one of the judges of his Majesty’s courts of king’s bench or common pleas, or one of the barons of the court of exchequer; (that is to say,)

'I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my skill and judgment, execute and fulfil all the powers and duties of a commissioner [or assistant commissioner, as the case may be], under an act passed in the fifth year of the reign of king William the fourth, intituled [here set forth the title of this act].'

And the appointment of every such commissioner and assistant commissioner, together with the time when and the judge or baron before whom he shall have taken the oath aforesaid, shall be forthwith published in the London Gazette; and a notification of such appointment and of the taking of such oath shall from time to time be sent, under the hands and seal of the said commissioners, to the clerk of the peace of every county in England and Wales, who shall and is hereby required as soon as conveniently may be to cause the same to be advertised once in some newspaper published or circulated in such county; and such notification as aforesaid shall be kept and preserved by such clerk of the peace with the records of such county.

XII. That it shall be lawful for the said commissioners to delegate to their assistant commissioners, or to any of them, such of the powers and authorities hereby given to the said commissioners (except the powers to make general rules) as the said commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places, for such periods, and under such circumstances, and subject to such regulations as the said commissioners shall direct; and the said commissioners may at any time revoke, alter, vary or add all or any of the powers and authorities which shall be so delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and the said assistant commissioners may and are hereby empowered to summon before them such persons as they may think necessary for the purpose of being examined upon oath (which oath such assistant commissioners are hereby empowered to administer) upon any question or matter relating to the poor or their relief, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, writings, or copies of the same, in any wise relating to such question or matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments not being the property of any parish or union, as such assistant commissioners may think fit, but so that no such person shall be required, in obedience to any such summons, to go or travel
more than ten miles from the place of his abode; provided nevertheless, that in lieu of requiring such oath as aforesaid the said assistant commissioners may, if they think fit, require such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and all summonses and orders made by any such assistant commissioner in pursuance or exercise of such delegated powers and authorities shall be obeyed, performed, and carried into effect by all persons as if such summons or order had been the summonses or order of the said commissioners, and the breach, non-observance, or non-performance thereof shall be punishable in like manner.

XIII. That if any person, upon any examination under the authority of this act, shall wilfully and corruptly give false evidence, he shall be deemed guilty of perjury, and if any person shall make or subscribe a false declaration, he shall, on being convicted thereof, suffer the pains and penalties of perjury, and if any person shall wilfully refuse to attend in obedience to any summonses of any commissioner or assistant commissioner, or to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be so required to be produced before the said commissioners or assistant commissioners, every person so offending shall be deemed guilty of a misdemeanor.

XIV. That it shall be lawful for the said commissioners, in any case where they see fit, to order and allow such expences of witnesses, and of attending the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said commissioners or assistant commissioners, as such commissioners may deem reasonable, to be paid as follows; that is to say, out of the poor rates of the respective parish or union which in the opinion of the said commissioners shall be interested or concerned in such attendance or production respectively in all cases in which such witnesses shall not go or travel more than ten miles from the respective parish or union which shall be interested or concerned as aforesaid, and in all other cases the expenses so ordered or allowed shall be deemed as part of the incidental expences attending the execution of this act, and be paid accordingly.

XV. That from and after the passing of this act the administration of relief to the poor to be under control of the commissioners; who are to make rules and regulations for the management of the poor, and administration of the laws for their relief, &c.

Commissioners may suspend or alter rules, &c.
XVI. That no general rule of the said commissioners shall operate or take effect until the expiration of forty days after the same, or a copy thereof, shall have been sent, signed and sealed by the said commissioners, to one of his Majesty's principal secretaries of state; and if at any time after such general rule shall have been so sent to such principal secretary of state his Majesty, with the advice of his privy council, shall disallow the same or any part thereof, such general rule, or the part thereof so disallowed, shall not come into operation, if such disallowance be notified to the said commissioners at any time during the said period of forty days, but if such disallowance be made at any time after that period, such disallowance shall be, by one of his Majesty's principal secretaries of state, be notified to the said commissioners, and from and after such disallowance shall have been so notified then such general rule, so far as the same shall have been so disallowed, shall cease to operate, subject however and without prejudice to all acts and transactions under or in virtue of the same previously to such disallowance having been so notified.

XVII. That all general rules for the time being in force at the commencement of every session of parliament, and which shall not previously have been submitted to parliament, shall from time to time, within one week after the commencement of every such session, be laid by one of his Majesty's principal secretaries of state before both houses of parliament.

XVIII. That a written or printed copy of every rule, order, or regulation of the said commissioners shall, before the same shall come into operation in any parish or union, be sent by the said commissioners, by the post, or in such manner as the commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union or their clerk, and to the clerk to the justices of the petty sessions held for the division in which such parish or union shall be situate; and such overseers, guardians, or their clerk, and clerks to the justices aforesaid, are hereby required to keep and preserve, notify and give publicity to, such rules, orders, and regulations, in such manner as the said commissioners shall direct, and also to allow every owner of property or his agent, or any rate-payer, in every such parish or union, to inspect the same at all reasonable times, free of any charge for such inspection, and to furnish copies of the same, being paid for such copies at and after the rate of threepence for every folio of seventy-two words, and to allow copies or extracts thereof to be taken on being paid for so doing after the rate of three halfpence for every folio of seventy-two words; and in case any such overseer, guardian, clerk, or clerk to the justices, to whom such rules, orders, or regulations, or copies thereof, shall be sent as aforesaid, shall neglect to keep and preserve, notify and give publicity to the same in the mode prescribed or directed by the said commissioners, or shall refuse such inspection, or to furnish or allow such copies thereof to be taken as aforesaid, every person so offending shall be for every such offence be subject and liable to a penalty not exceeding the sum of ten pounds, nor less than forty shillings, to be recoverable in the same manner as any penalties are by this act directed to be recovered: Provided also, that if any such rule shall after the same shall have come into operation be disallowed in manner herein-before mentioned, or revoked by the said commissioners, then and in every such case the said commissioners shall send, by the post, or in such manner as they shall think fit, to every parish or union affected by the said rule, notice of such disallowance or revocation; such notice of disallowance or revocation to be addressed, kept, preserved, notified, and publicly inspected, and copies thereof furnished or allowed to be taken, in such and the same manner and subject to the same penalties as are herein-before mentioned respecting the rules, orders, and regulations of the said commissioners.

XIX. That no rules, orders, or regulations of the said commissioners, No inmate of a nor any bye-laws at present in force or to be hereafter made, shall oblige workhouse
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Orders or regulations of assistant commissioners to be approved and sealed by commissioners.

Powers of
22 G. 3, c. 89,
59 G. 3, c. 12,
and of all other acts relating to workhouses, and to borrowing money, to be exercised under control of commissioners, and be subject to their orders.

Commissioners, &c. the entitled to attend local boards and vestry; but not to order the building or hiring of workhouses, except under limitations.

No additions or alterations to be made to the rules contained in the schedule to 22 G. 3, c. 83, or in any other act until confirmed by commissioners.

any inmate of any workhouse to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorise the education of any child in such workhouse in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or parent shall object, or, in the case of an orphan, to which the godfather or godmother of such orphan shall so object: Provided also, that it shall and may be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times of the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion.

XX. That no order or regulation made by any assistant commissioner shall be in force unless and until the same shall have been adopted by the said commissioners, and sealed or stamped with their seal, and thereupon every such order or regulation shall be considered as made by the said commissioners: and that no rule, order, or regulation of the said commissioners, except orders made in answer to the statements and reports herein-after authorized to be made by overseers or guardians to the said commissioners, shall be in force until the expiration of fourteen days after a written or printed copy of the same shall have been sent by the said commissioners, sealed or stamped, and addressed as lastly herein-before is mentioned.

XXI. That, except where otherwise provided by this act, all the powers and authorities given in and by a certain act of parliament passed in the twenty-second year of the reign of his late Majesty king George the third, intituled An Act for the better Relief and Employment of the Poor, and in and by a certain other act passed in the fifty-ninth year of the reign of his said late Majesty, intituled An Act to amend the Laws for the Relief of the Poor, and all acts for amending such acts respectively, and also all the powers and authorities given by every other act of parliament, general as well as local for or relating to the building, altering, or enlarging poorhouses and workhouses, and to the acquiring, purchasing, hiring, holding, selling, exchanging, and disposing thereof, or of land whereon the same may have been or may hereafter be erected, and of preparing such houses for the reception of poor persons, and the dieting, clothing,employing, and governing of such poor, and the raising or borrowing of money for any of the purposes aforesaid, and for repaying the same, and all powers of regulating and conducting all other workhouses whatsoever, and of governing, providing for, and employing the poor therein, and all powers auxiliary to any of the powers aforesaid, or in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same, under the control, and subject to the rules, orders, and regulations of the said commissioners; and the said commissioners and assistant commissioners respectively, and every of them, shall be entitled to attend at every parochial and other local board and vestry, and take part in the discussions, but not to vote at such board or vestry: Provided always, that nothing herein contained shall be construed to give the said commissioners or assistant commissioners any power to order the building, purchasing, hiring, altering, or enlarging of any workhouse, or the purchasing, or hiring of any land at the charge or for the use of any parish or union, save and except so far as such powers are expressly given by this act.

XXII. And whereas by the said act made and passed in the twenty-second year of the reign of his late Majesty king George the third it is (among other things) enacted that the rules, orders, and regulations specified and contained in the schedule thereunto annexed should be duly observed and enforced at every poorhouse or workhouse to be provided by virtue of the said act, with such additions as should be made by the justices of the peace of the limit wherein such house or houses should be situate, at some special session, provided that such additions should not be contradictory to the rules, orders, and regulations esta-
blished by that act, and provided that the same should not be repealed by the justices at their quarter sessions of the peace; and it is expedient that such additions, or other rules, orders, or regulations, under that or any local or other act, should not in future be made without the sanction of the said commissioners; be it therefore enacted, That no additions or alterations shall hereafter be made to or in the rules, orders, and regulations contained in the schedule to the said recited act, and no rules, orders, and regulations shall hereafter be made under the authority of the said recited act, or of any act made for altering, amending, or extending the same, or any local or other act, relating to poorhouses, workhouses, or the relief of the poor, until the same shall have been submitted to and approved and confirmed by the said commissioners; and that the same, when so confirmed, shall be legally valid and binding upon all persons; and no justice or justices shall have power to repeal the same.

XXIII. That it shall be lawful for the said commissioners, and they are hereby empowered, from time to time when they may see fit, by any writing under their hands and seal, by and with the consent in writing of a majority of the guardians of any union, or with the consent of a majority of the rate-payers and owners of property entitled to vote in manner herein-after prescribed, in any parish, such last-mentioned majority to be ascertained in manner provided in and by this act, (1) to order and direct the overseers or guardians of any parish or union not having a workhouse or workhouses to build a workhouse or workhouses, and to purchase or hire land for the purpose of building the same thereon, or to purchase or hire a workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses; and, with the like consent, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any buildings capable of being converted into a workhouse or workhouses, to enlarge or alter the same in such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution, or to build, hire, or purchase any additional workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses, or to purchase or hire any land for building such additional workhouse or workhouses thereon, of such size and description, and according to such plan, and in such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution; and the overseers and guardians to whom any such order shall be directed are hereby authorized and required to accept, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for purchasing or hiring land, or for building, hiring, and maintaining workhouses for the use of the poor, in their respective parishes or unions, or to borrow money for such purposes under the provisions of this or any other act or acts.

XXIV. That for the better and more effectually securing the repayment of any sum or sums of money which may be borrowed for the purposes aforesaid, with interest, it shall be lawful for the said overseers or guardians to charge the future poor rates of such parish or union with the amount of such sum or sums of money; provided always, that the principal sum or sums to be raised for such purposes, whether raised within the year or borrowed, shall, in no case exceed the average annual amount of the rates raised for the relief of the poor in such parish or union for three years ending at the Easter next preceding the raising of such money; and that any loan or money borrowed for any of the purposes aforesaid shall be repaid by annual instalments of not less than Sums to be raised for purposes of building workhouses to be charged on poor rates; not to exceed one year's amount of poor rates.

(1) See also the 6 and 6 W. 4, c. 69, post.
No. VII.  
4 & 5 W. 4,  
c. 76.  

Power to order workhouses to be altered or enlarged, without consent, &c.

Sums to be raised for such purposes not to exceed one tenth of one year's rates, or 50l.  
Parishes may be united by commissioners.

Each parish chargeable for its own poor.

Justices may order out-door relief to aged and infirm persons wholly unable to work.

When a union of parishes shall be proposed, commissioners to inquire the expense of poor belonging to each parish for three years preceding.

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XXV. That it shall be lawful for the said commissioners, and they are hereby empowered, without requiring any such consent as aforesaid, by any writing under the hands and seal of the said commissioners, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any building capable of being converted into a workhouse or workhouses, to enlarge or alter the same, according to such plan and in such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution; and the overseers or guardians to whom any such order shall be directed are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for altering, enlarging, and maintaining workhouses for the use of the poor in their respective parishes or unions: provided always, that the principal sum or sums to be raised for such purposes, and charged upon any parish, shall not exceed in the whole the sum of fifty pounds, nor in any such case exceed one tenth of the average annual amount of the rates raised for the relief of the poor in such parish for the three years ending at the Easter next preceding the raising of such money.

XXVI. That it shall be lawful for the said commissioners, by order under their hands and seal, to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor, and such parishes shall thereupon be deemed a union for such purpose, and thereupon the workhouse or workhouses of such parishes shall be for their common use; and the said commissioners may issue such rules, orders, and regulations as they shall deem expedient for the classification of such of the poor of such united parishes in such workhouse or workhouses as may be relieved in any such workhouse, and such poor may be received, maintained, and employed in any such workhouse or workhouses as if the same belonged exclusively to the parish to which such poor shall be chargeable; but, notwithstanding such union and classification, each of the said parishes shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of any such workhouse.

XXVII. That in any union which may be formed under this act it shall be lawful for any two of his Majesty's justices of the peace usually acting for the district wherein such union may be situated, at their just and proper discretion, to direct by order under their hands and seals, that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such person shall reside in any workhouse: provided always, that one of such justices shall certify in such order of his own knowledge, that such person is wholly unable to work, as aforesaid; and provided further, that such person shall be lawfully entitled to relief in such union, and shall desire to receive the same out of a workhouse.

XXVIII. That when any union of parishes for the administration of the laws for the relief of the poor shall be proposed to be made or shall be made under the provisions of this act, it shall be lawful for the said commissioners, and they are hereby required, from time to time, by such means and in such manner as they may think fit, to inquire into and ascertain the expense incurred by each parish proposed to form part of such union for the relief of the poor belonging to such parish, whether such relief shall have been given in or out of any workhouse, for the three years ending on the twenty-fifth day of March next preceding such inquiry, and thereupon the said commissioners shall proceed to calculate and ascertain the annual average expense of each parish for that period; and the several parishes included or proposed to be included in such union shall from the time of effecting the same contribute and be assessed to a common fund for purchasing, building, hiring, or providing,
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No. VII. 4 & 5 W. 4, c. 76.

Power for taking future averages.

altering or enlarging any workhouse or other place for the reception and relief of the poor of such parishes, or for the purchase or renting of any lands or tenements, under and by virtue of the provisions of this act, of or for such union, and for the future upholding and maintaining of such workhouses or places aforesaid, and the payment or allowance of the officers of such union, and the providing of utensils and materials for setting the poor on work therein, and for any other expense to be incurred for the common use or benefit or on the common account of such parishes, in the like proportions as on the said annual average of the said three years such relief had cost each such parish separately, until such average shall be varied or altered as herein-after provided: provided always, and the said commissioners are hereby authorized, if they shall so think fit, but not otherwise, from time to time, either upon the application of the guardians of such union or of the overseers of any parish forming part of the same, or without such application, to cause a like inquiry and calculation to be made and average ascertained for the three years ending on the twenty-fifth day of March next preceding such inquiry; and from and after the ascertaining of any such average, or of any succeeding average, the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes aforesaid, in the proportions which the expence of such parishes shall be found to have borne to each other during such period upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes.

XXIX. And whereas in divers unions formed under the said recited act made and passed in the twenty-second year of the reign of his late Majesty king George the third, intitled \textit{An Act for the better Relief and Employment of the Poor}, or under local acts of incorporation, the whole of the expence, as well of upholding the united workhouses therein as of maintaining and relieving the poor of the respective parishes of such unions, is assessed upon such parishes in the respective proportions fixed at the period when such unions were formed, and in others a part of such expences is so levied, and a part subjected to variations at stated periods: And whereas some of the parishes of such unions have contributed and still continue to contribute, as their fixed proportion of the general fund, a sum much larger and others a sum much less than the actual expence incurred for the relief of the poor belonging to them respective-ly; for remedy thereof be it enacted, That it shall be lawful for the said commissioners, as soon as conveniently may be after the passing of this act, to cause an inquiry to be made and an account rendered, as far as it may be practicable to render the same, by the visitors, directors, acting guardians, or other officers of such parishes or unions respectively, of the expence incurred for the relief of the poor belonging to each parish within any such union, whether such poor shall have been relieved in or out of such parish respectively, or in or out of any united workhouse, and whether such expence has been paid by the general fund of such union or the parochial funds of any of the parishes thereof, or by any private rate, or general subscription in lieu of a rate among the rate-payers of any such parish, and whether passed through the books or paid under the control of the managers or officers of such union, or not, for the period of three years ending on the twenty-fifth day of March one thousand eight hundred and thirty-four, including therein a due proportion of the expence of maintaining the united workhouses and establishment of such union, calculated according to the actual expence otherwise incurred for the relief of the poor belonging to each such parish; and the average annual amount of such expence shall be deemed and taken to have been the annual expence incurred by such parish on account of its poor, notwithstanding such parish may have contributed a greater or smaller sum than such annual average to the general funds of the union during such period; and such annual average, so ascertained as aforesaid, shall, if the said commissioners shall see fit, and to such extent only
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as they may direct, be deemed and taken as the fixed proportion to be contributed and paid by each such parish respectively towards a common fund for the future hiring, maintaining and upholding, repairing, altering, or enlarging of any workhouse, and the renting of any land used by such union at the passing of this act, and for the purchasing, building, hiring, maintaining, upholding, repairing, altering, or enlarging of any new workhouse or workhouses, or other place for the reception and relief of the poor belonging to the parishes of such union, and for the renting or purchase of any lands or tenements under or by virtue of the provisions of this act, and the payment or allowance of any officers of such union, and the providing of utensils or materials for setting the poor on work therein, and for any other expense to be in future incurred for the common use or benefit of such parishes, and in addition to the cost or proportion of cost of the poor of such parishes who shall be maintained or relieved in or out of any workhouse of such union, for which each such parish shall in future be charged separately; any provision or enactment in the said recited act or in any such local acts to the contrary notwithstanding; provided always, and the said commissioners are hereby authorized, if they see fit, but not otherwise, upon the application of the guardians of any such last-mentioned union, or of the overseers of any parish forming part of the same, or without such application, from time to time to cause an inquiry and calculation to be made, and average ascertained, for the three years ending on the twenty-fifth day of March next preceding such inquiry, of the expence incurred by each such parish, as well in respect of its contribution to such common fund as of the cost or proportion of cost of its poor which shall have been maintained or relieved in or out of any workhouse of such union during such period of three years; and from and after the ascertaining of such average or of any succeeding average the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes of which such common fund is herein-before declared to be applicable, in the proportions which the expence of such parishes shall be found to have borne to each other during such period, upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes to such common fund: provided always, that nothing herein contained shall extend to any parishes already formed or hereafter to be formed into a union for the purposes of settlement or rating, or where the annual assessment is directed to be indifferently proportioned between the several parishes composing such union.

XXX. And for facilitating the inquiries directed by this act, be it enacted, That unless and until they shall be proved to the satisfaction of the said commissioners to be incorrect, the returns made to parliament of the sums expended for the relief of the poor of any parish for the last three years previous to the passing of this act shall be deemed to be the actual expence incurred by each such parish respectively during that period for the purposes aforesaid, and on account of the poor belonging to such parish respectively, and shall be taken as the ground on which such averages shall be calculated and ascertained.

XXXI. That from and after the passing of this act so much of the said recited act made and passed in the twenty-second year of the reign of his late Majesty king George the third, intituled An Act for the better Relief and Employment of the Poor, as provides that no parish, township, hamlet, or place which shall be situate more than ten miles from any poorhouse or workhouse to be provided under the authority of that act shall be permitted to be united for the purposes therein mentioned with the parishes, townships, hamlets, and places which shall establish such poorhouse or workhouse as therein mentioned, and as limits the class or description of persons who shall be sent to such poorhouse or workhouse; and so much of a certain act made and passed in the fifty-sixth year of the reign of his said late Majesty king George the third, intituled An Act to repeal certain Provisions in Local Acts for the Maintenance and
Management of the Poor, as repeals all enactments and provisions contained in any act or acts of parliament since the commencement of the reign of his late Majesty king George the first, whereby any parish, township, or hamlet at a greater distance than ten miles from any house of industry or workhouse shall thereafter be empowered or authorized to become contributors to or to take the benefit of such house of industry or workhouse; shall be and the same is hereby repealed.

XXXII. That it shall be lawful for the said commissioners, from time to time, as they may see fit, by order under their hands and seal, to declare any union, whether formed before or after the passing of this act, (except when united for the purposes of settlement or rating,) to be dissolved, or any parish or parishes, specifying the same, to be separated from or added to any such union, and, as the case may be, such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly; and the said commissioners shall in every such case frame and make such rules, orders, and regulations as they may think fit for adapting the constitution, management, and board of guardians of every such union, from or to which there shall be such separation or addition as aforesaid, to the altered state of the same, and every such union shall after such alteration be constituted, managed, and governed as if the same had been originally formed in such altered state; and in case any union shall be wholly or partially dissolved as aforesaid, then the parishes constituting, or, in case of a partial dissolution, separated from any such union, shall thenceforth be subject to be re-united, or united with other parishes or unions, or otherwise dealt with according to the provisions of this act as the said commissioners shall think fit: Provided always, That in every such case the said commissioners shall and they are hereby required to ascertain the proportionate value to every parish of such union of the workhouses or other property held or enjoyed by such union for the use of the poor or benefit of the rate-payers therein, and also the proportionate amount chargeable on every parish in respect of all the liabilities of such union existing at the time of such dissolution or alteration of the same, and the said commissioners shall thereupon fix the amount to be received, or paid or secured to be paid, by every parish affected by such alteration; and the sum to be received, if any, by such parish, shall be paid, or, as the said commissioners shall direct, be secured to be paid, to the overseers or guardians of the same, for the benefit of such parish, and in diminution of the rates thereof and of the expense attending such alteration; and the sum to be so paid or secured to be paid by every such parish shall be raised, under the direction of the said commissioners, by the overseers or guardians of such parish, or charged on the poor rates of such parish, as the said commissioners may see fit, and shall be paid or secured for the use and benefit of the union from which the same parish shall have been so separated, or of the persons or parishes otherwise entitled thereto, as the case may be: Provided always, That no such dissolution or alteration of the parishes constituting any such union, nor any addition thereto as aforesaid, shall in any manner prejudice, vary, or affect the rights or interests of third persons, unless such third persons, by themselves or their agents, shall consent in writing to such dissolution or proposed alteration or addition; and that no such dissolution, alteration, or addition shall take place or be made unless a majority of not less than two thirds of the guardians of such union shall also concur therein; and in every such case, when the said majority of the guardians of such union shall of such union shall also concur in such proposed alteration, the terms on which such concurrence shall have been given, if approved by the said commissioners, shall be binding and conclusive on the several parishes of such union.

XXXIII. That in any union already formed or which may hereafter be formed in pursuance of or under the provisions of this act it shall and may be lawful for the guardians elected by the parishes forming
such union, by any writing under the hands of all such guardians, to agree, subject to the approbation of the said commissioners, for or on behalf of the respective parishes forming such union, that for the purposes of settlement such parishes shall be considered as one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof shall be deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district, or liberty in which the parishes of such union shall be respectively situate; and the said clerk of the peace shall and is hereby required, upon the receipt of such agreement, or counterpart or counterparts thereof, to file the same with the records of such county, riding, division, district, or liberty; and from and after the depositing of the same as aforesaid the said agreement shall for ever thereafter be binding on each of such parishes, and shall not be revoked or annulled; and the settlement of a poor person in any one of the parishes of such union shall be considered, as between such parishes, a settlement in such union, and the expense of maintaining, supporting, and relieving every such poor person, and all other expenses of maintaining, supporting, and relieving the poor to which any one of such parishes shall be liable after the depositing of such agreement, part or counterpart as aforesaid, or of ascertaining, litigating, or adjudging the settlement of any poor person in any of such parishes, shall form part of the general expenses and be paid out of the common funds of such union: Provided always, That wherever such agreement is entered into as aforesaid the rate or proportion of contribution to such common funds to be thereafter paid by each of the parishes of such union shall be ascertained and fixed in like manner as in and by this act is provided for in cases where any union of parishes is made or proposed to be made under the provisions thereof, and shall not be subject to further variation.

XXXIV. That where the parishes of any union shall be situate within the same county, riding, division, district, or liberty, under the jurisdiction of the same justices of the peace, it shall and may be lawful for the guardians elected by the parishes forming such union, by any writing under the hands of all such guardians, to agree, with the approbation of the said commissioners, for or on behalf of the respective parishes for which they shall so act as guardians, that, for the purposes of raising in common the necessary funds for the relief of the poor of such union, such parishes shall be considered one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district, or liberty, counties, district or districts, in which the said parishes of such union shall be situate; and the said clerk or clerks of the peace shall and is and are hereby required, upon the receipt of such agreement, part or counterpart, to file the same with the records of such county, riding, division, district, or liberty, or counties, district or districts, and from and after the depositing and filing of such last-mentioned agreement or counterpart the same shall be for ever binding upon such parishes, and shall not be revoked or annulled.

XXXV. That from and after such depositing and filing of the said agreement, part or counterpart, the said guardians shall, under such regulations as the said commissioners shall in that respect prescribe, proceed to ascertain and assess the value of the property in the several parishes of such union rateable to the relief of the poor, and to cause to be made such surveys and valuations of the said property, or any part thereof, as may be necessary, from time to time, to make a fair and just
assumption upon the said united parishes in respect of such property so rateable as aforesaid; and all rates grounded on every such valuation or assessment shall be made, allowed, published, and recovered in such and the same manner as rates for the relief of the poor are now by law made, allowed, published, and recovered; and the rate-payers shall have the like power of appeal against such last-mentioned rates as any persons now have against rates made for the relief of the poor.

XXXVI. That from and after any such common rate shall have come into operation the proportions of contribution fixed at the period of uniting such parishes, or existing at the time of such last-mentioned for the poor to agreement for a common rate, shall wholly cease; and all expenditure in respect of the poor of such union, or chargeable in any way on the poor rates of the respective parishes thereof, shall be deemed and be the common expenditure of such union, and be chargeable upon and paid out of the common or general fund to be raised upon such parishes under such common rate, according to the valuation or assessment of the rateable property in such parishes so ascertained, confirmed, and allowed by the said justices from time to time in manner herein-before provided: Provided always, That the expense of every such valuation shall at all times be a charge on the common rate of such parishes:

Provided always, That in case any parish of any union, at the period of entering into such agreement for the purposes of settlement or a common rate, shall not be represented by a guardian elected solely by such parish, such parish shall not be bound by any such agreement, unless a majority of the owners of property and rate-payers in such parish, entitled to vote in the manner provided by this act, shall, by their votes in writing, testify their assent to such agreement in such form as the said commissioners shall prescribe; and in case such assent shall not be so given, such parish shall be wholly omitted from such agreement, and be liable to pay such proportion only of the common assessment as it was bound to pay upon the forming of the union of such parishes.

XXXVII. That from and after the passing of this act no union or incorporation of parishes shall be formed under the provisions of the said act made and passed in the twenty-second year of the reign of his late Majesty king George the third, without the previous consent of the said commissioners, testified under their hands and seal.

XXXVIII. That any parishes shall be united by order or with the concurrence of the said commissioners for the administration of the laws for the relief of the poor, a board of guardians of the poor for such union shall be constituted and chosen, and the workhouse or workhouses of such union shall be governed, and the relief of the poor in such union shall be administered, by such board of guardians; and the said guardians shall be elected by the rate-payers, and by such owners of property in the parishes forming such union as shall in manner herein-after mentioned require to have their names entered as entitled to vote as owners in the books of such parishes respectively; and the said commissioners shall determine the number and prescribe the duties of the guardians to be elected in each union, and also fix a qualification without which no person shall be eligible as such guardian, such qualification to consist in being rated to the poor rate of some parish or parishes in such union, but not so as to require a qualification exceeding the annual rental of forty pounds, and shall also determine the number of guardians which shall be elected for any one or more of such parishes, having due regard to the circumstances of each such parish: Provided always, That one or more guardians shall be elected for each parish included in such union; and such guardians, when so elected, shall continue in office until the twenty-fifth day of March next following their appointment or until others are appointed in their stead, and on such twenty-fifth day of March, or if that day should fall on a Sunday or Good Friday then on the day next following, or within fourteen days next after the said twenty-fifth day of March in every year, such guardians shall go out of office, and the guardians for the ensuing year
shall be chosen; and in the event of any vacancy occurring in such board by the death, removal or resignation, or refusal or disqualification to act of any elected guardian between the periods of such first and the next and any subsequent annual election, or in case the full number of guardians shall not be duly elected at such subsequent election of guardians for the time being, the other or remaining members of the said board shall continue to act until the next election, or until the completion of the said board, as if no such vacancy had occurred, and as if the number of such board were complete; and every justice of the peace residing in any such parish, and acting for the county, riding, or division in which the same may be situated, shall be an ex officio guardian of such united or common workhouses, and shall, until such board of guardians shall be duly elected and constituted as aforesaid, and also, in case of any irregularity or delay in any subsequent election of guardians, receive and carry into effect the rules, orders, and regulations of the said commissioners; and after such board shall be elected and constituted as aforesaid every such justice shall ex officio be and be entitled, if he think fit, to act as a member of such board, in addition to and in like manner as such elected guardians: Provided always, That, except where otherwise ordered by the said commissioners, and also except for the purpose of consenting to the dissolution or alteration of any union or any addition thereto, or to the formation of any union for the purposes of settlement or rating, no ex officio or other guardian of any such board as aforesaid shall have power to act in virtue of such office except as a member and at a meeting of such board; and no act of any such meeting shall be valid unless three members shall be present and concur therein: Provided also, That nothing herein contained shall prevent such owners and rate-payers from re-electing the same persons or any or either of them to be guardians for the year next ensuing, nor from electing as a guardian any person who may already have been chosen as a guardian of any other parish.

XXXIX. That if the said commissioners shall, by any order under their hands and seal, direct that the administration of the laws for the relief of the poor of any single parish should be governed and administered by a board of guardians, then such board shall be elected and constituted, and authorised and entitled to act, for such single parish, in like manner in all respects as is herein-before enacted and provided in respect to a board of guardians for united parishes; and every justice of the peace resident therein, and acting for the county, riding, or division in which the same is situated, shall be and may act as an ex officio member of such board.

XL. That in all cases of the election of guardians under this act, or wherever the content of the owners of property or rate-payers in any parish or union shall be required for any of the purposes of this act, except when otherwise expressly provided for in this act, the votes of such owners and rate-payers shall be given or taken in writing, collected, and returned, in such manner as the said commissioners shall direct; and in every such case the owner, as well as the rate-payer, in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other persons in and by an act made and passed in the fifty-eighth year of the reign of his said late Majesty king George the third, intituled An Act for the Regulation of Parish Vestries, and in and by an act to amend the same, made and passed in the fifty-ninth year of his said late Majesty; and the rate-payers under two hundred pounds shall each have a single vote; and the rate-payers rated at two hundred pounds or more, but under four hundred pounds, shall each have two votes; and the rate-payers rated at four hundred pounds or more, shall each have three votes; and the majority of the votes of such owners and rate-payers which shall be actually collected and returned shall in every such case be binding on such parish; and for the purpose of ascertaining the number of votes to
which each such owner shall be entitled, the aggregate amount of the
assessment for the time being of any property belonging to such owner
in such parish, or on any person or persons in respect of the same, to
the poor rate, shall be deemed to be and be taken as the annual value of
such property to such owner; and where any such owner shall be the
bond fide occupier of any such property, he shall be entitled to vote as
well in respect of his occupation as of his being such owner: Provided
always, That it shall be lawful for any owner from time to time, by
given by proxy,
writing under his hand, to appoint any person to vote as his proxy; and
every such appointment shall remain in force until revoked or recalled
by such owner; but no owner shall be entitled to vote, either in person
or proxy, unless he shall, previous to the day on which he shall claim
to vote, have given a statement in writing of his name and address, and
the description of the property in the parish as owner whereof, or proxy
for the owner whereof, he claims to vote, and if such proxy, the original
or an attested copy of the writing appointing him such proxy, to the
overseers of such parish; and the said overseers are hereby required to
enter in the rate books of such parish, or in some other book to be from
time to time provided for that purpose, the names and addresses of the
owners and proxies who shall send such statements, and the assess-
ment of the rate for the relief of the poor of the property in respect
whereof they respectively claim to vote: Provided also, That every per-
son who shall not vote, or who shall not comply with the directions to
be made by the said commissioners for the giving, taking, or returning
of votes, shall be omitted in the calculation of votes, and considered as
having had no vote on the question wherein he might have voted: Pro-
vided also, That no person shall be deemed a rate-payer, or be entitled to vote unless
No rate-payer
or do any other act, matter, or thing as such, under the provi-
sions of this act, unless he shall have been rated to the relief of the poor
for the whole year immediately preceding his so voting or otherwise
acting as such rate-payer, and shall have paid the parochial rates and
assessments made and assessed upon him for the period of one whole
year, as well as those due from him at the time of so voting or acting
except such as shall have been made or become due within the six
months immediately preceding such voting or acting: Provided always,
That in cases of property belonging to any corporation aggregate, or to
any joint stock or other company, no member of such corporation, or
proprietor of or interested in such joint stock or other company, shall
be entitled to vote as such owner in respect thereof; but any officer of
such corporation, joint stock, or other company, whose name shall be
entered by the direction of the governing body of such corporation or
company in the books of the parish, in the manner herein-before
directed with respect to the owner of property, shall be entitled to vote
in respect of such property in the same manner as if he were the owner
thereof.

XLI. That all elections of guardians, visitors, and other officers, for
Elections of
the execution of any of the powers or purposes of the said recited act
guardians, visit-
made and passed in the twenty-second year of the reign of his said late
ors, and other
Majesty king George the third, intituled An Act for the better Relief and
majesty, king
Employment of the Poor, or of any local act of parliament relating to
George the third
poorhouses, workhouses, or the relief of the poor, or any act to alter or
An Act for
amend the same respectively, shall hereafter, so far as the said commis-
the better Relief
sioners shall direct, be made and conducted according to the provisions
and Employment of
of this act: Provided always that it shall be lawful for the said commis-
of the Poor,
sioners, if they shall so think fit, from time to time, with the consent
or any local
of the majority of the owners of property and rate-payers of any parish, or
act relating to
of any union now existing or to be formed under the provisions of this
poorhouses,
act, to alter the period for which the guardians to be appointed under
workhouses,
the provisions of this act for such parish or union, or any of them, would
the relief of the
under the provisions of this act hold office, for such other period or pe-
poor,
tiods as to the said commissioners, with such consent as aforesaid, shall
or any act to alter
seem expedient, and also to make such alterations in the number, mode

Poor.

[Part VI.

No. VII. 4 & 5 W. 4, c. 76.

Commissioners may make rules, &c. for present or future workhouses, and vary bye laws already in force or to be made hereafter.

Rules, &c. affecting more than one union to be deemed general rules.

Justices empowered to see bye laws enforced, and to visit workhouses, pursuant to 30 G. 3, c. 49.

of appointment, removal, and period of service of the guardians, or any of them, of any parish, or of any union now existing or to be formed under the provisions of this act, as to the said commissioners, with such consent as aforesaid, shall seem expedient.

XLIII. That the said commissioners may and are hereby authorized, by writing under their hands and seal, to make rules, orders, and regulations, to be observed and enforced at every workhouse already established by virtue of the said recited act made and passed in the twenty-second year of the reign of his said late Majesty king George the third, intituled An Act for the better Relief and Employment of the Poor, or any general or local act of parliament, or hereafter to be established by virtue of such acts or of any of them, or of this or any other act of parliament relating to the relief of the poor, for the government thereof, and the nature and amount of the relief to be given to and the labour to be exacted from the persons relieved, and the preservation therein of good order, and from time to time to suspend, alter, vary, amend, or rescind the same, and make any new or other rules, orders, and regulations, to be observed and enforced as aforesaid, as they from time to time shall think fit, and to alter, at their discretion, any of the rules, orders, and regulations contained in the schedule to the said recited act, and also to alter or rescind any rules, orders, and regulations heretofore made in pursuance of the said recited act, or any local act of parliament relating to workhouses or the relief of the poor; and that all rules, orders, and regulations to be from time to time made by the said commissioners under the authority of this act shall be valid and binding, and shall be obeyed and observed as if the same were specifically made by and embodied in this act; subject, nevertheless, to the said power of the said commissioners from time to time to rescind, amend, suspend, or alter the same: Provided always, that if any such rule, order, or regulation shall be, at the time of issuing the same, directed to and affect more than one union, the same shall be considered as a general rule, and subject and liable to all the provisions in this act contained respecting general rules.

XLIII. That where any rules, orders, or regulations, or any bye laws, shall be made or directed by the said commissioners to be observed or enforced in any workhouse, it shall and may be lawful for any justice of the peace acting in and for the county, place, or jurisdiction in which such workhouse shall be situate, to visit, inspect, and examine such workhouse at such times as he shall think proper, for the purpose of ascertaining whether such rules, orders, regulations, or bye laws are or have been duly observed and obeyed in such workhouse, as well as for other purposes as justices are now authorized to visit workhouses under and by virtue of a certain act made and passed in the thirtieth year of the reign of his said late Majesty king George the third, intituled An Act to empower Justices and other Persons to visit Parish Workhouses or Poorhouses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions; and if in the opinion of such justice such rules, orders, regulations, or bye laws, or any of them, have not been duly observed and obeyed in such workhouse, it shall be lawful for such justice to summon the party offending in such respect to appear before any two justices of the peace to answer any complaint touching the non-observance of such rules, orders, regulations, and bye laws, or any of them, and upon conviction before such two justices of the party so offending such party shall forfeit and be liable to such penalties and punishments as are herein-after prescribed and provided against parties wilfully neglecting or disobeying the rules, orders, or regulations of the said commissioners: Provided always, that where no such rules, orders, regulations, or bye laws shall have been directed by the said commissioners to be enforced and observed in the workhouse of any parish, nothing in this act contained shall be construed to restrain or prevent any justice of the peace, physician, surgeon, or apothecary, or the officiating clergyman of any parish, from visiting such workhouse, and examining and certifying the &c. are not in force.
state and condition of the same and of the poor therein, in such manner as they or any of them are authorized to do in and by the said last-mentioned act.

XLIV. Whereas the jurisdiction of certain cities, boroughs, and corporate towns is not always co-extensive with the parish in which it exists; be it therefore enacted, That every house or building which shall be erected, purchased, or hired as and for a workhouse, together with all premises and appurtenances thereto belonging, and the land or lands occupied therewith, shall be deemed and held to be within and subject to the local jurisdiction of such incorporated city, borough, or town to which they may respectively belong, though the same may be situated in such part of the respective parishes as may not be within the chartered boundaries thereof.

XLV. That nothing in this act contained shall authorize the detention in any workhouse of any dangerous lunatic, insane person, or idiot, for any longer period than fourteen days; and every person wilfully detaining in any workhouse any such lunatic, insane person, or idiot, for more than fourteen days, shall be deemed guilty of a misdemeanor: Provided always, that nothing herein contained shall extend to any place duly licensed for the reception of lunatics and other insane persons, or to any workhouse being also a county lunatic asylum.

XLVI. That it shall be lawful for the said commissioners, as and when they shall see fit, by order under their hands and seal, to direct the overseers or guardians of any parish or union, or of so many parishes or unions as the said commissioners may in such order specify and declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers with such qualifications as the said commissioners shall think necessary for superintending or assisting in the administration of the relief and employment of the poor, and for the examining and auditing, allowing or disallowing of accounts in such parish or union, or united parishes, and otherwise carrying the provisions of this act into execution; and the said commissioners may and they are hereby empowered to define and specify and direct the execution of the respective duties of such officers, and the places or limits within which the same shall be performed, and direct the mode of the appointment and determination of the continuance in office or dismissal of such officers, and the amount and nature of the security to be given by such of the said officers as the said commissioners shall think ought to give security, and, when the said commissioners may see occasion, to regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof, and the proportions in which such respective parishes or unions shall contribute to such payment; and such salaries shall be chargeable upon and payable out of the poor rates of such parish or union, or respective parishes, in the manner and proportions fixed by the said commissioners, and shall be recoverable against the overseers or guardians of such parish or union, or parishes, by all such ways and means as the salaries of assistant overseers or other paid officers of any parish or union are recoverable by law; and all such payments shall be valid, and shall be allowed in the accounts of the overseers or guardians paying the same.

XLVII. That every overseer, treasurer, or other person having the Overseers, &c., collection, receipt, or distribution of the monies assessed for the relief of the poor in any parish or union, or holding or accountable for any counts quarterbalance or sum of money, or any books, deeds, papers, goods, or chattels relating to the relief of the poor, or the collection or distribution of the poor rate of any parish or union, shall once in every quarter, in addition to the annual account now by law required, and where the rules, orders, and regulations of the said commissioners shall have come in force, then as often as the said rules, orders, and regulations shall direct, but not less than once in every quarter, make and render to the guardians, auditors, or such other persons as by virtue of any statute or custom, or of the said rules, orders, or regulations, may be appointed to ex-
amine, audit, allow, or disallow such accounts, or in default of any such guardian, auditor, or other person being so appointed as aforesaid, them to the justices of the peace at their petty sessions for the division in which such parish or union shall be situate, a full and distinct account in writing of all monies, matters, and things committed to their charge, or received, held, or expended by them on behalf of any such parish or union, and if thereunto required by the justices, guardians, auditors, or other persons authorized in that behalf, shall verify on oath the truth of all such accounts and statements from time to time respectively, or subscribe a declaration to the truth thereof, in manner and under the penalties in this act provided for parties giving false evidence or refusing to give evidence under the provisions of this act; and all balances due from any guardian, treasurer, overseer or assistant overseer, or other person having the control and distribution of the poor rate, or accountable for such balances, may be recovered in the same manner as any penalties and forfeitures are recoverable under this act: Provided nevertheless, that no such proceeding shall exonerate or discharge the liability of the surety of any such treasurer, overseer, assistant overseer, or other person aforesaid.

XLVIII. That the said commissioners may and they are hereby authorized and empowered, as and when they shall think proper, by order under their hands and seal, either upon or without any suggestion or complaint in that behalf from the overseers or guardians of any parish or union, to remove any master of any workhouse, or assistant overseer, or other paid officer of any parish or union whom they shall deem unfit for or incompetent to discharge the duties of any such office, or who shall at any time refuse or wilfully neglect to obey and carry into effect any of the rules, orders, regulations, or bye laws of the said commissioners, whether such union shall have been made or such officer appointed before or after the passing of this act, and to require from time to time the persons competent in that behalf to appoint a fit and proper person in his room; and that any person so removed shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any such parish or union, except with the consent of the said commissioners under their hands and seal: Provided always, that no person shall be eligible to hold any parish office, or have the management of the poor in any way whatever, who shall have been convicted of felony, fraud, or perjury.

XLIIX. That any contract which shall be entered into by or on behalf of any parish or union, for or relating to the maintenance, clothing, lodging, employment, or relief of the poor, for or any other purpose relating to or connected with the general management of the poor, which shall not be made and entered into in conformity with the rules, orders, or regulations of the said commissioners in that behalf in force at the time of making and entering into the same, or otherwise sanctioned by them, shall be voidable, and, if the said commissioners shall so direct, shall be null and void; and all payments made under or in pursuance of any contract not made and entered into in conformity with such rules, orders, or regulations, at any period after the said commissioners shall have declared the same to be null and void as aforesaid, shall be disallowed in passing the accounts of the overseer, guardian, or other officer by whom such payments shall have been made.

I. That from and after the passing of this act a certain act made and passed in the forty-fifth year of the reign of his said late Majesty king George the Third, intituled An Act to amend an Act made in the Ninth Year of King George the First, for amending the Laws relating to the Settlement, Employment, and relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor, shall be and the same is hereby repealed: Provided always, that nothing in this act contained shall extend or be construed to extend to affect or make void any bond or other security which shall have been entered into or given before the passing of this act, under or in pursuance of the provisions of the said act hereby repealed.
That so much of a certain act made and passed in the fifty-fifth year of the reign of his said late Majesty king George the third, intituled An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering relief to poor Persons in certain Cases for a longer Period than One Month at a Time; and for other Purposes therein mentioned, relating to the Poor, as inflicts a penalty on persons having the management of the poor if concerned in providing or in any contract for the supply of any goods, materials, or provisions for the use of any workhouse or workhouses, or otherwise for the support or maintenance of the poor for their own profit, and all remedies for the recovery of such penalties, shall apply and the same are hereby extended and made applicable to every commissioner, assistant commissioner, guardian, treasurer, master of a workhouse, or other officer to be appointed under the provisions of this act.

And whereas a practice has obtained of giving relief to persons or their families who, at the time of applying for or receiving such relief, were wholly or partially in the employment of individuals, and the relief to able-bodied and their families is in many places administered in modes productive of evil in other respects: And whereas difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid; it is further enacted, That from and after the passing of this act it shall be lawful for the said commissioners, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or union may be administered out of the workhouse of such parish or union, by payments in money, or with food or clothing in kind, or partly in kind and partly in money, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such out-door relief may be afforded; and all relief which shall be given by any overseer, guardian, or other person having the control or distribution of the funds of such parish or union, contrary to such orders or regulations, shall be and the same is hereby declared to be unlawful, and shall be disallowed in the accounts of the person giving the same, subject to the exceptions herein-after mentioned: Provided always, That in the case the overseers or guardians of any parish or union to which such orders or regulations shall be addressed or directed shall, upon consideration of the special circumstances of such parish or union, or of any person or class of persons therein, be of opinion that the application and enforcing of such orders or regulations, or of any part thereof, at the time or in the manner prescribed by the said commissioners, would be inexpedient, it shall be lawful for such overseers or guardians to delay the operation of such orders or regulations, or of any part thereof, for any period not exceeding the space of thirty days, to be reckoned from the day of the receipt of such orders or regulations, and such overseers or guardians shall, twenty days at the least before the expiration of such thirty days, make a statement and report of such special circumstances to the said commissioners; and all relief which shall be given by such overseers or guardians, before an answer to such report shall have been returned by the said commissioners, if otherwise lawful, shall not be deemed unlawful although the same shall have been given contrary to such orders or regulations, or of any of them; but in case the said commissioners shall disapprove of such delay, or think that for the future such orders or regulations ought to come into operation, notwithstanding the special circumstances alleged by such overseer or guardian, it shall be lawful for the said commissioners, by a peremptory order, to direct that from and after a day to be fixed thereby such orders and regulations, or such parts or modifications thereof as they may think expedient and proper, shall be enforced and observed by such overseers and guardians; and if any allowance be made or relief given by such
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c. 76.

Cases of emergency.

Provided also, That a quarterly report of all such cases as shall occur in any quarter shall, at the end of every such quarter, be laid by the said commissioners before one of his Majesty’s principal secretaries of state:

Provided also, That in case the overseers or guardians of any parish or union in which such orders or regulations shall be in force shall depart from them or any of them in any particular instance or instances of emergency, and shall within fifteen days after every such departure report the same and the grounds thereof to the said commissioners, and the said commissioners shall approve of such departure, or if the relief so given shall have been given in food, temporary lodging, or medicine, and shall have been so reported as aforesaid, then and in either of such cases the relief granted by such overseers or guardians, if otherwise lawful, shall not be unlawful or subject to be disallowed.

LIII. That an act passed in the thirty-sixth year of the reign of his late Majesty king George the third, intituled An Act to amend so much of an Act made in the Ninth Year of the Reign of King George the First, intituled ‘An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor,’ as prevents the distributing occasional Relief to poor Persons in their own Houses, under certain Circumstances and in certain Cases; and so much of an act made and passed in the fifty-fifth year of the reign of his late Majesty king George the third, intituled An Act to prevent poor Persons in Workhouses from embezzeing certain Property provided for their Use, to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time, and for other Purposes therein mentioned relating to the Poor, as extends the period for which occasional relief may be ordered by any justice or justices to poor persons at their own homes; and so much of the said act made and passed in the fifty-ninth year of the reign of his late Majesty king George the third, intituled An Act to amend the Laws for the Relief of the Poor, as empowers any justice or justices to order relief in certain cases for a limited time, or in cases of urgent necessity, or in cases where parishes are under the management of guardians, governors, or directors appointed by special or local acts, or in cases where parishes have not a select vestry, shall be and the same are hereby repealed.

LIV. That from and after the passing of this act the ordering, giving, and directing of all relief to the poor of any parish which, according to the provisions of any of the said recited acts, or of an act passed in the first and second years of the reign of his present Majesty, intituled An Act for the better regulating of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes in England and Wales, or of this act, or of any local acts, shall be under the government and control of any guardians of the poor, or of any select vestry, and whether forming part of any union or incorporation or not (but subject in all cases to, and saving and excepting the powers of, the said commissioners appointed under this act), shall appertain and belong exclusively to such guardians of the poor or select vestry, according to the respective provisions of the acts under which such guardians or select vestry may have been or shall be appointed; and it shall not be lawful for any overseer of the poor to give any further or other relief or allowance from the poor rate than such as shall be ordered by such guardians or select vestry, except in cases of sudden and urgent necessity, in which cases he is hereby required to give such temporary relief as each case shall require, in articles of absolute necessity, but not in money, and whether the applicant for relief be settled in the parish where he shall apply for relief or not: Provided always, That in case such overseer shall refuse or neglect to give such necessary relief in any such case of necessity to poor persons not settled nor usually residing in the parish to which such overseer
belongs, it shall and may be lawful for any justice of the peace to order the said overseer, by writing under his hand and seal, to give such temporary relief in articles of absolute necessity, as the case shall require, but not in money; and in case such overseer shall disobey such order, he shall, on conviction before two justices, forfeit any sum not exceeding five pounds which such justices shall order: Provided always, That any justice of the peace shall be empowered to give a similar order for medical relief (only) to any parishioner, as well as out-parishioner, where any case of sudden and dangerous illness may require it; and any overseer shall be liable to the same penalties as aforesaid for disobeying such order; but it shall not be lawful for any justice or justices to order relief to any person or persons from the poor rates of any such parish, except as herein-before provided.

LV. That from and after the passing of this act the master of every workhouse, or such other paid officer of the parish or union as the said workhouses commissioners may direct, shall, on such day and in such form as the and overseers said commissioners shall appoint, take an account of, and register in a book to be provided at the expense of the parish or union to which such workhouse shall belong, and to be kept specially for that purpose, the name of every poor person who shall on such days be in the receipt of relief at or in such workhouse, together with such particulars respecting the families and settlement of every such poor person, and his and their relief and employment, as the said commissioners shall think fit; and in like manner, on such day as the said commissioners shall appoint, the overseer of the poor of every such parish shall register in a book, to be provided and kept as aforesaid, the name of every poor person then in the receipt of relief in such parish out of the workhouse, together with such particulars respecting the family and settlement of every such poor person, and his and their relief and employment, as the said commissioners shall think fit; and after such account shall have been so taken and registered as aforesaid a similar register and account shall be kept by the like persons respectively of all persons who shall receive relief at or in or out of a workhouse, when and as often as such relief shall be granted.

LVI. That from and after the passing of this act all relief given to or on account of the wife, or to or on account of any child or children under the age of sixteen, not being blind or deaf and dumb, shall be considered as given to the husband of such wife, or to the father of such child or children, as the case may be, and any relief given to or on account of any child or children under the age of sixteen of any widow, shall be considered as given to such widow: Provided always, That nothing herein contained shall discharge the father and grandfather, mother and grandmother, of any poor child, from their liability to relieve and maintain such poor child in pursuance of the provisions of a certain act of parliament passed in the forty-third year of the reign of her late Majesty queen Elizabeth, intituled An Act for the Relief of 43 Eliz. c. 2. the Poor.

LVII. That every man who from and after the passing of this act shall marry a woman having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family; and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children; and such child or children shall, for the purposes of this act, be deemed a part of such husband’s family accordingly.

LVIII. That from and after the passing of this act any relief, or the Such relief as cost price thereof, which shall be given to or on account of any poor commissioners person above the age of twenty-one, or to his wife, or any part of his may direct to family under the age of sixteen, and which the said commissioners shall be considered by any rule, order, or regulation declare or direct to be given or con. as loan.
No. VII. 4 & 5 W. 4, c. 76.

Power to justices to attach wages in hands of master or employer.

LIX. That in all cases where any relief shall have been given by way of loan, or where any relief, or the cost price thereof, shall be treated as a loan, under the rules, orders, and regulations of the said commissioners, or the provisions of this act, it shall be lawful for any justice, upon the application of the overseers or guardians of the parish or union providing such relief, and upon proof of the same having been given to or on account of any such person, his wife or family as aforesaid, and of the same, or any part thereof, still remaining due, to issue a summons, requiring such person, as well as the master or employer of such person, or some person on his behalf, to appear before any two justices, at a time and place to be named in such summons, to show cause why any wages due, or which may from time to time become due, from such master or employer, should not be paid over, in whole or in part, to such overseers or guardians, and if no sufficient cause be shown to the contrary, or if such person, or some one on his behalf, shall not appear on the return of such summons, then the said justices shall, by order under their hands, direct the master or employer for the time being from whom any wages shall be due or from time to time become due or payable to such poor person, to pay, either in one sum or by such weekly or other instalments as the said justices shall in their discretion think fit, taking into consideration the circumstances of such poor person and his family, out of such wages, to such overseers or guardians, the amount of such relief, or so much thereof as shall from time to time be due or unpaid; and the payment to and receipt of any such overseer or guardian shall be a good discharge to such master or employer for so much of any such wages as shall be so paid by virtue of any such order; and if any such master or employer shall refuse or neglect to pay to the overseer or guardian producing any such order the money thereby directed to be paid, according to the terms of such order, and at the periods thereby fixed for such payment, the same may be levied and recovered, and the payment thereof from time to time enforced against such master or employer, in such and the like manner as penalties and forfeitures are recoverable under this act.

LXI. That from and after the passing of this act so much of an act passed in the forty-third year of the reign of his said late Majesty king George the third, intituled An Act for consolidating and amending the several Laws for providing Relief for the Families of Militiamen in England when called out into actual Service, as directs overseers of the poor, by order of some one justice of the peace, to pay to the family of any person serving or enrolled as a ballotted man, substitute, hired man, or volunteer in the militia of England, a weekly allowance, or as authorizes any justice or justices to order such allowance to be paid under the rules and conditions in the said recited act provided, or as in any way discharges such ballotted man, substitute, hired man, or volunteer from the liability to maintain or repay the costs of maintenance of his family or any part thereof, or as prevents such families or any part thereof from being removable to their place of legal settlement, or sent to any workhouse, by reason of their receiving any allowance or being chargeable, shall be and the same is hereby repealed.

Justices to certify that rules of commissioners have been complied with in binding poor children apprentices.

LXII. That from and after the period at which any rule, order, or regulation of the said commissioners shall come into operation for the binding of poor children apprentices, in addition to such assent or consent, order or allowance of justices, as are now required by law, such justices or any one justice are and is hereby authorized and required to examine and ascertain whether the rules, orders, or regulations of the said commissioners then in force for the binding of poor children apprentices have been complied with, and to certify the same at the foot of every
Class XXVIII.] Poor. 1151.

such contract or indenture, and of the counterpart thereof, in such form and manner as the said commissioners by such rules, orders, or regulations may direct, and until so certified no such contract or indenture of apprenticeship shall be valid: Provided nevertheless, That nothing in this act, or in any rule, order, or regulation of the said commissioners, shall affect the jurisdiction of any justices of the peace over any master or apprentice during the period of apprenticeship.

LXII. That it shall and may be lawful for the rate-payers in any parish, and such of the owners of property therein as shall, in manner herein-before mentioned, have required their names to be entered in the rate books of such parishes respectively as entitled to vote as owners, assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place of holding such meeting, and the purpose for which the same is intended to be held, shall have been given in like manner as notices of vestry meetings are published and given, to direct that such sum or sums of money, not exceeding half the average yearly rate for the three preceding years, as the said owners and rate-payers so assembled at such meeting may think proper, shall be raised or borrowed as a fund, or in aid of any fund or contribution for defraying the expenses of the emigration of poor persons having settlements in such parish, and willing to emigrate, to be paid out of or charged upon the rates raised or to be raised for the relief of the poor in such parish, and to be applied under and according to such rules, orders, and regulations as the said commissioners shall in that behalf direct: Provided always, That no such direction for raising money for such purpose as aforesaid shall have any force or effect unless and until confirmed by the said commissioners, and that the time to be limited for the repayment of any sum so charged on such rates as aforesaid shall in no case exceed the period of five years from the time of borrowing the same: Provided also, That all sums of money so raised as last herein-before mentioned, and advanced by way of loan, for the purposes of emigration, or such proportion thereof as the said commissioners shall by any rule, order, or regulation from time to time direct, shall be recoverable against any such person, being above the age of twenty-one years, who or whose family, or any part thereof, having consented to emigrate, shall refuse to emigrate after such expenses shall have been so incurred, or having emigrated shall return, in such and the like manner as is herein-before provided with respect to relief, or the cost price of relief, given or considered to be given by way of loan to any person, his wife or family.

LXIII. That where it shall be lawful, under the provisions of any of the herein-recited acts, or of any local act, or of this act, to raise or borrow any sum or sums of money for the purpose of purchasing, building, altering, or enlarging any workhouse or workhouses in any parish or union, or for purchasing land whereon to build the same, or for defraying the expenses of the emigration of poor persons having settlements in any parish, and being willing to emigrate, it shall be lawful for the overseers or guardians of such parish or union, with the consent of the said commissioners, to be testified under their hands and seal, to make application for an advance of any sum necessary for any such purposes to the commissioners appointed under an act made and passed in the fifty-seventh year of the reign of his late Majesty King George the third, intituled An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned, and of any act or acts passed for amending or continuing the same; and the said exchequer bill loans commissioners are hereby empowered to make such advances, upon any such application as aforesaid, upon the security of the rates for the relief of the poor in such parish or union, and without requiring any further or other security than a charge on such rates.
LXIV. That from and after the passing of this act no settlement shall be acquired by hiring and service, or by residence under the same, or by serving an office.

Repeal of settlement by hiring and service.

LXV. That no person under any contract of hiring and service not completed at the time of the passing of this act shall acquire, or be deemed or adjudged to have acquired, any settlement by reason of such hiring and service, or of any residence under the same.

LXVI. That from and after the passing of this act no settlement shall be acquired or completed by occupying a tenement, unless the person occupying the same shall have been assessed to the poor rate, and shall have paid the same, in respect of such tenement, for one year.

LXVII. That from and after the passing of this act no settlement shall be acquired by being apprenticed in the sea service, or to a householder exercising the trade of the seas as a fisherman or otherwise, nor by any person now being such an apprentice in respect of such apprenticeship.

LXVIII. That no person shall be deemed, adjudged, or taken to retain any settlement, gained by virtue of any possession of any estate or interest in any parish, for any longer or further time than such person shall inhabit within ten miles thereof; and in case such person shall cease to inhabit within such distance, and thereafter become chargeable, such person shall be liable to be removed to the parish wherein previously to such inhabitancy he may have been legally settled, or in case he may have subsequently to such inhabitancy gained a legal settlement in some other parish, then to such other parish.

LXIX. That from and after the passing of this act so much of any act or acts of parliament as enables any single woman to charge any person having gotten her with any child of which she shall then be pregnant, or as renders any person so charged liable to be apprehended or committed, or required to give security, on any such charge, or as enables the mother of any bastard child or children to charge or affiliate any such child or children on any person as the reputed or putative father thereof, or as enables any overseer or guardian to charge or make complaint against any person as such reputed or putative father, and to require him to be charged with or contribute to the expenses attending the birth, sustentation, or maintenance of any such child or children, or to be imprisoned or otherwise punished for not contributing thereto, or as in any way renders such reputed or putative father liable to punishment or contribution as such, or as enables churchwardens and overseers, by the order of any two justices of the peace, confirmed by the sessions, to take, seize, and dispose of the goods and chattels, or to receive the annual rents or profits of the lands of any putative father of bastard children, and so much of any such act or acts as renders an unmarried woman with child liable as such to be summoned, examined, or removed, or as renders the mother of any bastard liable as such to be imprisoned or otherwise punished, shall, so far as respects any child which shall be likely to be born or shall be born a bastard after the passing of this act, or the mother or putative father of such child, be and the same is hereby repealed.

LXX. That every security given or recognizance entered into by any person or persons, or his or their surety, before the passing of this act, to indemnify any parish or place as to any child or children likely to be born a bastard or bastards, whereof any single woman shall be pregnant at the time of the passing of this act, or to abide and perform such order or orders as might have been made touching such child or children, pursuant to an act made and passed in the eighteenth year of the reign of her said late Majesty queen Elizabeth, concerning bastards begotten and born out of lawful matrimony, shall be and the same are hereby declared null and void; and every person who shall at the time of the passing this act be in custody upon the commitment of any justice or justices for not having given such security or entered into such re-
cognizance shall be discharged (upon the application of such person) by any one of the visiting justices of the gaol in which such person shall be in custody under any such commitment.

LXXI. That every child which shall be born a bastard after the passing of this act shall have and follow the settlement of the mother of such child until such child shall attain the age of sixteen, or shall acquire legitimate children in its own right, and such mother, so long as she shall be unmarried or a widow, shall be bound to maintain such child as a part of her family until such child shall attain the age of sixteen; and all relief granted to such child while under the age of sixteen shall be considered as granted to such mother: Provided always, That such liability of such mother as aforesaid shall cease on the marriage of such child, if a female.

LXXII. That when any child shall hereafter be born a bastard, and shall by reason of the inability of the mother of such child to provide for its maintenance become chargeable to any parish, the overseers or guardians of such parish, or the guardians of any union in which such parish may be situate, may, if they think proper, after diligent inquiry as to the father of such child, apply to the next general quarter sessions of the peace within the jurisdiction of which such parish or union shall be situate, after such child shall have become chargeable, for an order upon the person whom they shall charge with being the putative father of such child to reimburse such parish or union for its maintenance and support; and the court to which such application shall be made shall proceed to hear evidence thereon, and if it shall be satisfied, after hearing both parties, that the person so charged is really and in truth the father of such child, it shall make such order upon such person in that respect as to such court shall appear to be just and reasonable under all the circumstances of the case: Provided always, That no such order shall be made unless the evidence of the mother of such bastard child shall be corroborated (1) in some material particular by other testimony to the satisfaction of such court: Provided also, That such order shall in no case exceed the actual expense incurred or to be incurred for the maintenance and support of such bastard child while so chargeable, and shall continue in force only until such child shall attain the age of seven years, if he shall so long live: Provided also, That no part of the monies paid by such putative father in pursuance of such order shall at any time be paid to the mother of such bastard child, nor in any way be applied to the maintenance and support of such mother.

LXXIII. That no such application shall be heard at such sessions unless fourteen days' notice shall have been given under the hands of such overseers or guardians to the person intended to be charged with being the father of such child of such intended application; and in case there shall not, previously to such sessions, have been sufficient time to give such notice, the hearing of such application shall be deferred to the next ensuing general quarter sessions: Provided always, that whenever such application shall be heard, the costs of the maintenance of such bastard child shall, in case the court shall think fit to make an order thereon, be calculated from the birth of such bastard child, if such birth shall have taken place within six calendar months previous to such application being heard; but if such birth shall have taken place more than six calendar months previously to such application being heard, then from the day of the commencement of six calendar months next preceding the hearing of such application: Provided also, that if upon the hearing of such application the court shall not think fit to make any order thereon, it shall order and direct that the full costs and charges incurred by the person so intended to be charged in resisting such application shall be paid by such overseers or guardians.

No. VII. 4 & 5 W. 4, c. 76. Mother of illegitimate children bound to maintain the same.

Court of quarter sessions, on application of overseers, &c. may make an order on putative father of child for its support.

Monies paid not applicable to support of mother.

No application to be heard without fourteen days previous notice.

If application be heard, costs may be calculated from birth of bastard child, if within six months.

(1) It has been doubted whether under this section the evidence of the mother is not in all cases requisite; but where the mother has died since the birth of the child, the practice at sessions has been to receive other testimony to prove its parentage.
LXXIV. That if such person so intended to be charged shall not appear by himself or his attorney at the time when such application shall come on to be heard before such court, according to such notice, such court shall nevertheless proceed to hear the same, unless such overseers or guardians shall produce an agreement under the hand of such person to abide by such order as such court shall make thereon without the hearing of evidence by such court: Provided always, that such court may, notwithstanding such agreement, require that evidence shall be given in support of such application, if it thinks fit, before such order is made.

LXXV. That whenever such overseers or guardians shall have determined to make such application as aforesaid it shall be lawful for one justice of the peace, at the request of such overseers or guardians, to summon the person so intended to be charged with being the father of such bastard child to appear before him; and if such justice shall be satisfied that such person has any intention to abscond or keep out of the way, in order to avoid the consequences of such application, such justice may require such person to enter into a recognizance to appear and answer thereto, and in case such person shall refuse or neglect to enter into such recognizance, may commit such person to the gaol or house or correction of the county, riding, or division within which such parish shall be situate, until he shall enter into such recognizance, or until such application shall be heard.

LXXVI. That if at any time after the expiration of one calendar month after an order shall have been made in pursuance of such application it shall appear to one justice, upon the oath of any one of such overseers or guardians, that the payments directed to be made by such order have not been made according thereto and are in arrear, it shall be lawful for such justice or any other justice by warrant under his hand and seal to cause such putative father of such bastard child to be brought before two justices of the peace; and in case such putative father shall refuse or neglect to make payment of such sum of money as shall appear to such justices to be due from him under such order, together with the costs of apprehension, it shall be lawful for such or any two justices to proceed to recover such sum and costs by distress and sale of the goods and chattels of such putative father, or by attaching the wages of such putative father for the recovery of such sum and costs, in the same manner as wages may be attached under the provisions of this act.

LXXVII. That it shall not be lawful for any person hereafter to be appointed in any parish or union to any office concerned in the administration of the laws for the relief of the poor, or for any person who after the twenty-fifth day of March one thousand eight hundred and thirty-five shall fill any such office, to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions ordered to be given in parochial relief, or to furnish or supply any goods, materials, or provisions for or in respect of the money ordered to be given in parochial relief to any person in such parish or union; and every person holding such office shall, on conviction before any two justices of the peace, be subject to a penalty of five pounds for such offence, one half of which penalty shall be paid to the informer, and the other half in aid of the poor rates of such parish or union.

LXXVIII. That all sums of money which shall be assessed by any justices of the peace on the father, grandfather, mother, grandmother, child, or children of any poor person, for the relief or maintenance of such poor person, under or by virtue of the provisions of a certain act passed in the forty-third year of the reign of her late Majesty queen Elizabeth, intituled An Act for the relief of the Poor, or of any act to amend the same, or of this act, and all penalties and forfeitures to which any person so assessed by such justices for such relief or maintenance shall be liable for any default in paying the same by virtue of the provisions of any of the said recited acts or of this act, shall be recoverable against every person so assessed or charged in like manner as penalties and forfeitures are recoverable under the provisions of this act.
LXXXIX. That from and after the first day of November one thousand eight hundred and thirty-four, no poor person shall be removed or removable, under any order of removal from any parish or workhouse, by reason of his being chargeable to or relieved therein, until twenty-one days after a notice in writing of his being so chargeable or relieved, accompanied by a copy or counterpart of the order of removal of such person, and by a copy of the examination upon which such order was made, shall have been sent, by post or otherwise, by the overseers or guardians of the parish obtaining such order, or any three or more of such guardians, to the overseers of the parish to whom such order shall be directed: Provided always, that if such overseers or guardians as last aforesaid, or any three or more of such guardians, shall by writing under their hands agree to submit to such order, and to receive such poor person, it shall be lawful to remove such poor person according to the tenor of such order, although the said period of twenty-one days may not have elapsed: Provided also, that if notice of appeal against such order of removal shall be received by the overseers or guardians of the parish from which such poor person is directed in such order to be removed within the said period of twenty-one days, it shall not be lawful to remove such poor person until after the time for prosecuting such appeal shall have expired, or, in case such appeal shall be duly prosecuted, until after the final determination of such appeal.

LXXX. That the overseers or guardians of the parish giving such notice of appeal, or their attorney, or any other person authorized by them, shall, until such appeal shall have been heard and decided, at all proper times have free access to such poor person for the purpose of examining him touching his settlement; and in case it shall be necessary for the more effectual examination of such person that he should be taken out of the removing parish, such overseers or guardians shall be permitted to remove him therefrom for the time which may be necessary for that purpose: Provided always, that the expense of such removal, and of his maintenance during the same, shall be defrayed by the appellant parish.

LXXXI. That after the first day of November one thousand eight hundred and thirty-four, in every case where notice of appeal against such order shall be given, the overseers or guardians of the parish appealing against such order, or any three or more of such guardians, shall, with such notice, or fourteen days at least before the first day of the sessions at which such appeal is intended to be tried, send or deliver to the overseers of the respondent parish a statement in writing under their hands of the grounds of such appeal; and it shall not be lawful for the overseers of such appellant parish to be heard in support of such appeal unless such notice and statement shall have been so given as aforesaid: Provided always, that it shall not be lawful for the respondent or appellant parish, on the hearing of any appeal, to go into or give evidence of any other grounds of removal, or of appeal against any order of removal, than those set forth in such respective order, examination, or statement as aforesaid.

LXXXII. That upon every such appeal the court before whom the same shall be brought shall and may, if they think fit, order and direct the parish against which the same shall be decided to pay to the other such costs and charges as may to such court appear just and reasonable, and shall certify the amount thereof; and in case the overseers of the poor of the parish liable to pay the same shall, upon demand, and upon the production of such certificate, refuse or neglect to pay the same, the amount thereof may be recovered from such overseer in the same manner as any penalties or forfeitures are by this act recoverable.

LXXXIII. That if either of the parties shall have included in the order or statement sent as hereinbefore directed any grounds of removal frivolous or of appeal which shall in the opinion of the justices determining the vexatious state of appeal be frivolous and vexatious, such party shall be liable, at the discretion of the said justices, to pay the whole or any part of the costs incurred by the other party in disputing any such grounds, such costs to
be recovered in the manner herein-before directed as to the other costs incurred by reason of such appeal.

LXXXIV. That the parish to which any poor person whose settlement shall be in question at the time of granting relief shall be admitted or finally adjudged to belong shall be chargeable with and liable to pay the cost and expense of the relief and maintenance of such poor person, and such cost and expense may be recovered against such parish in the same manner as any penalties or forfeitures are by this act recoverable: Provided always, that such parish, if not the parish granting such relief, shall pay to the parish by which such relief shall be granted the cost and expense of such relief and maintenance from such time only as notice of such poor person having become chargeable shall have been sent by such relieving parish to the parish to which such poor person shall be so admitted or finally adjudged to belong: Provided always, that no charges or expenses of relief or maintenance shall be recoverable under a suspended order of removal unless notice of such order of removal, with a copy of the same, and of the examination upon which such order was made, shall have been given within ten days of such order being made to the overseers of the poor of the parish to whom such order is directed.

LXXXV. That it shall be lawful for the said commissioners and they are hereby empowered, from time to time as they may think fit, to require from all persons in whom any freehold, copyhold, or leasehold estate, or any other property or funds belonging to any parish, and held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor rate of such parish, shall be vested, or who shall be in the receipt of the rents, profits, or income of any such estate, property, or funds, a true and detailed account in writing of the place where such estate may be situate, or in what mode or on what security such other property or funds may be invested, with such details of the rents, profits, and income thereof, and of the appropriation of the same, and of all such other particulars relating thereto, as the said commissioners may direct and require; and such statement or a true copy thereof shall, under the regulations of the said commissioners, be open for the inspection of the owners of property and rate-payers in such parish: Provided always, that nothing herein-before contained shall apply to any funds raised from time to time by the voluntary contributions of the inhabitants of any parish.

LXXXVI. That no advertisement inserted by or under the direction of the said commissioners in the London Gazette or any newspaper, for the purpose of carrying into effect any provisions of this act, nor any mortgage, bond, instrument, or any assignment thereof, given by way of security, in pursuance of the rules, orders, or regulations of the said commissioners, and conformable thereto, nor any contract or agreement, or appointment of any officer, made or entered into in pursuance of such rules, orders, or regulations, and conformable thereto, nor any other instrument made in pursuance of this act, nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor, or in the management or collection of the poor rate, shall be charged or chargeable with any stamp duty whatever.

LXXXVII. And whereas by an act passed in the twenty-second year of the reign of king George the third, intituled An Act for the better Relief and Employment of the Poor, the visitor and guardian of the poor of any parish, township, or place which shall adopt the provisions of the said recited act are authorized thereby to borrow money at interest, for the purposes mentioned in the said act, and to secure such money by a charge upon the poor's rates of such parish, township, or place, in sums not exceeding fifty pounds each, in a certain form contained in the schedule to the said act, or to that or to the like effect, and which security is directed and allowed to be assigned by indorsement on the back thereof in a certain form also contained in the said schedule, or to that or the like effect; And whereas doubts have arisen touching the liability
of such securities as aforesaid, and the assignments or transfers thereof, to stamp duty, and it is expedient to remove the same; be it therefore enacted and declared, That no bond or other security at any time here-tofore or to be at any time hereafter made or entered into in pursuance of the said recited act, nor any assignment or transfer thereof, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any stamp duty whatsoever; any thing in any act contained to the contrary thereof notwithstanding.

LXXXVIII. That the said commissioners shall and may receive and send by the general post, from and to places within the united kingdom all letters and packets relating solely and exclusively to the execution of this act, free from the duty of postage, provided that such letters and packets as shall be sent to the said commissioners be directed to the “Poor Law Commissioners” at their office in London, and that all such letters and packets as shall be sent by the said commissioners shall be in covers, with the words “Office of Poor Law Commissioners, pursuant to Act of Parliament passed in the Fifth Year of the Reign of His Majesty King William the Fourth,” printed on the same, and be signed on the outside thereof, under such words, with the name of such person as the said commissioners, with the consent of the lords commissioners of the treasury, or any three or more of them, shall authorize and appoint, in his own handwriting, (such name to be from time to time transmitted to the secretaries of the general post office in London and Dublin,) and be sealed with the seal of the said commissioners, and under such other regulations and restrictions as the said lords commissioners, or any three or more of them, shall think proper and direct; and the person so to be authorized is hereby strictly forbidden so to subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate solely and exclusively to the execution of this act; and if the person so to be authorized, or any other person, shall send, or cause or permit to be sent, under any such cover, any letter, paper, or writing, or any enclosure, other than what shall relate to the execution of this act, every person so offending shall forfeit and pay the sum of one hundred pounds, and be dismissed from his office; one moiety of the said penalty to the use of his Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same, to be sued for and recovered in any of his Majesty’s courts of record at Westminster for offences committed in England, and in any of his Majesty’s courts of record in Dublin for offences committed in Ireland, and before the sheriff or stewartcy court of the shire or stewartcy within which the party offending shall reside, or the offence shall be committed, for offences committed in Scotland; and if any letter, paper, or writing, or other inclosure, shall be sent under cover not to said commissioners, the same not relating solely and exclusively to the relating solely execution of this act, they are hereby strictly required and enjoined to transmit the same forthwith to the secretary of the post office in London, with the covers under which the same shall be sent, in order that the contents thereof may be charged with the full rates of postage.

LXXXIX. That all payments, charges, and allowances made by any overseer or guardian, and charged upon the rates for the relief of the poor, contrary to the provisions of this act, or at variance with any rule, order, or regulation of the said commissioners made under the authority of this act, shall be and the same are hereby declared to be illegal, any law, custom, or usage to the contrary notwithstanding; and every justice of the peace is hereby required to disallow as illegal and unfounded all payments, charges, or allowances contrary to the provisions of this act, or to any such rule, order, or regulation of the said commissioners, which shall be contained in any account of any overseer of the poor or guardian which shall be presented for the purpose of being passed or allowed: Provided always, that no allowance by any justice
shall exonerate or discharge such overseer or guardian from any penalty or legal proceeding to which he may have rendered himself liable by having acted contrary to the rules, orders, and regulations of the said commissioners, or to the provisions of this act.

XC. That the leaving of any summons authorized to be issued by any commissioner, assistant commissioner, or justice of the peace, under this act, at the usual or last known place of abode of the party to whom such summons shall be directed, shall in every case be deemed good and sufficient service of such summons.

XCI. That so much of an act made and passed in the sixth year of the reign of his late Majesty King George the fourth, intituled An Act to repeal the Duties payable in respect of the Spirits distilled in England and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation, as provides that if any master or officer of any workhouse shall sell, use, lend or give away, or knowingly permit or suffer any spirits to be sold, used, lent, or given away, in any such workhouse, or brought into the same, other than and except such spirits as shall be prescribed or given by the prescription and direction of a physician, surgeon, or apothecary, and to be supplied in pursuance of such prescriptions from the shop of some apothecary, every such master or such other officer shall for every such offence forfeit one hundred pounds, and for the second like offence lose his office; and so much of the said last-mentioned act as provides that no person shall carry or bring, or attempt to endeavour to carry or bring, any spirits, except to be used in the way of medicine, into any workhouse, under the pain of being imprisoned for every such offence for any time not exceeding three months; and also so much of the said last-mentioned act as provides that every master and chief officer of every workhouse shall procure one or more copy or copies of the clauses in the said act mentioned to be printed or fairly written and hung up in one of the most public places in the workhouse, and renew the same from time to time, so that it may be always kept fair and legible, on pain of forfeiting the sum of ten pounds for every wilful default; or as enables any justice of the peace to demand a sight of such copy so hung up in some public place, to convict such master or officer of such default; shall be and the same is hereby repealed.

XCII. That if any person shall carry, bring, or introduce, or attempt or endeavour to carry, bring, or introduce, into any workhouse now or hereafter to be established, any spirituous or fermented liquor without the order in writing of the master of such workhouse, it shall be lawful for the master of such workhouse, or any officer of the same acting under his direction, to apprehend or cause to be apprehended such offender, and to carry him or her before a justice of the peace, who is hereby empowered to hear and determine such offence in a summary way; and upon conviction thereof the party so offending shall forfeit and pay any sum of money not exceeding ten pounds for every such offence, as such justice may direct; and in default of payment of the penalty hereby imposed such justice may and is hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any space of time not exceeding two calendar months, unless such penalty shall be sooner paid.

XCIII. That if any master of a workhouse shall order any spirituous or fermented liquor to be carried, brought, or introduced into any workhouse, except for the domestic use of himself or of any officer of the said workhouse, or their respective families, or except by and under the written authority of the surgeon of such workhouse, or of any justice visiting the same, or of the guardians of such workhouse, or in conformity with any rules, orders, or regulations of the said commissioners; or
if any such master or any other officer of any workhouse shall carry, bring, or introduce into such workhouse, or sell, use, lend, or give away therein, or knowingly permit or suffer to be carried, brought, or introduced, or sold, used, lent, or given away therein, any spirituous or fermented liquor, contrary to the rules, orders, and regulations of the said commissioners; or shall punish with any corporal punishment any adult person in such workhouse, or confine any such person for any offence or misbehaviour for any longer space of time than twenty-four hours, or such further space of time as may be necessary in order to have such person carried before a justice of the peace; or shall in any way abuse or ill-treat, or be guilty of any other misbehaviour, or otherwise misconduct himself towards or with respect to any poor person in such workhouse; every such master or officer of a workhouse so offending shall for every such offence, upon the complaint of the overseers or guardians of the parish or union to which such workhouse shall belong, or of any such poor person, and upon conviction of such offence before any two justices, forfeit and pay such sum of money, not being more than twenty pounds, as such justices may direct; and in default of payment of the penalty hereby imposed such justices may and are hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any space of time not exceeding six calendar months, unless such penalty shall be sooner paid: Provided always, that if at the time when any such master or officer of a workhouse shall be so convicted of any such offence there shall be due to him any sum of money or salary in respect of his employment as such master or officer of such workhouse, or upon any balance of account from the overseers or guardians of the parish or union to which such workhouse shall belong, it shall be lawful for such justices, upon the application of such overseers or guardians by order in writing under their hand to direct that such sum of money, salary, or balance, so far as the same shall extend, or a sufficient part thereof, shall be retained and applied for the use of such parish or union by such overseers or guardians, in payment or part payment of any such penalty; and such order shall be a good and valid discharge to such overseers or guardians for so much money as may by such order be directed to be so retained and applied against the claim or demand of the master or other officer of such workhouse in respect of any such sum of money, salary, or balance.

XCIV. That the master of every workhouse shall cause one or more copy or copies of the two preceding clauses to be printed or fairly written, and hung up in one of the most public places of such workhouse, and renew the same from time to time, so that it be always kept fair and legible, on pain of forfeiting the sum of ten pounds for every wilful default.

XCV. That in case any overseer, assistant overseer, master of a workhouse, or other officer of any parish or union, shall wilfully disobey the legal and reasonable orders of such justices and guardians in carrying the rules, orders, and regulations of the said commissioners or assistant commissioners, or the provisions of this act, into execution, every such offender shall, upon conviction before any two justices, forfeit and pay for every such offence any sum not exceeding five pounds.

XCVI. Provided always, that no overseer shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such justices or guardians, any law or statute to the contrary notwithstanding.

XCVII. That if any overseer, assistant overseer, master of a workhouse, or other paid officer, or any other person employed by or under the authority of the said guardians, shall purloin, embezzle, or wilfully waste or misapply any of the monies, goods, or chattels belonging to any parish or union, every such offender shall, besides and in addition to such pains and penalties as such person so offending shall, independently of this act, be liable to, upon conviction before any two justices, forfeit and pay for every such offence any sum not exceeding

Power for justices to order salaries, &c. to be stopped and applied towards payment of penalties.

Masters to hang up copies of two preceding clauses in workhouse.

Penalties on overseers and other officers disobeying guardians.

No overseer to be prosecuted for not executing illegal orders of justices.

Penalty on overseers, &c. purloining, &c. goods, &c. 20l. and treble the value of goods purloined.
twenty pounds, and also treble the amount or value of such money, goods, or chattels so purloined, embezzeled, wasted, or misapplied; and every person so convicted shall be for ever thereafter incapable of serving any office under the provisions of this or any other act in relation to the relief of the poor.

XCVIII. That in case any person shall wilfully neglect or disobey any of the rules, orders, or regulations of the said commissioners or assistant commissioners, or be guilty of any contempt of the said commissioners sitting as a board, such person shall, upon conviction before any two justices, forfeit and pay for the first offence any sum not exceeding five pounds, for the second offence any sum not exceeding twenty pounds nor less than five pounds, and in the event of such person being convicted a third time, such third and every subsequent offence shall be deemed a misdemeanor, and such offender shall be liable to be indicted for the same offence, and shall on conviction pay such fine, not being less than twenty pounds, and suffer such imprisonment, with or without hard labour, as may be awarded against him by the court by or before which he shall be tried and convicted.

XCIX. That all penalties and forfeitures by this act inflicted or authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively before any two justices, either by the confession of the party offending, or by the oath of any credible witness or witnesses (which oath such justices are in every case hereby fully authorized to administer), or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of the justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any two justices acting for the county, riding, or division (which warrant such justices are hereby empowered and required to grant); and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justices aforesaid, for his or their appearance before such justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said justices aforesaid are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such justices as aforesaid, as the case may be, and they are hereby authorized and required, by warrant or warrants under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to remain, without bail or mainprize, for any term not exceeding three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the penalties and forfeitures, when so levied, shall be paid to or for the use of the parish or union where such offence shall have been committed, to be applied in aid of the poor rate of such parish or union.

C. That no owner of property, rate-payer, or inhabitant of any parish or union shall be deemed an incompetent witness in any proceeding for the recovery of any penalty or forfeiture inflicted or imposed for any offence against this act, notwithstanding such penalty or forfeiture, when recovered, shall be applicable in aid of the poor rate of such parish or union.
CII. That where any distress shall be made for any sum of money to be levied by virtue of this act the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any default or want of form in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity which shall afterwards happen in making the distress, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case: Provided always, That no plaintiff shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made, by or on behalf of the party who shall have committed or cause to be committed any such irregularity, trespass, or wrongful proceedings, before such action shall have been brought; and in case no such tender shall have been made it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall see fit, whereupon such proceedings, or orders and judgment, shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

CIII. Provided also, That if any person or persons shall find himself, herself, or themselves aggrieved by any order or conviction of any justice or justices, where such person or persons shall be convicted in any penalty or penalties exceeding five pounds, or if any person shall find himself aggrieved by any order made under the provisions of this act on such person as the putative father of any bastard child, it shall be lawful for such person or persons to appeal to any general or quarter sessions of the peace to be held in and for the county, riding, or division in which such order shall have been made or conviction taken place within four calendar months after the cause of complaint shall have arisen, or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such appeal shall be made to the next following sessions, either of which court of sessions is hereby empowered to hear and finally determine the matter of the said appeal, and to make such order therein as to them shall seem meet; which order shall be final and conclusive to and upon all parties; provided that the person or persons so appealing shall give or cause to be given at least fourteen days' notice in writing of his, her, or their intention of appealing as aforesaid, and of the matter or cause thereof, to the respondent or respondents, and within five days after such notice shall enter into a recognizance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the then general sessions or quarter sessions of the peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions, or any adjournment thereof; and such justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

CIV. That no action or suit shall be commenced against any commissioner, assistant commissioner, or any other person for any thing done in pursuance of or under the authority of this act until twenty-one days' notice has been given thereof in writing to the party or person against
whom such action is intended to be brought, nor after sufficient satisfaction or tender thereof shall have been made to the party aggrieved, nor after three calendar months next after the act committed for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action or suit may plead the general issue, and give this act and any special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this act, or if it shall appear that such action or suit was brought before twenty-one day's notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the defendant therein, then and in any of the cases aforesaid such defendant shall have costs, charges, and expenses as between attorney and client, and shall have such remedy for recovering the same as any defendant may have for his or her costs in any other case by law.

CV. That no rule, order, or regulation of the said commissioners or assistant commissioners, or any of them, shall be removed or removable by writ of certiorari into any court of record, except his Majesty's court of king's bench at Westminster; and that every rule, order, or regulation which shall be removed by writ of certiorari into the said court of king's bench shall nevertheless, unless and until the same shall be declared illegal by that court, continue in full force and virtue, and be obeyed, performed, and enforced, in such and the same manner, and by such and the same ways and means, as if the same had not been so removed.

CVI. That no application shall be made for any writ of certiorari for the removal of any such rule, order, or regulation, except to the judges when sitting in the said court, nor unless notice in writing shall have been left at the office of the said commissioners at least ten days previous to such application being made, and in which notice shall be set forth the name and description of the party by or on behalf of whom and the day on which it is intended to make such application, together with a statement of the grounds thereof; and thereupon it shall be lawful for the said commissioners to show cause in the first instance against such application, and the court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the grounds set forth in such notice.

CVII. That previous to any writ of certiorari being issued the party or parties applying for the same shall enter into a recognizance, with sufficient sureties, before one of his Majesty's justices of the court of king's bench, or before a justice of the peace of the county or place in which such person shall reside, in the sum of fifty pounds, with condition to prosecute the same, at his or their costs and charges, with effect, without any wilful or affected delay, and in default thereof, or in the event of such rule, order, or regulation being deemed legal, to pay the said commissioners their full costs, charges, and expenses, to be taxed according to the course of the said court of king's bench; and if the said rule, order, or regulation, so removed by the said writ of certiorari into the said court of king's bench, shall be declared legal by the said court, the commissioners entitled to such costs, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, may recover the same in the same manner as any penalties and forfeitures are recoverable under this act.
CVIII. That if upon the hearing of the application the court shall order a writ of certiorari to issue for bringing up any such rule, order, or regulation, and the same, being brought into court, shall be quashed as illegal, the said commissioners shall forthwith notify the judge of the court to all unions, parishes, or places to which such rule, order, or regulation shall have been directed, and the same shall from the time of receiving such notice respectively be deemed and taken to be null and void to all intents and purposes whatsoever: Provided that such judgment shall not have the effect of annulling any contracts made in pursuance or upon the authority of any such rule, order, or regulation which at the receipt of such notice respectively shall have been executed by either of the contracting parties: Provided also, That no person shall be liable to be prosecuted, either by indictment or by civil action, for or in respect of any act done by him before the receipt of such notice, under the authority and in pursuance of such rule, order, or regulation.

CIX. That in the construction of this act the word "Auditor" shall be construed to mean and include every person, other than justices of the peace acting in virtue of their office, appointed or empowered to audit, control, examine, allow, or disallow the accounts of any guardian, overseer, or vestrymen relating to the receipt or expenditure of the poor rate; the words "General Rule" shall be construed to mean any rule relating to the management of the poor or to the execution of this act which shall at the time of issuing the same be addressed by the said commissioners to more than one union, or to more parishes or places than one not forming a union, or not to be formed into or added to a union under or by virtue of such rule; the word "Guardian" shall be construed to mean and include any visitor, governor, director, manager, acting guardian, vestryman, or other officer in a parish or union, appointed or entitled to act as a manager of the poor, and in the distribution or ordering of the relief to the poor from the poor rate, under any general or local act of parliament; the words "Justice or Justices of the Peace" shall be construed to include justices of the peace of any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate, unless where otherwise provided by this act; the word "Oath" shall be construed to include the affirmation of a quaker, separatist or Moravian; the words "Orders and Regulations" shall be construed to mean and include any rule, order, regulation, or bye-law relating to the management or relief of the poor, or the execution of this act, which at the time of issuing the same shall be addressed, directed, or applied to any one parish or union, or to any number of parishes which have been or by virtue of any order shall be constituted a union or added to a union; the word "Officer" shall be construed to extend to any clergyman, schoolmaster, person duly licensed to practise as a medical man, vestry clerk, treasurer, collector, assistant overseer, governor, master or mistress of a workhouse, or any other person who shall be employed in any parish or union in carrying this act or the laws for the relief of the poor into execution, and whether performing one or more of the above-mentioned functions; the word "Overseer" shall be construed to mean and include overseers of the poor, churchwardens, so far as they are authorized or required by law to act in the management or relief of the poor, or in the collection or distribution of the poor rate, assistant overseer, or any other subordinate officer, whether paid or unpaid, in any parish or union, who shall be employed therein in carrying this act or the laws for the relief of the poor into execution; the word "Owner" shall be construed to include any person for the time being in the actual occupation of any property rateable to the relief of the poor, and not let to him at rack rent, or any person receiving the rack rent of any such property, either on his own account or as mortgagee or other incumbrancer in possession; and the words "Rack Rent" shall be construed to mean any rent which shall not be less than two-thirds
of the full improved net annual value of any property; the word "Parish" shall be construed to include any parish, city, borough, town, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place, or division or district of a place, maintaining its own poor, whether parochial or extra-parochial; the word "Person" shall be construed to include any body politic, corporate, or collegiate, aggregate or sole, as well as any individual; the word "Poor" shall be construed to include any pauper or poor or indigent person applying for or receiving relief from the poor rate in England or Wales, or chargeable thereto; the words "Poor Law," or "Laws for the Relief of the Poor," shall be construed to include every act of parliament for the time being in force for the relief or management of the poor, or relating to the execution of the same, or the administration of such relief; the words "Poor Rate" shall be construed to include any rate, rate in aid, mulet, cess, assessment, collection, levy, levy, subscription, or contribution raised, assessed, imposed, levied, collected, or disbursed for the relief of the poor in any parish or union; that the words "General Quarter Sessions" shall extend to and be construed to include general or quarter sessions, or adjournment thereof for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, cinque port, or town corporate, unless where otherwise provided by this act; the word "Union" shall be construed to include any number of parishes united for any purpose whatever under the provisions of this act, or incorporated under the said act made and passed in the twenty-second year of his late Majesty king George the third, intituled An Act for the better Relief and Employment of the Poor, or incorporated for the relief or maintenance of the poor under any local act; the words "United Workhouse" shall be construed to mean and include any workhouse of a union; the word "Vestry" shall be construed to mean any open, customary, or select vestry, or any meeting of inhabitants convened by any notice such as would have been required for the assembling of a meeting in vestry, at which meeting any business relating to the poor or the poor rate shall be transacted or taken into consideration, so far as such business is concerned; the word "Workhouse" shall be construed to include any house in which the poor of any parish or union shall be lodged and maintained, or any house or building purchased, erected, hired, or used at the expense of the poor rate, by any parish, vestry, guardian, or overseer, for the reception, employment, classification, or relief of any poor person therein at the expense of such parish; and wherever in this act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

[No. VIII.] 5 & 6 W. IV. c. 69.—An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales. [9th September 1835.]

WHEREAS there are certain legal difficulties attending the title, purchase, sale, and disposal of property, which, with respect to workhouses and other property belonging to parishes, incorporations, or unions, it is expedient to remove; and it is also expedient to simplify the assurances for the conveyance, exchange, or transfer of such property: Be it therefore enacted, &c., That it shall be lawful for the commissioners of the king's Majesty's woods, forests, and land revenues, by and with the consent in writing of the lord high treasurer or the commission-
ers of his Majesty's treasury, or any three or more of them, and for his Majesty, by any grant signed by the chancellor of the duchy of Lancaster, and for the Duke of Cornwall, by any grant signed by the chancellor of that duchy, to grant, and for the guardians and overseers of the poor of any parish or union of parishes, under the direction and with the approbation of the poor law commissioners for England and Wales (to be testified by order under their hands and seal), and for any lay or ecclesiastical corporation, aggregate or sole, and for any feoffees or trustees to charitable or other uses, and for any person beneficially seised or entitled in possession as tenant in fee simple, or in fee tail, general or special, or for his own life, or for years determinable on his own life, (such estate for life or years not being subject to any rent,) or for any term of years in gross whereof not less than four hundred shall be unexpired, and subject to no equity of redemption or rent, except a nominal rent, and for any married woman entitled or interested as aforesaid to her separate use, and for the guardian, trustee, husband, or committee of any person so seised or entitled who shall be an infant, married woman (not separately entitled), idiot, lunatic, or under any other disability, to dispose of, by way of absolute sale, or in exchange for any messuages, lands, or other hereditaments, any lands or buildings for the purpose of the same being used as or converted into a workhouse, or of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other purpose relating to the relief of the poor which the said poor law commissioners may approve of, with the rights and appurtenances, and to convey the same and the fee simple and inheritance thereof unto the guardians or overseers of any union or parish and their successors, or in such other manner as the said poor law commissioners may direct, and to accept from and give to such guardians or overseers any monies by way of equality of exchange.

II. And with regard to the application of money paid for the purchase or on the exchange of hereditaments of persons under disability; be it enacted, That all sums of money which shall be agreed to be paid to any corporation, or to any trustee, guardian, or committee for or on behalf of any infant, ward, lunatic, idiot, married woman, or other person under disability, or to any person whose lands shall be limited in settlement, for the purchase or exchange of hereditaments as aforesaid, shall, in case the same shall exceed the sum of fifty pounds, and there shall be no person capable of giving a sufficient discharge for the same, be paid by the said guardians and overseers into the Bank of England in the name and with the privity of the accountant general of the court of exchequer, to be placed in his account to the credit of the party who shall be so interested in the said hereditaments, describing them, subject to the order of the said court of exchequer; which said court, on the petition of or motion on behalf of any corporation or person making claim to any such money is hereby empowered to order summarily the investment of such money in the purchase of real estates, to be settled to the same uses and upon the same trusts as the lands so sold were previously subject to, or in the public funds, and the distribution of the rents and dividends thereof respectively, according to the respective interests of the claimants thereof, and to make such other order in the premises as to the court shall seem reasonable; and the cashier of the bank of England who shall receive such money shall give a receipt to the party paying the same, specifying for what the same is received, which receipt shall be to all intents and purposes a sufficient discharge; and upon such receipt being given, it shall be lawful for the said poor law commissioners, by order under their hands and seals, to direct that the said hereditaments so purchased by such guardians or overseers shall be appropriated for the purposes of this act; and in case of doubts or questions of title to any money paid into the bank of England by virtue of this act, or the securities on which the same may be invested, or the dividends or interest thereof, the corporation or person who shall have been in the possession of such hereditaments, interests, or incumbrances at the time of
such purchase, and persons claiming under them, shall be deemed and
taken to be lawfully entitled to such hereditaments, interests, or incum-
brances, until the contrary shall be shown to the satisfaction of the said
court of exchequer; and the securities and principal and interest monies
shall be applied and disposed of accordingly; and in case of such pur-
chase, payment into the bank of England, and application to the court of
exchequer as aforesaid, it shall be lawful for the said court to order
the expenses attending such purchase, payment, or application, and any
part thereof, to be paid by such guardians or overseers, who shall accord-
ingly pay the same as and when the said court shall direct, and the
money so paid shall be a charge on the poor rates of such parish or such
union, as the case may be.

III. And in order to ensure the due application of the property of
parishes and unions, be it enacted, That it shall be lawful for the guard-
ians of any parish or union, and for the overseers of any parish not un-
der the management of a board of guardians, and for the guardians or
trustees, guardian or trustee of any dissolved union, or the person or
persons who were the guardians or trustees, guardian or trustee of any
dissolved union at the time of its dissolution, or a majority of such guard-
ians, trustees, or persons, if more than one, with the approbation, and
subject to the rules, orders, and regulations of the poor law commissio-
ners, to sell, exchange, let, or otherwise to dispose of any workhouses,
tenements, buildings, land, effects, or other property belonging to any
such parish or union, or vested in trustees or feoffees in trust for such
parish or union, or for the parishioners, rate-payers, or inhabitants thereof,
or which belong or did belong to any dissolved union, and every and
any part of such property, and to convey, assign, or transfer the same
accordingly to the purchasers or parties exchanging, as they shall direct;
and, in case of a sale, to apply the produce arising therefrom (after de-
ducting the reasonable expenses thereof) towards the purchase or build-
ing of any workhouse, or as or in part of the proportions of such parish
or union towards the expense of any workhouse erected, purchased, or
provided on behalf of such parish or union, or as a loan to the board of
guardians of such union, upon the security of the rates, for the purpose
of erecting a workhouse, or in liquidation of any debt contracted by such
parish or union or dissolved union, or in such other manner for the per-
manent advantage of such parish or union or dissolved union as the said
poor law commissioners may approve; and in case of an exchange, the
hereditaments to be taken in exchange shall be conveyed to the guard-
ians of such parish or union, or the overseers of such parish, upon the
same trusts, and the rents and profits thereof shall be applied to the same
purposes, as the hereditaments given in exchange were held, and the
rents and profits thereof would have been applicable under the provisions
of the law or of this act if the same hereditaments had not been ex-
changed; and it shall be lawful for the said poor law commissioners to
direct the mode and proportions on parishes in which any money re-
quired for the purchase of any such property shall be raised, paid, and
secured, and also to direct the mode in which the persons by whom, and
the objects relating to the management of the poor to which the rents,
profits, beneficial occupation, or income of such property shall be applied,
assigned, or distributed; and wheresoever the workhouse or workhouses
of any parish in any union may have become or shall hereafter become
convertible to the common use of such union, it shall be lawful for the
said poor law commissioners to direct such an annual sum, in the nature
of rent or other compensation, to be paid to such parish out of the com-
mon fund of the union, and to vary the amount of such annual sum or
compensation from time to time as they the said poor law commissioners
shall see fit: Provided always, that no such sale or exchange or letting
of any workhouses, tenements, buildings, or land of any parish shall
take place except with the consent of a majority of the rate-payers of
such parish, and of the owners of property therein, entitled to vote un-
der and by virtue of the act passed in the fourth and fifth years of the
reign of his present Majesty, intitled An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales, assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place and purpose of holding such meeting shall have been given in like manner as notices of vestry meetings are published and given, such majority to be ascertained in manner provided by the said act: Provided also, that every sale and exchange or lease of any such workhouse, tenements, buildings, land, or other property, which may have been made before the passing of this act, with the consent or approbation in writing of the said poor law commissioners, shall be as valid and effectual as if the same had been directed by their order under the authority of this act; and that any monies or rents which have become or shall become payable in respect of any such sale, exchange, or lease, and have not been applied, shall be applied in the same manner as such monies or rents would have been applicable if such sale or exchange or lease had been made under this act.

IV. That all the powers and authorities in and by an act passed in the twenty-second year of the reign of King George the third, intitled An Act for the better Relief and Employment of the Poor, given to guardians of the poor for or relating to the inclosing of any part or portion of waste or common land as therein mentioned; and all powers and authorities in and by an act passed in the fifty-ninth year of the same reign, intitled An Act to amend the Laws for the Relief of the Poor, given to churchwardens and overseers of the poor for taking land or ground into their hands, and for purchasing, hiring, and taking on lease any land; and all the powers and authorities contained in an act passed in the first and second years of the reign of his present Majesty, intitled An Act to amend an Act of the Fifty-ninth Year of His Majesty King George the Third, for the Relief and Employment of the Poor; and in a certain other act passed in the first and second years of the reign of his present Majesty, intitled An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown for the Benefit of poor Persons residing in the Parish in which such Crown Land shall be situate; and in a certain other act passed in the second year of the reign of his present Majesty, intitled An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers; shall in future be exercised (under the control, and subject to the rules, orders, and regulations of the poor law commissioners,) by the overseers of the poor in any parish not under the management of a board of guardians, and by the guardians of the poor of any union or parish formed or established by virtue of any statute or local act; and all the aforesaid powers and authorities relating to the inclosing, purchasing, hiring, or taking any waste, common, or other land, for the purpose or purposes in the said acts mentioned, shall extend and apply to and may be so exercised as aforesaid by the said overseers and guardians for the purpose of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other of the purposes of the said recited act passed in the fourth and fifth years of the reign of his present Majesty.

V. That the powers and authorities given by the said act of the fifty-ninth year of King George the third, and by the said act of the second year of the present reign, to justices of the peace to cause possession of parish houses and lands and portions of land to be delivered to the churchwardens and overseers of the poor, and any other auxiliary powers or provisions in the said acts or other acts contained in relation thereto, shall extend to and shall be exercised by such justices in respect of any houses and lands and portions of land which are or may be vested in or under the management or control of the guardians of the poor of any union or parish, in the same manner as if the name of those officers had been inserted in the said acts instead of the names of the churchwardens and overseers of the poor.
VI. And, for simplifying the instruments of assurance of property under this act, be it enacted, That every conveyance, exchange, security, or assignment of security, under the authority of this act, may be made according to the forms set forth in the schedule annexed, or in such other forms as the said poor law commissioners shall direct, or as near thereto as the number of parties, the nature of the interests, and the circumstances of the case will admit, and shall, when executed by the conveying parties, be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed; and that every conveyance, exchange, security, transfer of security, or instrument made under the authority of this act, shall, when signed by the conveying parties thereto, be transmitted to the said poor law commissioners, who shall, if they shall approve thereof, signify such approval by sealing or stamping the same with their seal; and for preserving evidence of such instruments the said commissioners shall keep a register, properly indexed, in which they shall insert copies or memorials of such deeds or instruments of which they shall so approve, and of such orders of appropriation of property as are herein-before mentioned; and all such copies or memorials, or copies thereof, purporting to be sealed or stamped with the seal of the said commissioners, shall be received as evidence of the instruments respectively of which they purport to be copies or memorials.

VII. And, for the more easy execution of the purposes of this act, and of the laws relating to the poor, be it enacted, That the guardians of the poor of every union already formed or which hereafter shall be formed by virtue of the aforesaid act passed in the fourth and fifth years of the reign of his present Majesty, and of every parish placed under the control of a board of guardians by virtue of the said act, shall respectively from the day of their first meeting as a board become or be deemed to have become, and they and their successors in office shall for ever continue to be, for all the purposes of this act, a corporation, by the name of the guardians of the poor union (or of the parish of ) in the county of ; and as such corporation the said guardians are hereby empowered to accept, take, and hold, for the benefit of such union or parish, any buildings, lands, or hereditaments, goods, effects, or other property, and may use a common seal; and they are further empowered by that name to bring actions, to prefer indictments, and to sue and be sued, and to take or resist all other proceedings for or in relation to any such property, or any bonds, contracts, securities, or instruments given or to be given to them in virtue of their office; and in every such action and indictment relating to any such property it shall be sufficient to lay or state the property to be that of the guardians of the union, or of the parish of ; and in case of any addition to or separation of any parishes from any such union, under the authority of the said act passed in the fourth and fifth years of the reign of his present Majesty, the board of guardians for the time being shall (notwithstanding such alteration) have and enjoy the same corporate existence, property, and privileges as the board of guardians of the original union would have had and enjoyed had it remained unaltered.

VIII. That all buildings, lands, or hereditaments, goods, effects, or other property, which, before the passing of this act, may have been conveyed, with the consent or under the directions of the said poor law commissioners, to any persons in trust for and for the use of any union or parishes, shall, without any further act, vest in the guardians thereof as such corporation, in the same manner as if the same respectively had been conveyed to or vested in them under the provisions of this act.

IX. And in the interpretation of this act, be it enacted, That wherever in this act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as
males, and several matters or things as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction; and the words and expressions "General Rule," "Guardian," "Justice or Justices of the Peace," "Orders and Regulations," "Overseers," "Owners of Property," "Parish," "Person," "Poor," "Poor Rate," "Union," "Vestry," and "Workhouse," shall bear and be construed to have the same signification as the same words and expressions are declared to have in the said act of the fourth and fifth years of the present reign, for the amendment and better administration of the laws relating to the poor in England and Wales.

SCHEDULE to which this Act refers.

Form of Conveyance.

This deed, made the day of in the year
by virtue of an act passed in the fifth and sixth years of the reign of king William the fourth, intituled [the title of this act], and under the direction [or with the approbation] of the poor law commissioners for England and Wales, testified by their seal being hereunto affixed, witnesseth, That A. B. of
in consideration of the sum of paid to him [or into the bank of England] by C. D. of
doth grant and convey [or demise or assign, proper words of conveyance to be used,] all, &c. [the property to be aptly described], and all the right, title, and interest of the said A. B. in and to the same and every part thereof, unto and to be held by the said C. D., his heirs and assigns. In witness whereof the said A. B. and C. D. have hereunto set their hands and seals.

Witness E. F.
A. B. (l.s.)
C. D. (l.s.)

Approved and registered the day of

Form of Exchange.

This deed, made the day of
by virtue of an act passed in the fifth and sixth years of the reign of king William the fourth, intituled [the title of the act], and under the direction [or with the approbation] of the poor law commissioners for England and Wales, testified by their seal being hereunto affixed, witnesseth, That A. B. of
doth grant and convey unto C. D. of all [the property to be aptly described], in exchange for the hereditaments herein-after conveyed, to the intent that the said hereditaments above conveyed may be held and enjoyed by the said C. D., and the person or persons who for the time being would have been entitled to the hereditaments herein-after conveyed, if this present exchange had not been made, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the same hereditaments herein-after conveyed now are or may or but for this present
Poor.

No. VIII. 5 & 6 W. 4. C. 69.

exchange would have been subject or liable to: And this deed of
witnesseth, That, in pursuance of the said act, and under the said
publication or approbation, the said C. D. doth grant and convey unto
said A. B. all the property to be apportioned in the lies of and
change for the hereditaments firstly herein-before conveyed, to
intend that the hereditaments lastly herein-before conveyed may be
and enjoyed by the said A. B., and the person or persons who for
time being would have been entitled to the hereditaments firstly here
before conveyed if this present exchange had not been made, and
be and become subject to such and the same uses, trusts, powers,
provisions, limitations, restrictions, charges, and incumbrances as the
hereditaments now or may be or for this present exchange would
have been subject or liable to. In witness whereof the said A. B.
C. D. have hereunto set their hands and seals.

Witness E. F.

A. B. (l.s.)

C. D. (l.s.)

Approved and registered the day of

Form of Security.

This Deed, made the day of , by virtue
of an act passed in the fifth and sixth years of the reign of king William
the fourth, intituled the title of this act, and under the direction [with
the approbation] of the poor law commissioners for England and
Wales, (testified by their seal being hereunto affixed,) witnesseth, That
A. B., C. D., E. F., and G. H., being the majority of the guardians of the
poor for the union, or the parish of
in consideration of the sum of to them in hand paid
by Y. Z. for the purpose of purchasing, building
erecting, repairing, fitting up, or furnishing a workhouse for the union
or parish, and for providing suitable stock and utensils for that purpose,
[or in consideration of the conveyance or assurance of, &c. as the
case may be,] do hereby charge the poor rates of the parishes of the said
union or parish with the payment of the principal sum of pounds, by the instalments following [naming them], together with interest on the principal which shall from time to time remain due,
after the rate of per centum, to be payable
half-yearly to the said Y. Z., his executors, administrators, and assigns.

Witness L. M.

A. B.
C. D.
E. F.
G. H.

Approved and registered the day of

THE SEAL OF THE POOR LAW
COMMISSIONERS.
Form of Transfer of Security.

This deed, made the day of
by virtue of the act passed in the fifth and sixth years of the reign of
king William the fourth, intituled [the title of this act], and [if the
guardians or overseers of any parish or union are the parties transferring
or accepting the security, then add] under the direction [or with the
approval] of the poor law commissioners for England and Wales
(testified by their seal being hereunto affixed), witnesseth, That Y. Z. of
doeth transfer the security, [describing it]
with all right and title to the principal money thereby secured, and to
all the interest now due or hereafter to be due thereon, unto V. W. of
his executors, administrators, and assigns.

Witness E. F.

Y. Z.
V. W.

Approved and registered the day of
PART VI.
CLASS XXIX.

RIVERS AND NAVIGATION.

[No. I.] 1 & 2 W. IV. c. 57.—An Act to empower Landed Proprietors in Ireland to sink, embank, and remove Obstructions in Rivers. [20th October 1831.]

WHEREAS it has been ascertained, as well by the reports of certain commissioners appointed under the authority of parliament in the year one thousand eight hundred and nine, as otherwise, that there are throughout Ireland, contiguous to the banks of rivers and streams and lakes, many large tracts of lands, some covered with water for not less than half the year, some periodically flooded, and others subject to frequent damage and inundation by reason of the defect of embankments and interruptions in the channels of such rivers and streams: And whereas the said tracts of lands comprise generally the finest alluvial soil, and, although in their present condition of little value, would, if protected against inundation, become productive and fertile in an eminent degree: And whereas the reclamation and protection of such lands would be advantageous to the proprietors thereof, and would conduce to the health of such districts, and afford beneficial employment to the distressed labouring poor; but by reason of the various modifications of interests and estates in such lands, and the legal incapacity of persons having such interests, and the defect of co-operation in them, the same cannot be accomplished without the authority of parliament: Be it therefore enacted, &c., That whenever any persons shall be desirous of undertaking the execution of the works provided for by this act, and shall in manner and upon and after the observance and performance of the preliminaries herein-after directed, make application to the lord lieutenant or other chief governor or governors of Ireland for the time being, it shall and may be lawful for the said lord lieutenant or other chief governor or governors of Ireland, if he or they shall so think fit, to issue a commission authorizing and constituting such persons undertakers for the execution of such of the works provided for by this act as may be included in such application, or any of them; and such persons, and their several and respective successors, executors, administrators, and assigns, and all and every other person or persons, body and bodies politic or corporate, corporations aggregate or sole, who shall, according to the conditions herein-after set forth, be or at any time become possessed of any part of the joint stock herein-after mentioned, and their several and respective executors, administrators, successors, and assigns, (so long as they respectively, or their respective executors, administrators, successors, or assigns, shall hold shares in the said joint stock, and no longer,) shall be and are hereby declared, by virtue and force of such commission as aforesaid, to be and become, from the date of the issuing thereof, undertakers for making, completing, and executing the works authorized to be made, completed, and executed by the said commission, and shall have, use, and exercise all such powers and authorities as herein-after appointed to be used and exercised by such undertakers, as fully and effectually as if particularly named in this act, and shall for those purposes be a joint stock company by the name of "The Company of Undertakers under an act [herein setting out the title of this act], within the district of [herein setting out the name of the district within which the jurisdiction of the said undertakers is to be exercised, or any one principal denomination of land lying therein]."

II. That it shall and may be lawful for such persons or bodies so constituted such company of undertakers as aforesaid to raise and contribute...
among themselves, in such proportions as they may have severally subscribed for and agreed to advance in manner herein-after directed, such sum or sums of money as shall, according to the estimate herein-after directed to be made, be necessary for the execution of the works mentioned in the said commission, and authorized to be performed thereunder; and the money so subscribed, or such part thereof as shall be necessary and required, shall, when paid in, be considered as a capital or joint stock, and the same is hereby vested in the aforesaid subscribers, their executors, administrators, successors, and assigns, holding for the time being shares in the said stock, in proportion to the sum he, she, or they and each of them shall have severally subscribed and contributed thereto; and the capital sum so raised and contributed shall be divided into such number of parts or shares as may have been agreed upon in the original agreement or subscription herein-after directed to be made and entered into; and a sufficient part thereof shall be laid out and applied, in the first place, in payment, satisfaction, and discharge of the costs, charges, and expenses attending the obtaining such commission, and the making of the proper surveys, maps, plans, specifications, and estimates, and the doing and providing all such matters and things as by this act directed and required preparatory and previous thereto; and all the residue of such money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the making or completing and maintaining the work or works for which such money shall have been subscribed, and the other purposes specified in this act.

III. Provided always, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to render or make any company of undertakers constituted under any commission as aforesaid a body politic or corporate.

IV. That all actions, suits, and proceedings, whether at law or in equity, or otherwise, to be commenced, instituted, and prosecuted or carried on by or on behalf of the said company of undertakers against any person or persons, body or bodies politic or corporate, whether such person or persons, body or bodies politic or corporate, is or are or shall then be a member or members of the said company of undertakers, or not, shall and lawfully may be commenced, instituted, and prosecuted, or carried on in the name of the person who shall be for the time being the chairman of the committee of management of the said company of undertakers, or in the name of any three members for the time being of the said company of undertakers, as the nominal plaintiff or party proceeding for and on behalf of the said company of undertakers; and that all actions, suits, and proceedings, whether at law or in equity, or otherwise, to be commenced, instituted, and prosecuted or carried on against the said company of undertakers by or on behalf of any person or persons, body or bodies politic or corporate, whether such person or persons, body or bodies politic or corporate, is or are or shall then be a member or members of the said company of undertakers, or not, shall and lawfully may be commenced, instituted, and prosecuted or carried on against the person who shall be for the time being such chairman of the said committee of management of the said company of undertakers, or against three members for the time being of the said company of undertakers, as the nominal defendant or party proceeded against, for and on behalf of the said company of undertakers; and that all prosecutions to be commenced, instituted, or carried on by or in behalf of the said company of undertakers against any person or persons for embezzlement, robbery, or stealing of the monies, goods, effects, or property of the said company of undertakers, or for fraud upon or against the said company of undertakers, or for any other crime or offence committed against or with intent to injure or defraud the said company of undertakers, shall and lawfully may be so commenced or instituted and carried on in the name of such chairman of the said committee of management of the said company of undertakers, or any such three members for the time being of the said company of undertakers; and in all indictments and informations to be

Not to incorporate any company of undertakers.

Company may sue and be sued in the name of their chairman or of any three members.
had or preferred by or on the part of the said company of undertakers, it shall be lawful to state the monies, goods, effects, or property of the said company of undertakers, to be the monies, goods, effects, or property of such chairman of the committee of management of the said company of undertakers for the time being; and any crime or offence committed against or with intent to injure or defraud the said company of undertakers shall and lawfully may in such indictments or informations be laid or stated to have been committed against or with intent to injure or defraud such chairman of the committee of management for the time being of the said company of undertakers; and any offender or offenders may thereupon be lawfully convicted of any such crime or offence; and in all other indictments, informations, allegations, or other proceedings, at law or in equity, or otherwise, in which it would otherwise have been necessary to state the names of the persons composing the said company of undertakers, it shall and may be lawful and sufficient to state the name of such chairman of the committee of management of the said company; and no action, suit or other proceeding to be commenced, instituted, and prosecuted or carried on by or against the said company of undertakers by virtue of this act, in the name of such chairman of the committee of management of the said company of undertakers, shall abate or be discontinued or prejudiced by the death, resignation, removal, or disqualification of such chairman of the committee of management of the said company of undertakers, or by any act of such chairman of the committee of management of the said company; but the chairman of the committee of management for the time being of the said company of undertakers, or any three members for the time being as aforesaid, shall always be deemed the plaintiff or party proceeding, or (as the case may be) the defendant or party proceeding against, for or on behalf of the said company of undertakers in such action, suit, or proceeding.

V. That it shall be lawful for the said company of undertakers and they are hereby empowered to treat and agree for the purchase of, and to hold to them, their successors and assigns, for the use of the said undertaking, any houses, buildings, lands, tenements, and hereditaments which may be, in the opinion of the engineer or engineers employed by such company, deemed useful or necessary for the said undertaking, and any subsisting leases, tenures, estates, and interests therein and charges thereon, or such of them or such parts thereof respectively as the said company of undertakers shall think proper, and to procure renewals of any leases or leases, licence, or liberty, and to sell and dispose of any such lands, tenements, or hereditaments which such company may be or become interested in or seized of.

VI. That in cases where application is intended to be made for the purpose of obtaining any commission under this act, a description and specification of the work or works intended to be undertaken thereunder, together with a map, plan, and section of the grounds and lands within which it is proposed to execute such work or works, shall be deposited for public inspection at the office of the clerk of the peace of the county or counties and each and every of them in which such grounds or lands shall lie, at least thirty days before such application shall be made; and such map and plan shall describe the line, course, and situation of all streams, watercourses, drains, rivers, and lakes which it is proposed to clear, scour, or embank, and of any and every intended variation, abridgment, or enlargement of the same; and the lands in and through which the same is intended to be made, and the parishes, townlands, and baronies or half baronies in which the same may lie; and there shall also, in like time and place, be deposited a book of reference, containing a list or lists of the names of the owners or reputed owners and occupiers of all such lands respectively; and such map and plan shall also mark and describe the streams, watercourses, drains, and rivers which it is proposed to clear, scour, or embank; and such section shall specify the levels, and describe the same by feet and inches; and the respective clerks of the peace, or their deputies, are hereby required.
to make a memorial in writing upon the plan, map, and book of reference and section deposited with them as aforesaid, denoting the time at which the same was and were lodged in their respective offices, and at all seasonable hours of the day permit any person to view and examine the same, and to make copies or extracts therefrom, such person paying for the same the usual and accustomed fees paid to such clerks of the peace for the inspection and copying of or making extracts from records in their respective offices.

VII. That in cases where any such application as aforesaid is intended to be made, a notice of such intended application, specifying the names of every county, barony, half barony, townland, and parish in which it may be proposed to exercise the authority of the commission to be applied for in manner aforesaid, shall be inserted three times, forty days at least before making such application, in some one and the same newspaper of every county in or through which any such streams, watercourses, drains, rivers, or lakes as shall be proposed to be cleared, scoured, or embanked, or to be varied, extended, or enlarged, may run or flow, or if there is no such newspaper printed therein respectively, then in the newspaper of some county adjoining or near thereto; and that notices to the like purport and effect, printed or written on paper, shall be affixed on the door of the sessions house where the general quarter sessions of the peace shall be held for every county, riding, or division in or through which any such streams, watercourses, drains, rivers, or lakes as shall be so proposed to be cleared, scoured, or embanked, varied, extended, or enlarged, shall run or flow, at least forty days before such application shall be made.

VIII. That the persons or bodies corporate and politic desirous of obtaining such commission as aforesaid shall, in the first place, cause an estimate to be made of the probable cost and expense of making and performing all such work or works as they may be desirous of undertaking, and shall enter into a subscription, and agree to raise, if necessary, the amount of such estimate among themselves, in such proportions and by such number of shares as they shall think convenient; and the sum so subscribed shall constitute the capital stock of the company of undertakers created by such commission; and such shares so subscribed and agreed upon shall be numbered in regular numerical progression, and every share for ever afterwards distinguished by the number assigned to the same; and the said shares shall be and they are hereby vested in the several persons, bodies politic and corporate, subscribing for and undertaking to raise and contribute the same, and their respective executors, administrators, and assigns, to and for their respective use and benefit, according and proportionably to the number of shares which they shall respectively subscribe for and undertake to raise and contribute; and all persons, bodies politic and corporate, and their respective executors, administrators, successors, and assigns, who shall subscribe for any share or shares in the said undertaking, and pay such sum or sums of money as shall be demanded on account thereof, not exceeding in the whole their proportionable part of the said sum so by them subscribed towards carrying on and completing the work or works authorized by the said commission to be made, shall be entitled to and receive, after the said drainage and embankment and other work or works shall be completed, a due and just proportion, according to their respective number of shares, of the clear profits and advantages, subject to such provisions as herein-after contained determining the same, as shall or may arise or accrue by or from the assessment, rates, tolls, duties, and other monies to be raised, recovered, or received by virtue of this act, according to the true intent and meaning thereof, and shall also from time to time bear and pay a like due and just proportion of the money required for carrying on the drainage and embankment and undertaking in the manner herein-after directed: Provided always, That nothing herein contained shall extend to charge or make liable any person or persons, body or bodies politic, corporate, or collegiate, who is,
Rivers and Navigation. [Part VI.

No. I. 1 & 2 W. 4, c. 67.

Shares of company to be personal property.

IX. That all and every the shares and proportions of all bodies politic, corporate, or collegiate, and all other person and persons, of and in the said undertaking or the joint stock or fund of the said company of undertakers, shall be deemed personal estate, and be transmissible as such, and shall not be deemed to be of the nature of real property.

X. That before any application to the said lord lieutenant or other chief governor or governors of Ireland shall be made for such commission as aforesaid, application shall be previously made to the owners or reputed owners or occupiers of all the lands lying within the district to the extent of which it is by such application sought to exercise the powers of such commission; and that separate lists be made of the names of such owners and occupiers, distinguishing which of them, upon such application, have assented to or dissented therefrom, or are neuter in respect thereto, and in case of assent and dissent, whether the same be to or from the application for such commission in toto, or the execution of some and which of the works proposed to be executed thereunder.

XI. That upon receiving the application in form by this act directed, accompanied by duplicates of the maps, plans, specifications, sections, and lists herein-before directed to be lodged with the clerk of the peace, together with the estimate herein directed to be made, and an account of the money subscribed for the purpose of raising the amount thereof, together with the names of the subscribers and the sums by them subscribed respectively, the chief secretary of the lord lieutenant or other chief governor or governors of Ireland, or his or their under secretary, shall cause notice of such application to be inserted in the Dublin Gazette, and shall appoint some skilful engineer to survey the lands and grounds in or on which it is proposed to perform the work or works described in such application, and to form an estimate of the probable costs and expense of executing the same, and to report the same, as well as his opinion of the utility of the said proposed work or works and each and every of them; and if such report shall recommend such work or works or any of them, and shall approve the estimate of the cost of making and executing the same, it shall and may be lawful for the said commission to issue, and the same shall be issued accordingly:

Provided always, that no such commission shall issue unless the owners or reputed owners of at least two thirds of the extent of the lands comprised in the district within which the powers sought by such application are to be exercised shall have assented thereto; and that for the purpose of such assent or dissent, the person or persons in actual occupation of such lands or tenements, either personally or by his or her under-tenants, and having therein either an estate for life or a term of years whereof twenty-one years shall be then unexpired, shall be deemed and taken to be the owner or owners thereof, and have and enjoy the sole right of expressing assent or dissent in respect of the same; and in default of any expression of assent or dissent on the part of such person or persons, then and in such case that the person having the first estate of inheritance in such lands shall be deemed the owner or owners thereof, and have and enjoy the right of assenting or dissenting as aforesaid; and in default of any expression of assent or dissent on the part of any such persons as aforesaid, then and in such case the actual occupier, whether as tenant for years under any lease or demise, or as
tenant from year to year, shall have and be entitled to and exercise the
class right of assenting or dissenting as aforesaid.
XII. That if any owner or occupier of land within the proposed limits
of such commission shall apply by memorial to the lord lieutenant or
other chief governor or governors of Ireland, against the issuing of the
said commission, and that any doubt or question shall arise as to the
compliance of the parties applying for the same with the requisitions of
doubtful cases. this act, or as to the assent or dissent of the owner or occupier aforesaid,
it shall be lawful for the said lord lieutenant or other chief governor or
governors of Ireland, if the matter of such memorial shall seem to him
or them to render further investigation proper or necessary, to refer the
same to the assistant barrister of any county to which any part of the
district within which it may be proposed to execute the jurisdiction of
the said commission may belong; and such assistant barrister is hereby
authorized and required, at the next ensuing quarter sessions, to hear
all parties interested, and to report his opinion to the lord lieutenant or
other chief governor or governors of Ireland, who shall have power to
issue or withhold such commission, according to his or their discretion;
and the reasonable costs of such reference to the said assistant barrister,
and hearing thereon, shall be paid by the said company, or by the said
owners or occupiers applying by memorial as aforesaid, as the said lord
lieutenant or other chief governor or governors of Ireland shall direct,
and in default of payment may be raised and levied by distress and sale
of the goods or chattels of the person or persons who ought to pay the
same, by virtue of a warrant under the hand and seal of any justice of
the peace for the same county; and any such justice is hereby autho-
rized and required to issue such warrant when so directed by the chief
secretary of the said lord lieutenant or other chief governor or governors
of Ireland.
XIII. That immediately upon the issuing of the commission creating
any company of undertakers under the provisions of this act, the chief
or under secretary of the lord lieutenant or other chief governor or
governors of Ireland shall summon a meeting of all owners and occupiers
of lands or grounds within the district to which the jurisdiction of such
commission shall extend, and that notice of the time and place ap-
pointed for such meeting shall be inserted in the Dublin Gazette seven
days at least previous thereto, and shall also be inserted three several times
in some one newspaper published in the county wherein such meeting
shall be appointed to be held, and if none be therein published, then in
a newspaper published in some adjacent county, seven days at least pre-
vious thereto, and that like notice thereof shall also be fixed upon the
doors of each and every sessions house where the general quarter sessions
shall be held for every county, riding, or division, any portion of which
shall lie within the limits of the jurisdiction of such commission, and
also on the doors of all and every the houses of worship situate within
the parish or parishes to which the lands comprised within such jurisdic-
tion as aforesaid belong, at least seven days before such meeting;
and the persons assembled at such meeting summoned as aforesaid shall
proceed to nominate and appoint, by majority of votes to be taken in
manner herein-after provided, one person to act for and in behalf of the
owners and occupiers of lands and grounds within the limits of the ju-
risdiction aforesaid in making the survey and valuation herein-after
directed to be made.
XIV. That at such meeting of owners and occupiers, summoned as
Regulations aforesaid, it shall not be lawful for more than one person to vote for or with respect to
in respect of the same lands or tenements entitled any person to vote at
such meeting; and that the party in actual occupation of such lands or
tenement, either personally or by his or her under-tenants, and having
therein either an estate for life or a term of years whereof seven-years
shall be then unexpired, shall have and enjoy the right of voting at such
meeting to the exclusion of all other persons having any other estate or

Meeting of landowners and
occupiers to be summoned up-
on issuing of
commission.
interest in the said lands or tenement; and in the absence of any person occupying as aforesaid, and having such estate for life or term whereof so many years shall be unexpired, then and in such case the person having the first vested estate of inheritance in such lands or tenements shall have, exercise, and enjoy the right of voting at such meeting in respect of such lands; and in the absence of any person having such estate for life, or such term of years, or such estate of inheritance in such lands or tenement, then and in such case it shall be lawful for the actual occupier thereof, whether as tenant for years under any lease or demise, or as tenant from year to year, to have, exercise, and enjoy the right of voting at such meeting in respect of such lands; and that in case of equality of votes, the chairman of such meeting shall have one casting vote in addition to the vote or votes to which under the provisions herein-after following he may be entitled.

XV. That any number of persons interested in any lands or tenement as joint tenants, tenants in common, coparceners, coheirs, or coheiresses, shall be entitled to vote only as one person; and if such persons cannot agree, then and in such case they shall have no vote; and that corporations aggregate shall vote by their attorney lawfully constituted in such manner as attorneys for corporations ought to be constituted; and that infants and lunatics shall vote by their respective guardians or committees.

XVI. That every person having a right to vote at such meeting as aforesaid shall be entitled to one vote for every twenty acres of land which he may have or hold respectively, and so in progression of one vote for every complete quantity of twenty acres in the seisin or possession of such person, not exceeding six votes in the whole, whatever be the number of acres which may be in the seisin or possession of such person: Provided always, That no person shall be entitled to be present or vote at such meeting for or in respect of any smaller quantity than twenty acres of land.

XVII. That the company of undertakers created by the said commission as aforesaid shall elect and nominate, under the hand of the chairman of their committee of management to be appointed in manner herein-after provided, some one fit and judicious person to act for and in behalf of such company of undertakers in making the survey and valuation herein-after directed to be made.

XVIII. That the person so appointed by the owners and occupiers of the lands aforesaid, and the person so nominated and appointed by the said company of undertakers as herein-before directed, shall, with a fit and skillful engineer or surveyor to be appointed by the lord lieutenant or other chief governor or governors of Ireland, who is hereby authorized and required to nominate and appoint such engineer or surveyor, proceed to make a full and complete survey and valuation of all the lands and tenements which, according to the map, plan, and specifications herein-before required to be made and delivered, are liable in anywise to be affected by the drainage, scouring, embankment, or other works therein specified and proposed to be made and carried on within the district of the jurisdiction of such commission; and such two persons with the said engineer or surveyor, shall likewise inquire and ascertain the average annual value for seven years last past of such lands and tenements, and how far the same may in anywise have been affected by the overflowing or encroachment of any water, and the amount of damage (if any) sustained thereby, and shall for such purpose have power and they are hereby authorized to enter in and upon the grounds and lands of all persons whatsoever, and to survey and take levels of the same or any part thereof, and to call any person or persons whom they shall see fit before them, and examine such persons on oath, or in the case of a quaker on solemn affirmation, (which oath or affirmations they are hereby authorized and empowered to administer,) touching any circumstances or particulars of the state or condition of the said lands or
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grounds, and for the purpose of obtaining such information as may be necessary for the completion of such survey and valuation, as hereby required to be made.

XIX. That the said company of undertakers shall fix and determine the amount of remuneration to be allowed to the said engineer or surveyor, and other persons appointed to make such survey and valuation, either by assigning a gross sum or a certain rate per diem to be paid to them for their trouble and labour therein, together with an allowance for their outlay and disbursements in and about such survey and valuation; and such remuneration and allowance shall be paid by the said company of undertakers out of the first monies which shall come to their hands.

XX. That the engineer or surveyor, and other persons appointed for the purpose of making such survey and valuation aforesaid under the provisions of this act, shall, before proceeding upon such valuation and survey, take the following oath; that is to say,

'I A. B. do swear, That I will faithfully and honestly, according to the best of my skill and ability, execute and perform the powers and authorities vested and reposed in me by and under the provisions of an act passed in the second year of the reign of his Majesty King William the fourth, intituled [here set forth the title of this act] according to the directions of the said act, and according to equity and good conscience, and without favour or affection, prejudice or malice, to any person or persons whomsoever. So help me GOD.*

And that such oath shall and may be administered by any of his Majesty's justices of the peace, sitting in petty sessions, of the county in which the lands or any of them so to be surveyed and valued shall be situate; and if the said engineer or surveyor or other person shall proceed to make such survey or valuation, in execution of this act, without having first taken and subscribed the said oath, every such engineer or surveyor or other person shall for every such offence forfeit and pay the sum of one hundred pounds to any person or persons who shall sue for the same, to be recovered by action of debt or on the case in any of his Majesty's courts of record at Dublin.

XXI. That so soon as the said survey and valuation shall be completed, a copy thereof shall be deposited, by the surveyor or engineer and other two persons making the same, at some convenient place within or near to the district whereof such survey and valuation shall have been made, and that notices shall be affixed on the door of each and every sessions house and parish church within the district aforesaid, and also inserted in some newspaper in like manner as has been herein-before appointed in respect of notices of the meeting of land owners and occupiers summoned as aforesaid, specifying at what place and in whose hands such survey and valuation may have been deposited, and fixing and appointing a place within the district of the jurisdiction aforesaid, where, upon a day to be named in such notice, being not less than twenty-one days from the date of such notice, the said engineer or surveyor with the other two persons aforesaid will attend to hear any objections which may be made to such survey and valuation by any member of the said company of undertakers, or land owner or occupier or other person interested in any lands or tenements included in such survey and valuation; and that it shall be lawful for such surveyor or engineer and other two persons to hear and determine any such objections as may be then and there made to such survey and valuation, or to adjourn the further hearing of such objections, if they shall so think fit, to a future time, giving due notice to the parties making such objections of such adjournment; and it shall and may be lawful for such surveyor or engineer and other two persons to examine any person or persons on oath, or in the case of quaker or quakers on solemn affirmation, touching any such objections, (which oath or affirmation they or any of them are and is hereby authorized and
empowered to administer,) and on such hearing and examination to cause the survey and valuation so made as aforesaid to be amended or altered as may to them appear proper and reasonable, and finally to adjust and settle the same.

XXII. That so soon as the survey and valuation herein-before directed to be made shall have been finally settled and determined, the surveyor or engineer and other two persons making such survey and valuation shall transmit the same, authenticated by the signatures of each and every of them, to the chief or under secretary of the lord lieutenant or other chief governor or governors of Ireland; and that every person being a member of the said company of undertakers, or being an owner or occupier of any grounds or lands included in such survey and valuation, shall be entitled to demand and receive, of and from the said engineer or surveyor and other two persons, a copy of such survey and valuation, paying the reasonable costs of preparing the same.

XXIII. Provided always, That if the engineer or surveyor and other two persons appointed as herein-before directed to make such survey and valuation as aforesaid shall be satisfied of the authenticity and accuracy of any survey theretofore made of any lands or grounds required to be surveyed and valued for the purposes herein-before mentioned, it shall and may be lawful for such surveyor or engineer and other two persons to make use of such former survey for the purposes of this act, instead of making a new survey of any grounds or lands included in such former survey.

XXIV. That the said company of undertakers shall meet at some convenient place situate within or near to the limits of their jurisdiction, upon some day not more than one calendar month next after the date of the commission whereby they may be constituted such company of undertakers as aforesaid; and in default of their meeting within such period, the said commission shall be and become utterly void, and it shall not be lawful or competent for them to take any proceeding thereunder.

XXV. That the said company, meeting as aforesaid, shall thereupon proceed in the execution of this act, and shall and may adjourn such meeting from time to time, and from place to place within the limits of the jurisdiction of the said commission, as they shall think fit; and from and after the first general meeting of the said company of undertakers there shall be a general meeting of the said company of undertakers on the first Monday in every month, and also such and so many special general meetings of the said company of undertakers as the committee of management herein-after directed to be appointed shall think fit and appoint; which said general meetings and special general meetings shall be called by summons, delivered at least three days previous to such meeting, to each and every member of the said company of undertakers, or left at his usual place of abode, or otherwise, as may be deemed expedient by the said company; and in the case of each special general meeting, the notices delivered or left as aforesaid shall specify the purpose for which any such special general meeting is called; and all meetings of the said company shall be held at such places within the limits of the jurisdiction of the said commission as the said committee of management for the time being shall appoint, and the same may be adjourned from time to time, and from place to place within the limits aforesaid, as shall be found expedient, and be agreed upon thereat.

XXVI. That no business shall be transacted at any special general meeting other than the business for which it shall have been called; and no business shall be transacted at any adjourned special or general meeting other than the business left unfinished at the meeting from which such adjournment took place.

XXVII. That at the first general meeting of the said company of undertakers, or adjournment thereof, the proprietor present holding the greatest number of shares in the said undertaking, or if two or more persons present shall hold the same number of shares, then and in such
case of those persons the person whose name stands first on the subscription list shall be chairman of such meeting; and at all subsequent meetings of the said company the chairman of the committee of management, to be chosen as herein-after mentioned, or in his absence the deputy chairman of the said committee of management, or in his absence some one of the said committee of management to be chosen at such meeting, or in the absence of all the said committee any proprietor to be chosen at such meeting, shall preside as chairman; and every such chairman as aforesaid shall, in addition to his vote or votes as a proprietor or proxy, have, in case of an equality of votes, the decisive or casting vote.

XXVIII. That the said company of undertakers, at their first general meeting to be held as herein-before mentioned, or at some meeting or meetings to be held by adjournment from such general meeting, shall choose and elect such number of persons, not exceeding twelve, as the said meeting shall think fit, to be called the committee of management, to manage the affairs of the said company of undertakers; and that the persons so to be elected members of the said committee shall be proprietors respectively possessed in their own right of six shares at the least in the said undertaking; and that of the number of persons so elected members of such committee as aforesaid, two-thirds shall be competent to act, and do and perform all such matters and things as by the provisions of this act the said committee of management may be authorized and empowered to do and perform.

XXIX. That when and so often as any person who may have been elected a member of the said committee of management as aforesaid shall die, or shall resign, or shall cease to hold such number of shares in the said company as it has been herein-before provided that each member of the said committee shall hold, and in all cases of vacancies in the said committee, any how happening, it shall be lawful for the said company of undertakers at their next general meeting, whereas one-half at least of the proprietors of the shares in such undertaking shall attend, to elect one or more persons, as may be necessary, duly qualified as aforesaid, to fill up such vacancy or vacancies arising or having arisen in manner aforesaid; provided that it shall and may be competent for the surviving or remaining members of the said committee of management, if not less than two-thirds of the whole original number, notwithstanding any such vacancy or vacancies, to do all such acts and things as the said committee might have done if such vacancy or vacancies had not happened.

XXX. That so soon as the committee of management of the said company of undertakers shall have been elected as aforesaid, it shall and may be lawful for them and they are hereby empowered to nominate and elect from their own body one person to be chairman of such committee, and another person to be deputy chairman thereof; and the said committee of management shall also have power, when they think fit, to convene special general meetings in the manner herein-before directed; and such committee shall carry into effect the resolutions and directions of such general and special general meetings in execution of the powers given to the said company of undertakers under and by virtue of their commission and this act, and shall superintend all works which may be undertaken by the said company; and the said committee of management shall keep or cause to be kept a book or books wherein shall be entered the minutes of the proceedings of the said committee, and shall also keep an account or accounts of all disbursements by them made, and all money by them received, and such books and accounts shall be open to the inspection at all convenient times of all persons holding any share or shares in the said undertaking; and all questions on which any difference of opinion may arise in the said committee shall be determined by majority of votes of the members thereof, and the chairman shall not vote except in case of equality of votes, and shall in such case have a casting vote: Provided always, That in such committee it shall
not be lawful for any member thereof to have more than one vote, nor to vote by proxy: And provided further, that it shall not be lawful for the said committee of management, except with the concurrence and sanction of such general or special general meeting as aforesaid, to enter into or make any contract or contracts, nor to sell or purchase any lands, grounds, or premises, any thing herein contained to the contrary in anywise notwithstanding.

XXXI. That the said company of undertakers shall, at some general meeting whereat the proprietors of not less than one half of the whole number of shares in the stock of the said company shall attend, elect, and choose a treasurer and clerk for transacting the business of the said company of undertakers; and it shall be lawful for the said company, at any subsequent general or special general meeting to be held as herein-before directed, from time to time to remove and displace such treasurer and clerk, or either of them, or any person who shall be hereafter elected and appointed to their respective offices; and shall also from time to time elect and choose, in manner aforesaid, any other person to act as clerk or treasurer of the said company of undertakers, in room of such of the said officers as shall die or resign, or be removed from their respective offices; and it shall be lawful for the said company of undertakers to allow such salaries or other emoluments to the said officers, or either of them, as they shall from time to time fix and determine upon: Provided always, that the said company shall and are hereby required to take sufficient security from any person who shall be appointed treasurer of the said company of undertakers, and from every receiver, collector, or other officer having the custody or control of any money received by virtue of this act, for the faithful execution of his office, before he shall have entered thereupon.

XXXII. Provided always, That it shall not be lawful for the said company of undertakers to appoint the person who may be appointed to act as their clerk in the execution of this act, or the partner of any such clerk, or the clerk of or other person in the service or employ of any such clerk or of the partner of any such clerk, to be the treasurer of the said company, nor to appoint any person who may be appointed treasurer, or the partner of such treasurer, or the clerk or other person in the service or employ of such treasurer or of the partner of such treasurer, to be the clerk to the said company of undertakers; and if any person shall act in both the capacities of clerk and treasurer, or if any person being the partner of any such clerk or the clerk of or other person in the service or employ of such clerk or of the partner of such clerk, shall act as treasurer, or being the partner of any such treasurer, or the clerk of or other person in the service or employ of such treasurer or of the partner of such treasurer, shall act or in any manner officiate as clerk in the execution of this act, or if any treasurer shall hold any place or office of profit or trust under the said company of undertakers other than that of treasurer, every person so offending shall for every such offence forfeit and pay the sum of one hundred pounds to any person or persons who shall sue for the same, to be recovered with full costs of suit in any of his Majesty's courts of record at Dublin, by action of debt or on the case, or by bill, plaint, suit, or information, wherein no essosign, protection, or wager of law, nor more than one imparlance, shall be allowed.

XXXIII. That the said company of undertakers shall have power and authority from time to time, at any such general or special general meeting as aforesaid, to make such rules, orders, and bye laws as shall seem right and proper for the good government of the officers and servants of the said company of undertakers, and for regulating the proceedings of the said committee, and for the superintendence and management of the said undertaking in all respects whatsoever, and from time to time to alter or repeal such bye laws, orders, and regulations, or any of them, and to make and impose and inflict reasonable fines and forfeitures upon all such persons offending against the same, not exceed-
ing the sum of five pounds for any offence, such fines and forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; and such rules, bye laws, and orders shall be binding upon and observed by all parties, and shall be sufficient in any court of law or equity to justify all persons, being members or servants of the said company, who shall act under the same; provided that such rules, bye laws, and orders shall not be repugnant to the provisions of this act, nor to the laws of that part of the united kingdom of Great Britain and Ireland called Ireland.

XXXIV. Provided always, That no person holding any office, place, or employment, other than that of chairman or deputy chairman as aforesaid, or being concerned in or interested in any contract or contracts under the said company of undertakers, shall be capable of being elected or acting as a member of the committee of management of the said company.

XXXV. And, for the better securing to the several subscribers towards the said drainage and embankment and undertaking their respective shares therein, be it enacted, That the said company of undertakers, or their committee of management, shall, as soon as the same can or may be done, cause the names and additions of the several persons who shall be entitled to any share or shares in the said drainage embankment, and undertaking, and the number of shares to which they shall be respectively entitled, and also the proper number by which every such share shall be distinguished, to be fairly and distinctly entered in a register book to be kept by the clerk to the said company of undertakers, and after such entry to cause to be subscribed and attested by the chairman or deputy chairman appointed as aforesaid with his hand and seal, which said book shall from time to time be altered and corrected, and new books from time to time subscribed and attested in manner aforesaid, as the change of proprietors and transfer of shares shall render necessary or expedient; and the said clerk shall also cause as many tickets or instruments to be prepared as there shall be shares in the said drainage, embankment, or undertaking, bearing respectively the same numbers as in the said books, and the said tickets or instruments shall be signed and sealed by the chairman or deputy chairman as aforesaid; and every subscriber towards the said drainage, embankment, or undertaking shall be entitled to have or receive upon demand a ticket or tickets specifying the share or shares to which he, she, or they is or are entitled in the said undertaking; and every such subscriber shall pay to the clerk to the said company two shillings and sixpence and no more for every such ticket or instrument; and every such ticket or instrument shall be admitted as evidence, in all courts whatsoever, of the title of such subscriber, his, her, or their executors, administrators, successors or assigns, to the share therein specified; but the want of any such ticket or instrument shall not prevent or hinder the owner or owners of any share from selling or disposing thereof, or from receiving, as hereinafter provided, his, her, or their share of the profits of the said drainage, embankment, or undertaking, in respect thereof; and if any subscriber having any share in the said undertaking shall lose or destroy his ticket or instrument bearing the number of the share of which he may be possessed in the said undertaking, it shall and may be lawful for the clerk of the said company of undertakers to give such person applying for the same another ticket, similar to that which was so lost or destroyed, but with the word "Duplicate" endorsed thereon, and bearing the same number thereon, and for which ticket or instrument such person shall pay to the said clerk the sum of two shillings and sixpence.

XXXVI. That every body and bodies politic, corporate, or collegiate, or person or persons, who shall, pursuant to the provisions of this act, have subscribed for or shall become entitled to and be in the actual possession of any share or shares in the said undertaking, and their, his, or her respective successors, executors, administrators, and assigns, shall...
Rivers and Navigation.

No. I. 1 & 2 W. 4, c. 57.

Questions to be determined by majority of votes, and chairman to have the casting vote.

Form of proxy. A. B., being the proprietor of a share or shares in the company of undertakers for the district of [here set out the title of the said company], doth hereby appoint of 
to be the proxy of the said [his] name, or otherwise, and in his absence to vote or give his assent to or dissent from any business, matter, or thing relating to the said undertaking which shall be mentioned or proposed at any general or special general assembly of the said company of undertakers, in such manner as he shall think proper, according to his opinion and judgment, for the benefit of such undertaking or any thing appertaining thereto. In witness whereof the said hath hereunto set hand and seal [or common seal] the day of .

XXXVII. That in case any proprietor entitled to vote at such meetings as aforesaid shall be a lunatic or a minor, such lunatic shall or may vote at such meeting or meetings by his or her committee, or any one of such committees, the other or others not dissenting; and such minor shall or may vote by his or her guardians, or by one of such guardians, the other or others not dissenting; provided that such committee or guardian may also vote in right of his, her, or their own share or shares, as well as in the character of committee for any lunatic, or of guardian for any minor, on the same occasion.

XXXVIII. That whenever two or more persons shall be jointly possessed of or entitled to any share in the said undertaking, the person whose name shall stand first on the books of the said company of undertakers as the proprietor of such share shall for the purposes of this act be deemed and taken to be the owner or proprietor of such share; and such owners or proprietors shall be entitled to give their votes in respect thereof by the person whose name shall stand first on the books of the said company of undertakers as joint proprietor of such share or shares; and the vote given either in person or by proxy of such proprietor shall on all occasions be deemed and allowed to be the vote for or in respect of the whole property in such share or shares, without proof of the concurrence of the other proprietor or proprietors of such share or shares; and all notices by this act directed to be given to the owners or proprietors of any share in the said undertaking shall or may be given or sent to the person whose name shall so stand first on the books of the said company of undertakers, or be left at the last or usual place of residence of such person, and such notice to such person shall be deemed and taken to be a sufficient notice to all the owners or pro-
prioters of such share or shares for all the purposes for which such no-
tice is intended to be given.

XXXIX. That it shall be lawful for the several proprietors of any
share or shares in the said undertaking to sell or dispose of his, her, or
their share or shares therein, subject to the rules and conditions herein
mentioned; and an entry of every transfer shall be made in a book or
sell shares, books to be kept for that purpose by the clerk to the said company, for
which entry no more than two shillings and sixpence shall be paid, and
the said clerk is hereby required to make such entry accordingly; and
until the entry of such transfer shall be made with the clerk to the said
company, and entered as aforesaid, such purchaser or purchasers shall
have no part or share of the profits of the said undertaking, nor any
vote as a proprietor or proprietors: Provided always, That no person or
persons shall sell or transfer any share or shares which he, she, or they
shall possess in the said undertaking, after any call shall have been
made as aforesaid for any sum or sums of money in respect of such
share or shares, unless he, she, or they, at the time of such sale or
transfer, shall have paid or discharged to the treasurer of the said com-
pany, or to such person or persons as the said company shall appoint to
receive the same, the whole and entire sum of money which shall have
been called for in respect of each share so sold or transferred.

XL. That every transfer to be made of any share or shares in the form of trans-
said undertaking shall be in the form or to the effect following; (that is fer.
to say,)

``
in the consideration of the sum

` `
`of`
`pounds paid to me by`
do hereby bargain, sell, and transfer to the said
`my [or our] share, being number [here`
`set out the number of the share], in the company of undertakers for the`
`district of [here set forth the name of the company], to hold to the said`
his executors, administrators, and assigns, subject`
to the same rules and orders and on the same conditions on which I`
held the same immediately before the execution hereof; and I the said`
do hereby agree to accept the said share, subject`
to the same rules, orders, and conditions. Witness our hands and`
seals the`
day of
.

XLI. That I shall and may be lawful for the said company of under-
takers, at any general or special general meetings, to make calls upon special general
the shareholders or subscribers in the said company for such part of meetings may
make calls.

If subscribers do not pay

and in such case such person or persons so neglecting or refusing shall
absolutely forfeit all his, her, or their share, part, and interest in the said
shares to be forfeited.

and all money thereto advanced by him, her, or them on account thereof; and
all shares which shall or may be so forfeited shall or may be sold at a
public sale for the most money that can be gotten for the same, and the
produce thereof shall be applied and disposed of in manner by this act
directed; and the said company shall have power and authority to assign
and transfer such shares to such person or persons as shall become the
purchaser or purchasers thereof; and every such forfeiture so to be de-
clared shall be an absolute indemnification and discharge to and for the
proprietor or proprietors, or his, her, or their executors, administrators,
successors, and assigns, so forfeiting, against all actions, suits, and proceedings for any breach of contract or other agreement between such proprietor or proprietors, his, her, or their executors, administrators, successors, and assigns, and the said company, with regard to the carrying on and management of the said undertaking: Provided always, that no advantage shall be taken of any forfeiture of any share or shares in the said undertaking until notice in writing under the hand of the clerk or treasurer of the said company shall have been given or sent by the post to or left at the usual place or places of abode of the owner or owners of such share or shares respectively, nor until the same share or shares shall have been declared to be forfeited at some general or special general meeting of the said company which shall be held after the end of three calendar months from the day on which such notice of forfeiture shall have been given.

XLII. That no proprietor of any shares in the said undertaking, either in person or by proxy, shall be entitled to vote at any meeting of the said company of undertakers in respect of any share unless the same shall be standing in the name of such proprietor in the register book herein-after directed to be made and kept at and immediately before such meeting, nor unless the sums of money from time to time to be called for as herein-after directed, and due and payable at or before any such meeting, in respect of all and every the shares of such proprietor, and all arrears thereof, shall have been duly paid to the treasurer of the said company of undertakers.

XLIII. That in case the said company of undertakers shall be desirous to raise money for the completing or carrying on the works by them undertaken or proposed, it shall and may be lawful for the said company of undertakers to borrow and take up at interest, of and from any person or persons who shall be willing to advance and lend the same, upon the credit of the said undertaking, any such sum or sums of money, not exceeding the amount of the estimate of the cost of executing the said undertaking or works which it has been herein-before provided the said company shall first make or cause to be made, as to them shall seem meet and convenient; and they are hereby authorized and empowered, if they shall so think fit, to assign and charge their interest in the monies to arise or accrue from the assessment which the said company of undertakers are authorized to make and levy by virtue of this act, or any part thereof, as a security for any sum or sums of money so to be borrowed, with interest, to the person or persons who shall advance the same, or to his, her, or their trustee or trustees, by writing under the hands and seals of the chairman of the committee of management for the time being, and of any three other members of the committee of management of the said company, according to the form or effect following; (that is to say,)

Form of assignment.

"WE, being the chairman

and three members of the committee of management of the company of undertakers constituted by virtue of a commission issued pursuant to an act passed in the second year of the reign of his Majesty King William the Fourth, intituled [here set forth the title of this act], for the district of [here set forth the name of the district], do hereby, in consideration of the sum of

lent and advanced by A. B. of

in the county of on the credit and for the purposes of the said act, grant, convey, assign, and set over to the said A. B., his [or her] heirs, executors, administrators, and assigns, so much and such proportion of the monies to be levied, raised, and collected by virtue of the assessment which, under the provisions of the said act, the said company of undertakers are authorized and empowered to make and levy, as may be necessary to repay the said sum of together with simple interest for such sum while the same shall remain unpaid, at and after the rate of per centum per annum. In witness whereof we the said
unto set our hands and seals the
in the year

And every such grant, charge, and assignment shall be good, valid, and
effectual in the law to all intents and purposes whatsoever; and every
such grant, charge, and assignment so to be made as aforesaid
shall be and is hereby charged upon, and shall be payable and paid by
the treasurer to the said company out of, the first monies which shall
come to his hands under and from the assessment aforesaid; and all
persons to whom such grants, charges, and assignments shall be made
shall be equally entitled (one with the other) to the monies accruing by
and under the said assessment, and thereby granted, charged, and as-
signed, according and in proportion to the sums by them respectively
lent and advanced on the credit thereof as aforesaid, without any prefer-
ence by reason of the priority of date of such assignment, grant, or
charge, or upon any other account whatsoever: Provided always, that
nothing herein contained shall be deemed, construed, or taken to extend
to make the chairman and other members of the committee of manage-
ment who shall sign, execute, or give any of the said charges, grants, or
assignments so hereby authorized or directed to be given, personally, or
their respective estates, lands, or tenements, goods and chattels, liable to
the payment of any of the monies to be borrowed or secured to be repaid
in pursuance of this act, by reason of their giving or executing any such
charges, grants, or assignments as aforesaid.

XLIV. That it shall be lawful for the several persons entitled to any of
the grants, charges, or assignments for the money to be borrowed, se-
cured, or raised as aforesaid, and their respective executors, administra-
tors, or assigns, (as the case may be,) at any time by writing under their
hands and seals to assign and transfer such grants, charges, or assign-
ments, and all benefit and advantage thereof, to any person or persons
whomsoever; and every such assignment or transfer may be in the words
or to the effect following; (that is to say,)

A. B., being entitled to the sum of
secured to
and his or her assigns [or his or her Form of trans-
executors, administrators, and assigns, as the case may be], by virtue of fer.
a grant, charge, or assignment bearing date the
day of
under the hands and seals of the chairman and
members of the committee of management of the company
of undertakers constituted by virtue of a commission issued pursuant to
an act passed in the second year of the reign of his Majesty King Wil-
liam the fourth, intituled [here set forth the title of this act], for the dis-
trict of [here set forth the name of the district], upon the credit of the
assessment which the company are authorized to make and levy by virtue
of the said act, do hereby transfer all my right and interest in and
to the same sum, and all interest and other money now due and arising
thereon, unto
his
or her executors, administrators, and assigns. Dated the
day of

And a copy or extract of every such grant, charge, or assignment as afore-
said, and of every such transfer as aforesaid, together with the number
or numbers thereof, made in pursuance of this act, shall be entered in a book to be kept for that purpose by the clerk to the said company, which
extract or memorial shall specify and contain the dates, names of the
parties, and sums of money thereby secured or transferred; to which
books any person interested shall at all reasonable hours have access,
and shall have free liberty to inspect the same, without fee or reward;
and every such transfer, after the entering thereof as aforesaid, shall enti-
title the person to whom such transfer shall be made, and his or her ex-
cutors, administrators, or assigns, to the benefit of the security thereby
transferred, without any registry or enrolment thereof.

XLV. That it shall be lawful for the said company of undertakers to
borrow of and from any commissioners appointed or to be appointed by
company may
borrow money
from commis-
set out and ascertained for the purposes aforesaid, to contract for, sell, and convey the same and every part thereof unto the said company; and all such contracts, agreements, sales, conveyances, and assurances shall be made at the expense of the said company, and shall be made according to the following form, or as near thereto as the number of the parties and circumstances of the case will admit; (that is to say,) in consideration of the sum of one pound to me paid by the company of undertakers established by an act passed in the second year of the reign of his present Majesty king William the fourth, intituled [here set forth the title of this act], do hereby grant and release and convey to the said company of undertakers all [describing the premises to be conveyed], together with all ways, rights, and appurtenances therunto belonging, and all my estate, right, title, and interest in and to the same and every part thereof, to hold to the said company of undertakers and their successors for ever, according to the true intent and meaning of the said act. In witness whereof I have hereunto set my hand and seal the day of in the year of our Lord.

And all such conveyances and assurances as aforesaid shall be good, valid, and effectual in the law to all intents and purposes, and shall operate and be as a merger of all outstanding terms of years, and be a complete and effectual bar to all estates tail, and other estates, rights, titles, remainders, reversions, limitations, trusts, and interests whatsoever.

LIII. That if any money shall be paid or agreed or awarded to be paid for the purchase of any lands or hereditaments purchased or taken and used by virtue of the powers of this act, or for any damages done to such lands or hereditaments, as herein-before particularly mentioned, and the said money shall belong to any corporation, femme covert, infant, lunatic, or person or persons under any disability or incapacity whatsoever, such money, in case the same exceed the sum of two hundred pounds, shall be with all convenient speed paid into the bank of Ireland in the name and with the privity of the accountant general of the court of chancery of Ireland, to be placed to his account there ex parte the said company, to the intent that such money shall be applied, under the direction and with the approbation of the senior master in that court, to be signified by an order made upon petition preferred in a summary manner by the person or persons entitled to the rents and profits of the said lands and hereditaments, in the discharge of any debt or debts, or part thereof, affecting the same lands or hereditaments standing settled therewith to the same or the like uses, intents, or purposes; or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the senior master of chancery, in the purchase of other messuages, lands, or hereditaments, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents and purposes, and in the same manner, as the messuages, lands, and hereditaments which shall be so purchased, taken, used, or damaged as aforesaid stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such purchase shall be made, the said money shall, on the request of the person or persons entitled for the time being to the rents and profits of the lands and hereditaments so hereby directed to be purchased, (such request to be made in writing signed by him, her, or them,) and without any order of the master in chancery, be invested by the said accountant general in his name in purchase of three pounds per centum consolidated or three pounds per centum reduced bank annuities; and in the meantime, and until the said bank annuities shall be ordered by the said master in chancery to be sold for the purposes aforesaid, the dividends and annual profits thereof shall from time to time go and belong to the person or persons who would for the time being have been
entitled to the rents and profits of the said lands and hereditaments so hereby directed to be purchased, in case such purchase or settlement were made.

LV. That if any money so agreed or awarded to be paid for any lands or hereditaments purchased, taken, or used, or damaged as aforesaid, and belonging to any corporation, or to any person or persons under disability or incapacity as aforesaid, shall not exceed the sum of two hundred pounds, nor be less than twenty pounds, then and in such case the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the lands or hereditaments so purchased, taken, used, or damaged, or of his or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified under their respective hands, to be paid into the said bank of Ireland in the name and with the privity of the said accountant general of the court of chancery, and to be placed to his or their account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like option, to two trustees, to be nominated by the person or persons making such option, such nomination to be signified in writing under the hands of the nominating parties, in order that such money may be applied in such manner as herein-before directed, so far as the case be applicable, without obtaining or being required to obtain the direction or approbation of the said master in chancery.

LV. That where such money so agreed or awarded to be paid as here- in-before mentioned shall be less than twenty pounds, then and in such case the same shall be paid to the person or persons who would for the time being entitled to the rents and profits of the lands or hereditaments so purchased, used, or taken for the purpose of this act; and in case of infancy or lunacy, then to his, her, or their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

LVI. That if by any cut, drain, or other work made in exercise of the powers created by the provisions of this act, any roads, ways, paths, or passages, whether the same be public or private foot, cattle, or carriage ways, shall be disturbed or interrupted, or any lands intersected, in such manner as to render the future occupation thereof inconvenient or unprofitable, the said company of undertakers shall and they are hereby required, with all convenient speed after such works shall be completed, to cause other convenient ways to be made and opened, and any bridges which may be required to be properly built, for the convenient use and passage of any person or persons entitled to use such ways either on foot or with cattle or carriages, or for the convenience of the public, or of the parties entitled to the use and occupation of any lands intersected in manner aforesaid, as the case may be, and to defray the expense of making such ways and erecting such bridges, and keeping the same in repair, out of the monies to be raised by virtue of the provisions of this act herein-after following.

LVII. Provided always, That in the case of any road, way, bridge, drain, channel, or watercourse which may have heretofore been usually kept in repair or ought to have been kept in repair by the owner or owners of any lands or tenures, or by any body corporate, or grand jury, person or persons, liable to the maintenance and repairs thereof by prescription or otherwise, and which shall or may have been diverted, taken down, rebuilt, or altered under the powers of this act, such new, diverted, substituted, altered, or rebuilt road, way, bridge, drain, channel, or watercourse shall after the completion thereof be henceforth maintained and kept in repair by such owners, body corporate, or grand jury, or other person respectively, in the same manner as such owners, body corporate, grand jury, or persons maintained and repaired or ought to have maintained and repaired as aforesaid such road, way, bridge, drain, channel, or watercourse in respect of which such diversion, substitution, rebuilding, or alteration as aforesaid may have been made.
LVIII. That it shall be lawful for the said company of undertakers, or any person or persons authorized by them respectively, to search for, dig, gather, take, and carry away any materials out of any lands or premises lying within or contiguous to the district of the said commission, for making, executing, preserving, or protecting any of the works executed or to be executed under the provisions of this act, making or tendering such satisfaction for such materials and for the damage done to the owners or occupiers of the lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as to the said company of undertakers shall seem fit and reasonable; but it shall not be lawful for the company of undertakers, or any person by them authorized, to dig, gather, get, or take or carry away any materials, for the purposes aforesaid, out of or from any inclosed land or ground, until notice in writing signed by one of the company of undertakers respectively shall have been given to the owner or owners or occupier or occupiers of the lands or grounds from which the same is intended to be taken and carried away, to appear before any two or more justices of the peace, sitting in petty sessions, acting for the county or place from whence such materials intended to be taken away shall lie, to show cause why such materials should not be taken therefrom; and in case such owner or occupier or his agent shall attend pursuant to such notice, but shall not show sufficient cause to the contrary, such justices shall, if they think proper, authorize the said company, or any person by them authorized or employed, to get, dig, gather, and carry away such materials at such time or times as such justices shall deem proper; and if such owner or occupier shall neglect or refuse to appear by himself or herself, or his or her agent, the said justices shall and may, upon proof on oath of the service of such notice, and which oath they are hereby empowered to administer, make such order therein as they shall think fit, as fully and effectually to all intents and purposes as if such owner or occupier, or his or her agents, had attended; and in case of any difference between such company of undertakers or trustees, or person authorized and employed by them as aforesaid, and the owners or occupiers of such lands or any of them from which such materials shall be taken or through which they may be carried, concerning the payments and compensation for damages as aforesaid, it shall be lawful for any two or more justices of the peace for the county or place from whence such materials shall have been taken shall be situate, on ten days’ notice thereof being given in writing by either party to the other, to hear, settle, and determine the matter and amount of such payments and damages, and of the costs of attending the hearing and determining the same.

LIX. That if the said company of undertakers, or any person or persons authorized by them respectively, shall, by reason of the searching for, digging, or getting any materials as aforesaid for making, protecting, maintaining, or preserving any of the works hereby authorized to be executed, make or cause to be made any pit or hole in any common or other lands or grounds wherein such materials shall be found, the said company, or persons authorized by them, shall forthwith cause the same to be sufficiently fenced off during such time as the said pit or hole shall continue open, and shall, within four days after such pit or hole shall be opened or made, where no materials shall be found, cause the same forthwith to be filled, levelled, and covered with the turf or cloth which was dug out of the same, and where such materials shall be found, within six days after having dug up sufficient materials in such pit or hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, the said company, or persons authorized by them, shall sufficiently secure the same by posts and rails or other fences, to prevent accidents to cattle or persons; and if the company or trustees, or persons authorized by them, shall neglect so to do in either case, shall forfeit any sum not less than forty shillings nor
more than five pounds, to be recovered in a summary manner before any of his Majesty's justices of the peace for the county in which the lands from which such materials were taken, or in which such holes or pits were made, shall lie.

LX. And for settling all differences which may arise between the said company of undertakers and the several owners of or persons interested in any lands and grounds, messuages, buildings, tenements, hereditaments, streams, brooks, canals, wells, and springs, waters, or water-courses which shall or may be purchased, taken, used, damaged, stopped up, affected, or prejudiced by the execution of any of the powers hereby granted; be it enacted, That if any body politic, corporate, or collegiate, trustee, or any other person or persons so interested, entitled, or capacitated to sell under the provisions of this act, shall differ or shall not agree with the said company of undertakers as to the amount of any purchase money, recompence, or other compensation, and that such amount cannot be adjusted, settled, and agreed for by and between such parties and the said company of undertakers, or if any such parties shall refuse to accept any such purchase money as shall be offered by the said company of undertakers, and shall give notice thereof in writing to the said company of undertakers within six days next after such offer shall have been made, then and in every such case the said company of undertakers may and shall and they are hereby empowered and required from time to time to appoint, under the hands and seals of the chairman and members of the committee of management some one proper and skilful person, and the person or persons or party or parties to whom such compensation or purchase money shall have been offered shall and they are hereby empowered and required from time to time to nominate and appoint under his or their hand and seal or hands and seals some one other proper and skilful person; and the two persons so appointed shall proceed to settle and adjust any disputes or differences in respect of such compensation or such purchase money, and shall have power and authority to summon before them all and every person or persons who may be thought necessary to be examined as a witness or witnesses touching the matters in question, and shall view the place or places or matter or matters in controversy; and such persons shall upon their oath, or, being of the society of persons called Quakers, upon their solemn affirmation (and which oaths and affirmations, as well as the oaths and affirmations of such person or persons as shall be called upon to give evidence, the chairman of the committee of management of the said company of undertakers is hereby empowered and required to administer), inquire of and ascertain and adjudge the sum or sums of money to be paid for the purchase of such lands, tenements, and hereditaments, and also the separate and distinct sum or sums of money to be paid by way of recompence or compensation, either for the damages which shall or may before that period have been done or sustained as aforesaid, or for the future temporary or perpetual or any recurring damages which shall have been or may thereafter be so occasioned as aforesaid, and the cause or occasion of which shall have been in part only removed by the said company of undertakers, and which cannot or will not be further obviated, remedied, or repaired by them, and shall accordingly give judgment for any such purchase money, recompence, or compensation as shall be assessed by such persons; which said judgment thereupon to be pronounced aforesaid shall, unless appeal thereupon be made within the time and in the manner herein-after provided, and in default of such appeal, be binding and conclusive to all intents and purposes upon all bodies politic, corporate, or collegiate, and all other persons whatsoever, and upon such company of undertakers respectively.

LXI. Provided always, That in case two persons cannot agree in the Appointment amount of the purchase or compensation money to be awarded as aforesaid of umpire. said, it shall and may be lawful for each of such persons to name some one other person to be an umpire, and the names of the two persons so
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to be appointed by each of the said original arbitrators shall be put into a glass or closed box, and some indifferent person shall take therefrom one of the said names, and the person whose name shall be so taken out of such glass or box shall be the person who shall be such umpire, and act as such between such original arbitrators not agreeing as aforesaid; and such umpire shall pronounce judgment accordingly; and his judgment shall have the like force and effect as the judgment of the said original arbitrators would have had in case they had agreed in making the same.

LXII. Provided always, That if any party or the said company of undertakers shall feel dissatisfied with the judgment of such arbitrators or umpire, it shall and may be lawful for the said company of undertakers or for the said party, within seven days next after such judgment shall have been made, to give notice in writing to that effect, and of his or their desire to appeal against the same to the sheriff or under sheriff of the county in which the lands in respect of which, or any work or thing connected with which, such arbitration or umpirage may have been made shall lie, or in case such lands shall extend to two or more counties, then to the sheriff or under sheriff of either of any such counties, and if such sheriff or his under sheriff shall happen to be one of the said company, or enjoy any office of trust or profit under them, or shall be otherwise interested in the matter in question, then to one of the coroners of the same county not interested as aforesaid, or if all the coroners be so interested as aforesaid, then to the last person then in being who filled the office of sheriff of the said county, and who shall not be interested as aforesaid, commanding such sheriff or coroner or other person to impanel, summon, and return, and the said sheriff, coroner, or other person is hereby authorized and required to impanel, summon, and return accordingly, a jury of at least twelve sufficient and indifferent men, qualified according to the laws of this realm to be returned for the trial of issues joined in his Majesty's courts of record, to appear before the justices of the peace for the said county at some court of general or quarter sessions of the peace to be held in and for the said county, or at some adjournment thereof, as in such warrant shall be directed or appointed; and if a sufficient number of jurymen shall not appear at the time and place appointed as aforesaid, the sheriff or coroner or other person shall return other honest and indifferent men of the standers-by, or that can be speedily procured to attend that service, being so qualified as aforesaid, to make up the said jury to the number of twelve; and all persons shall and may have lawful challenges against any of the said jurymen, but shall not challenge the array; and the clerk of the peace of the said county, or his deputy, is hereby empowered and required to summon and call before the said justices all and every person or persons who shall be thought necessary to be examined as a witness or witnesses touching the matters in question, and order and authorize the said jury, or any six or more of them, to view the place or places or matter in controversy; and such jury upon their oaths, or, being of the society of persons called Quakers, upon their solemn affirmation (which oaths or solemn affirmations, as well as the necessary oaths or affirmations to any person or persons who shall be called upon to give evidence before them as aforesaid; the said justices are hereby required and empowered to administer), shall inquire, assess, and ascertain the sum or sums of money to be paid for the purchase of such lands, grounds, or premises, and also what other separate and distinct sum or sums of money shall be paid by way of recompense, either for the damages which shall or may before that time have been sustained, or for the future temporary or perpetual continuance of any recurring damages which shall have been so occasioned as aforesaid, and the cause or occasion of which shall have been only in part obviated or repaired by the said company, and which cannot or will be no further obviated by them; and the said justices shall accordingly give judgment for such purchase money or recompense as shall be assessed by such
jury; which said verdict, and the judgment to be thereon pronounced as aforesaid, shall be binding and conclusive to all intents and purposes against the said company of undertakers, and all bodies politic, corporate, or collegiate, and all other person and persons whosoever.

LXIII. That in all cases where a judgment or verdict shall be given for more monies as purchase money for any lands or hereditaments of any person or persons whosoever, or compensation for any damage done to be done to any lands or hereditaments of any person or persons, than had been previously awarded upon the said arbitration or umpirage as aforesaid, then all the expenses of taking such inquest, together with all such charges as shall be incurred by the person or persons entitled to such purchase money or compensation in ascertaining the amount of the same, shall be settled by the said justices, and be defrayed by the said company out of the capital stock of the said company; but if any verdict shall be given or made for the same or a less sum than had been awarded upon such arbitration or umpirage as aforesaid, or in case no damages shall be given by the verdict where the dispute is for the damages only then and in every such case the costs and expenses of taking such inquest shall be settled in like manner by the said justices, and be borne and paid by the owner or owners, proprietor or proprietors of or other person or persons interested in the lands or hereditaments in question; which costs and expenses, having been so settled, shall and may be deducted out of the money so assessed and adjudged, where the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons, and the payment or tender of the remainder of such monies shall be deemed and taken to all intents and purposes to be a payment or tender of the whole sum or sums so assessed or adjudged; or otherwise, such costs and expenses, in case the same be not paid on demand, after being so ascertained and settled as aforesaid, may be recovered by the said company in and by such ways and means as are herein-after provided for the recovery of the rates and assessments herein-after mentioned.

LXIV. That upon payment or legal tender of such sum or sums of money as shall have been contracted or agreed for between the parties, or awarded by the arbitrators or umpire, or assessed by a jury as aforesaid, for the purchase of any buildings, lands, tenements, or other hereditaments, to the person or persons entitled to receive such purchase money respectively, or his, her, or their agent or agents, or within the space of fourteen days after the same shall have been actually so agreed for, determined, or assessed, on the same being deposited as herein-before directed, it shall be lawful for the said company, and their agents, workmen, and servants, immediately to enter upon such buildings, lands, tenements, or other hereditaments respectively, and then and thereupon such lands, buildings, or other tenements or hereditaments, together with the yearly profits thereof, and all the estate, trust, and interest of any person or persons therein, shall from thenceforth be vested in the said commissioners for the purposes of this act; and such tender, payment, or deposit shall not only be all right, title, claim, interest, or demand of the person or persons to whom the same shall or ought to have been made, but shall also extend to and be deemed and construed to bar the dower of the wife of every such person, and all estates tail, and other estates in reversion, remainder, expectancy, or otherwise, of his, her, or their issue, and of all and every other person or persons interested therein, and to vest an absolute estate of inheritance in fee simple, free from all incumbrances, in the said company of undertakers and trustees respectively: Provided always, that nothing in this act contained shall authorize and empower, or be construed to authorize and empower, the said company of undertakers, or their agents, workmen, or servants, or any of them, to enter into and upon the lands, buildings, tenements, and hereditaments so to be purchased by virtue of this act as aforesaid, (save for the purpose of surveying or levelling the same,) without having first paid or otherwise legally tendered for the same such sum or sums of

Upon payment or legal tender of money agreed or awarded to be paid as the purchase-money, &c. company may enter lands, and take possession.
money as shall have been contracted or agreed for between the parties, or awarded by the arbitrators or umpire, or assessed by a jury, in manner herein-before directed.

LXV. That if any suit or suits shall be commenced or prosecuted touching or concerning the right, title, or interest in or to any lands or premises hereby authorized to be taken by the said company of undertakers, or embanked, drained, or in any way affected by any of the works to be undertaken by virtue of this act, such suit or suits shall not impede, delay, or hinder the said company from proceeding to the execution of the powers vested in them by this act, but that the said lands or premises may be taken and used, and the embankment and drainage and other works hereby authorized proceeded with, notwithstanding such suit or suits, and pending the same.

LXVI. That the said company of undertakers may and they are hereby authorized to take, have, hold, and possess, by themselves or their officers, or such persons as they shall employ and appoint, all flood-gates, sluices, locks, stop-gates, weirs, or stops, or such other works or buildings, erected, made, set up, or being in or on any and every river, stream, drain, or watercourse within the limits of the district of the said commission creating such company; and each and every of the person and persons, bodies politic or corporate, having the previous management, possession, or control of the said flood-gates, sluices, locks, stop-gates, weirs, or stops, or such other works or buildings as aforesaid, shall, as soon as they shall be thereunto required by the said company of undertakers, surrender and give up to the said company, or their agents lawfully authorized, the said flood-gates, locks, sluices, stop-gates, weirs, or stops, or such other works or buildings, and all property connected therewith or relating thereto, in their custody, possession, or power, relating to the same; and if any such person or persons, bodies politic and corporate, shall refuse or neglect to surrender and give up to the said company any of the said flood-gates, sluices, locks, stop-gates, weirs, or stops, works, buildings, property, goods, materials, utensils, implements, and things, hereby directed to be surrendered and given up, or materials collected in his or their possession relating to the said flood-gates, sluices, locks, stop-gates, or stops, works, buildings, property, goods, materials, utensils, and implements, or any of them, for the space of fourteen days after the same shall be demanded by the said company of undertakers, or any person by them duly authorized to make demand, then and in every such case the person or persons, body politic or corporate, so offending, shall for every such neglect or refusal forfeit and pay a sum not exceeding ten pounds nor less than five pounds, at the discretion of any justice or justices of the peace, sitting in petty sessions, before whom complaint of such offence shall be made; and such penalty shall be recovered in manner herein-after provided.

LXVII. Provided always, That nothing herein contained shall authorize or enable any company or any trustees constituted or elected under this act to make or construct any work injurious to the navigation of any river or canal, nor to interfere with any ornamental water in any private demesne or park, without the previous consent in writing of the proprietor thereof, nor to curtail or cut off the supply of water to any town, without previously making adequate provision in lieu thereof.

LXVIII. Provided always, That nothing herein contained shall authorize or enable any company or any trustees constituted or elected under this act to encroach, by their works or otherwise, upon any inclosed park, inclosed garden, or inclosed demesne, without the consent in writing of the proprietor thereof.

LXIX. That if any person shall wilfully or maliciously draw, pluck up, or open any flood-gates, sluices, locks, stop-gates, or stops, or any or either of them, fixed, erected, or made, or hereafter to be fixed, erected, or made, for the security, use, or benefit of any marsh or other lands, by or by the order or direction of the said company of undertakers, or surrendered to such company under the provisions of this act, such
person or persons so offending, and being thereof lawfully convicted upon the oath of one or more credible witness or witnesses before two or more justices of the peace sitting in petty sessions for the county, riding, or division wherein such offence may be committed, shall forfeit for every such offence a sum not exceeding ten pounds nor less than five pounds, to be recovered and applied in manner herein-after directed; provided that the levying the said penalty shall be no bar to any action at the suit of the said company of undertakers.

LXX. And whereas persons guilty of offences against this act may be transient persons and strangers, or persons unknown to the officers and other persons acting under the said company or trustees; be it therefore enacted, That it shall and may be lawful for any officers or other persons acting under the said company or trustees respectively, with such aid as shall be necessary, and without any other warrant or authority than this act, to seize and detain any such unknown person or persons guilty of any offence against this act, and forthwith to convey him, her, or them before any justice of the peace of the county wherein such offences shall be committed, who is hereby required to proceed and act with respect to such offender or offenders according to the provisions herein-before contained.

LXXI. That so soon as the scouring, embankment, drainage, and other works authorized to be executed under the said commission to be issued as aforesaid shall be finally completed and executed by any company of undertakers, the said company of undertakers shall and they are hereby authorized and required to apply, by petition to the lord lieutenant or other chief governor or governors of Ireland, to appoint, and he or they is and are hereby required thereupon to appoint, some skilful engineer or surveyor, the same if possible, unless good reasons there be to the contrary, who assisted in the survey and valuation herein-before first directed to be made before proceeding to the execution of any works authorized to be executed under the provisions of this act; and such engineer or surveyor, together with the same two persons appointed respectively on part of the landholders and landowners and on part of the said company of undertakers to make the aforesaid first valuation and survey, if both or either of such two persons shall be capable and willing again to act, and if not, then with one or two other persons, as may be necessary, to be chosen in the place of such person or persons incapable or unwilling to act by the said landholders and landowners and undertakers, or either of them respectively, in the same manner as is herein-before directed and provided with regard to the survey and valuation herein-before directed to be first taken, shall proceed to survey all and every the work or works executed and finished by the said company of undertakers, so as to be able to ascertain the completeness, stability, and sufficiency of all and every such works; and it shall and may be lawful for the said engineer or surveyor and other two persons aforesaid, if they shall so think fit, to order and direct that any addition or alteration be made therein or thereof, such addition or alteration being within the terms and designs of the original plan, specification, and estimate; and so soon as all the said works, with the additions or alterations (if any) required by such engineer or surveyor and other two persons aforesaid, shall be fully completed and finished to the satisfaction of such engineer or surveyor and other two persons, they shall thereupon proceed to examine the title deeds, conveyances, books, and papers of the said company of undertakers, and all necessary vouchers and documents, and call before them and examine, on oath or affirmation, (which oath or affirmation they or any of them are hereby authorized to administer,) the clerk, treasurer, and all other servants of the said company, as they shall think necessary, and hear all objections against such accounts, books, and papers, or any thing contained therein, which may be made by any person or persons in any way interested in the same; and such engineer or surveyor and the said other two persons shall, upon some day to be by them publicly notified in the same manner as it has been herein-before provided that notice of the adjustment of the first survey and valuation made.

Officers of company or trustees may apprehend transient offender.

Survey and report of works after completion.
under this act shall be given, finally determine and declare the gross amount of all sums expended by the said company, with interest upon the same at the rate of six pounds per centum per annum, to be computed upon each item thereof exceeding twenty pounds from the outlay thereof, in and about the execution of the said works, and in the purchase of any lands or premises for the purposes of this act, and in compensation of any damage occasioned by any works executed by such company, together with all incidental costs and charges which may have been anywise incurred by the said company of undertakers therein, including such reasonable allowance for the time and labour of the said engineer or surveyor and other two persons, and that of any clerks they may find it necessary to employ, as the chief or under secretary of the said lord lieutenant or other chief governor or governors of Ireland shall think fit to direct and appoint; and the amount so ascertained shall be reported to the lord lieutenant or other chief governor or governors of Ireland.

LXXXII. That the said engineer or surveyor and other two persons directed to be appointed as herein last aforesaid, after having so inspected the works and accounts, and determined the amount expended thereon, as herein-before directed, shall next proceed to survey all the lands and grounds within the limits of the commission of the said company which shall in their judgment have received any benefit from or be anywise enhanced in value by any of the works done and executed by the said company of undertakers under the authority of their said commission; and the said engineer or surveyor and other two persons shall refer to the former survey and valuation herein-before directed to be made, and shall determine, to the best of their skill and judgment, how much each and every portion of such lands and grounds, acre by acre, rood by rood, perch by perch, or by what other portions or subdivisions they may deem just and convenient to distinguish the said lands, have been or may be benefitted or improved by, from, or in consequence of any drainage, embankment, or other works executed by the said company of undertakers under their said commission; and the amount of such benefit or improvement shall be denoted and expressed by a sum of money assigning an increased annual rent or value to such lands or grounds and each portion and subdivision thereof; and the said engineer or surveyor and other two persons so appointed as last aforesaid shall make out a distinct schedule and return of such respective benefits and improvements so surveyed, valued, and estimated by them, and denoted by such increased annual rent or value as aforesaid, with the name or names of the owners and occupiers of each subdivision of land which may be so separately estimated as aforesaid, and the commonly known or received denomination by which such grounds or lands may be distinguished, and shall cause the same to be lodged for inspection in some public place within the district wherein such schedule and return shall refer; and notice of the lodgment of such returns and schedules for inspection as aforesaid, together with a notice of a time and place, not less than twenty-one days from the lodgment of such returns and schedules, whereat the said engineer or surveyor with the other two persons mean to proceed finally to adjust the same, shall be given by advertisement affixed and published in the same manner as it has been herein-before provided that notice of the lodgment of the survey and valuation herein-before first directed to be taken, and of the adjustment thereof, shall be given; and such engineer or surveyor and other two persons shall also give or cause to be delivered to the tenant or occupier, or to be left at his or her usual place of abode, of any and every subdivision of land separately estimated as aforesaid, a written copy of such portion or part of the schedule or return as may include or refer to the grounds, lands, or premises belonging to or in the occupation of such tenant or occupier; and at the time and place appointed pursuant to such notice as aforesaid, the said engineer or surveyor and other two persons shall proceed to hear and determine all objections that may be made to the aforesaid schedules and returns by any person interested in the same; and it shall and may be lawful for the
said engineer or surveyor and other two persons to alter and amend such schedules and returns, and finally to adjust and determine the same; and the said schedules and returns so adjusted and determined shall be binding and conclusive against all and every person or persons whatsoever; and a copy of all such schedules and returns shall be delivered to the said company of undertakers; and the originals shall be transmitted by such engineer or surveyor and other two persons to the clerk of the peace of any county wherein part may lie within the limits of the commission of the said company, to be by him recorded amongst the records of such county.

LXXIII. That it shall and may be lawful for the said company of Assessment undertakers, and they are hereby authorized and empowered, to assess all lands, grounds, and premises benefited or improved by the drainage, embankment, or other works executed by the said company under the authority of their said commission, at and after the rate of one hundred pounds for every ten pounds of increase in the annual rent or value thereof, as denoted and expressed in the return and schedule hereinbefore directed to be made by the said engineer and two other persons, and that such assessment shall be made and levied in manner hereinbefore provided.

LXXIV. Provided always, that if such assessment, calculated at the rate aforesaid, should exceed the amount ascertained and declared to have more been expended in manner aforesaid by the said company in and about the works by them executed, including the interest thereon, with all costs and charges in any wise relating thereto, by a sum exceeding fifteen pounds per centum on the amount of such expenditure, with interest, costs, and charges aforesaid, then and in such case it shall not be lawful for the said company to make such assessment at the rate aforesaid, but the same shall be made and calculated at such lower rate as to reduce such assessment to an amount equal to the said amount of expenditure, including the interest, costs, and charges aforesaid, together with such further sum of fifteen pounds per centum on the amount thereof.

LXXV. That the said engineer or surveyor and other two persons appointed as last aforesaid shall estimate, ascertain, and determine, according to the provisions herein contained, the amount of such assessment to be made and levied as aforesaid, and shall declare the same in writing under their hands and seals; and that such declaration in writing shall be good, valid, and effectual to authorize and entitle the said company to make and levy the said assessment.

LXXVI. That it shall and may be lawful for any proprietor or proprietors of any land, grounds, or premises upon which any assessment shall be made in manner hereinbefore mentioned, being tenant or tenants for life or lives, or in tail, or for any term of years, and also for any body politic or corporate, vicar or rector, and for the husbands, guardians, trustees, committees, or attorneys of any person or persons being under coverture, minors, idiots, lunatics, or beyond the seas, or otherwise incapable of acting for themselves, to grant, mortgage, lease, or demise the said lands and grounds unto or in trust for any person or persons who shall lend and advance any sum or sums of money for the purpose of paying such assessment made upon such lands, grounds, or premises, for any term of years, or any other estate or interest, so as such grant, mortgage, lease, or demise be made with a proviso or condition to be void on the payment of such sum or sums of money so lent or advanced, with the interest thereof, at a time to be therein limited; and every grant, lease, mortgage, or demise shall be good, valid, and effectual in law for the purposes thereby intended: Provided always, that all and every body politic or corporate, vicar, rector, tenant or tenants for life or lives, or in tail, or by courtesy, and all and every other person or persons who shall be entitled to the said mortgaged lands, grounds, or premises, shall pay and keep down the interest of the principal money so to be borrowed as aforesaid, so that no person or persons
afterwards becoming entitled to the said mortgaged grounds, lands, or premises shall be liable to the payment of any larger arrear of interest than for six calendar months preceding the time when his, her, or their title to the possession of such mortgaged lands, grounds, or premises commenced: Provided also, that nothing herein contained shall give or be construed to give any power to incapacitated persons, other than heretofore they had, to grant, mortgage, lease, or demise any lands, grounds, or premises, except for the purpose of borrowing the amount of any assessment to be made under the provisions and in manner herein-before provided, nor any larger sum or sums than the amount of such assessment.

LXXVII. That the said company of undertakers shall deliver or cause to be delivered to the owners or reputed owners and occupiers of every parcel or subdivision of land or premises liable to assessment under the provisions herein contained a notice expressing the amount of the sum to which they may be liable in respect of any such lands or premises of which they shall be owners or occupiers respectively, and requiring the payment thereof; and if such sum or sums shall not be paid to the treasurer of the said company within six calendar months after the delivery of such notice, then and in such case it shall and may be lawful for the said company of undertakers, by indenture or indentures under the hand and seal of the chairman of their committee of management for the time being, to charge and subject the lands or premises thereon such assessment shall be made and remain unpaid as aforesaid, with such sum or sums of money as may have been specified and declared in the schedules and returns herein-before directed to be made to be the improved annual rent or value of such lands or premises arising out of or created by the works executed by the said company, the same to be paid and payable by equal yearly payments, to such person or persons as shall advance and lend the amount of such assessment; and such charge or assurance shall have priority over all other charges, mortgages, assurances, and incumbrances whatsoever made or to be made and of all rents reserved or payable out of such lands or premises by any deed or demise whatsoever; and every such charge or assurances shall be good, valid, and effectual in law to all intents and purposes whatsoever, provided that the same be made with a condition or proviso to cease and determine on payment by any person interested in such lands or premises of the amount of the assessment aforesaid, three months previous notice of the intention to pay off such charge or assurance being first given to the holder thereof.

LXXVIII. That all and every person or persons to whom any such charge, demise, or assurance shall be made as aforesaid, or who shall be entitled to the money thereby secured, shall and may from time to time assign, transfer, and set over his, her, or their right, title, or interest therein unto any person or persons whomsoever, either by indorsement thereon or otherwise; which transfer shall and may be made by a deed in writing in the form or to the effect following; (namely,)

Form of transfer.

I, in consideration of the sum of do hereby transfer the within charge, demise, or assurance [or a certain charge, demise, or assurance made to me by the company of undertakers under the provisions of an act passed in the second year of king William the fourth], bearing date the day of and the sum or sums thereby secured and reserved, and all my right and property therein, unto the said his executors, administrators, and assigns. In witness whereof I have hereunto set my hand and seal this day of

In case of non-payment of any part thereof.

LXXIX. That if default shall be at any time made in the payment, at the periods before specified, of the sum or sums charged on and made payable out of any such lands or premises by virtue of such charge or
assurance as aforesaid, it shall and may be lawful for the holder thereof to enter into and upon such lands and premises, and to levy, by distress and sale of any goods or chattels which may be found thereon, the sum or sums so due and in arrear, together with all costs and charges attending such distress and sale, rendering the overplus, if any, to the owner of such goods or chattels; and in case sufficient goods and chattels to satisfy such sum or sums so in arrear, with the costs and charges aforesaid, cannot be procured thereon, then and in such case it shall and may be lawful for the holder of such charge or assurance, or any person or persons for that purpose authorized by such holder, to enter upon the said lands, grounds, and premises, and the rents and profits thereof to receive and take and have, until thereby or otherwise the sum so in arrear, together with all costs and expenses attending or occasioned by such entry and receipt of the rents, profits, and issues of such lands, grounds, or premises, shall be fully paid and satisfied.

LXXX. That in any case any lands or grounds in respect whereof such arrear shall be incurred as aforesaid shall at any time be untenanted or unoccupied, so that sufficient distress cannot be found whereon to levy the same, and the holder of the said charge or assurance shall not think proper to enter upon the same as aforesaid, then the said lands and premises shall remain liable thereto, and all goods and chattels which shall at any time thereafter be found thereon shall and may be distrained and sold in manner aforesaid, until all arrears, and the charges of such distress, and detaining, keeping, and selling the same, shall be fully paid and satisfied.

LXXXI. Provided always, That all and every person or persons who may hold any land as tenant at will, or tenant from year to year, or for any term of years whereof not more than three shall be unexpired, shall and may deduct from the rent due or payable to his, her, or their next superior landlord all and every such sum or sums of money as may be raised or levied on or off such lands, and paid by such tenant by virtue of any charge or assurance whatsoever made by any company of under-takers under authority of this act, and the receipt or receipts of the holder of such charge or assurance shall be a good acquittance for so much of the said rent as shall be expressed therein.

LXXXII. That so soon as it may be convenient, after the receipt of the report of the engineer or surveyor and other two persons certifying the completion of the works authorized to be undertaken by the said company of under-takers under their said commission, the chief or under-secretary to the lord lieutenant or other chief governor or governors of Ireland shall summon a meeting of all the persons who shall appear by the schedules and returns aforesaid to be owners of any lands, grounds, or premises benefited or improved by such works, and notice of such meeting shall be given in like manner as of the first meeting of land-owners and occupiers herein-before directed to be summoned; and the party seized of the first estate of inheritance in any lands, grounds, or premises shall for the purpose of such meeting be deemed the owner thereof, and in default of the attendance of such person, then the person having the first freehold estate therein, and in default of the attendance of both such persons, then the actual occupier thereof, shall be deemed and taken to be such owner, and vote thereat accordingly; and no two persons shall have a right to vote in respect of the same lands, grounds, or premises; and the persons assembled at such meeting shall, in the first place, elect a chairman to preside at such meeting, and shall next proceed to the election of trustees for preserving, maintaining, repairing, and keeping in repair such works completed and executed by the said company of under-takers; and such trustees shall be not fewer than three nor more than twelve persons, and shall be either actually land-owners or persons entitled so to be deemed under the provisions aforesaid; and all persons who shall have been assessed for the expense of executing such works in the sum of ten pounds shall have one vote at such meeting, and all persons assessed in the sum of twenty pounds
shall have two votes, and so on in progression of one vote for every complete sum of twenty pounds in which such landowner may have been assessed; but so that no landowner shall have more than six votes in the whole, whatever be the sum in which he may have been assessed; and in case of an equality of votes at such meeting, the chairman of such meeting shall, besides any vote or votes to which he may be entitled as an assessed landowner, also have a casting and decisive vote; and such chairman shall certify under his hand and seal the names of the persons so elected such trustees as aforesaid, and deliver such certificate to the clerk of the peace of any county within which any of the lands comprised within the limits of the jurisdiction of such trustees may lie, to be by him preserved among the records of the county; and such certificate shall be to all intents and purposes conclusive of the due election of the persons therein named.

LXXXIII. That from and immediately after the election of the trustees herein-after directed to be made, all and every the powers and authorities granted to or vested in any company of undertakers by virtue of their said commission, or by virtue of any of the provisions of this act, for the prosecution of any works of drainage, embankment, or clearing of rivers, streams, or watercourses, or the execution of any other work or works pursuant to the provisions of this act, and all right, title, and interest in such works heretofore belonging to and vested in such company, and all duty and obligation to maintain or repair any of such works created by any of the provisions of this act, shall wholly cease and determine; and such company shall with all convenient speed make up and close their accounts and transactions, and, according to the terms of their original subscription, and the provisions of their deed of settlement, apportion and divide among the proprietors or holders of shares in the said undertaking all such sums of money and other property of what nature soever as may belong or accrue to the said company; provided that such company of undertakers shall have and retain full power and authority, notwithstanding such appointment of trustees, to make, levy, recover, and receive the assessment which by the provisions of this act they have been authorized to make and levy, and all arrears thereof, and all such sums of money as may be anywise due and owing to them by or from any person or persons whatsoever on any account whatsoever, and to maintain any action or suit at law or in equity for the same, or to take such other proceedings for recovery thereof as they might have taken before the appointment of such trustees, and in like manner to sue for, recover, and receive any fines or penalties to which they may be anywise entitled; and all such actions, suits, or other proceedings shall be had in the same manner and form, and be alike valid and effectual, and all the provisions of this act applicable to or directory thereof shall continue in full force and effect, any thing herein-before contained to the contrary thereof notwithstanding.

LXXXIV. That the said trustees first appointed as aforesaid shall continue and remain in office and act as such for the term of three years from the date of their election, and no longer; and at least ten days before the expiration of such term of three years, the trustees for the time being shall summon by public advertisement, and otherwise as they shall think fit, a meeting of all the owners for the time being of all lands, grounds, or premises benefited or improved by the works executed under the commission aforesaid, and the same regulations with respect to the right of persons to vote and of the manner of voting thereat shall apply and be observed at such meeting as at the first meeting for the election of trustees; and at such meeting a like number of persons as were chosen at such first meeting shall be chosen to act as trustees for the next ensuing three years, in the room of such outgoing trustees, and with the like powers and authorities, and the election of such trustees shall be certified in like manner as the election of the first trustees elected under this act, and such certificate shall be lodged in like manner, and be alike conclusive of the election therein certified to.
have been made, and so on for ever, a new election of trustees being made and certified in like manner and form every three years: Provided always, That any outgoing trustee may be re-elected, and shall in such case continue and remain in office, any thing herein contained to the contrary notwithstanding: And provided further, That if any trustee shall, before the expiration of the three years for which he may have been elected to act as a trustee, resign or become disqualified to act as such, it shall and may be lawful for the remaining trustees to elect some other landowner, qualified as aforesaid, to be a trustee in the place of the trustee so dying, resigning, or becoming disqualified as aforesaid; and such trustee so elected to fill such vacancy shall remain and continue in office as such trustee so long only as the trustee in whose place or stead he may be elected would have been entitled to have continued and remained in office.

LXXXV. That notice of all meetings to be held by the trustees in pursuance of this act (except where it shall be herein otherwise directed) shall be inserted in some one newspaper usually circulated within the district of the jurisdiction of such trustees, at least thirty days before the day appointed for any meeting, or such notice thereof shall be delivered to the said trustees personally, or left at their usual place or places of abode, or given and published in such other manner as the said trustees at any previous meeting shall think fit to order and direct; and it shall be lawful for such trustees to adjourn such meetings from time to time, as may be convenient; and all orders and determinations of the trustees in execution of this act shall be made at meetings to be held pursuant to the provisions hereof, and not otherwise, and that no order or determination shall be made unless the major part of the trustees present shall concur therein; and that all acts, orders, and proceedings in execution of this act, and all the powers and authorities vested in the said trustees generally, shall and may be had, made, done, and exercised by the major part of the trustees who shall be present at the respective meetings to be held by virtue of this act, the whole number present not being less than five; and that all acts, orders, or proceedings had, made, or done by or before such five trustees shall have the same force and effect, and be binding and conclusive on all persons and to all intents and purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said trustees; and that a chairman shall and may, in the first place, be appointed at every meeting to be held by virtue and for the purposes of this act, who, in case of an equal number of votes (including the chairman's vote), shall have the casting or decisive vote; and that no order or determination at any meeting of the said trustees once made, agreed upon, or entered into, shall be revoked or altered at any subsequent meeting, unless notice of the intention to make such revocation or alteration shall have been given by five or more trustees, by writing under their hands, to the clerk to the said trustees at a previous meeting, and entered in the book of proceedings of such meeting, and expressed in the notice convening such subsequent meeting, nor unless such revocation or alteration shall be agreed to be made by a greater number of trustees than concurred in the making of any such order and determination.

LXXXVI. That the said trustees shall and they are hereby required to order and direct a book or books to be provided and kept by their clerk or clerks for the time being, in which book or books shall be entered true and regular accounts of all sums of money received, paid, laid out, and expended for and on account of any of the purposes of this act, and of the several articles, matters, and things for which any sums of money shall have been disbursted, laid out, and paid, which book or books shall at all reasonable times, be open to the inspection of the said trustees; and the trustees shall from time to time cause such accounts to be duly made up and balanced on the appointment of trustees to succeed them pursuant to the provisions of this act, and within seven days next after such appointment deliver such accounts, and make payment of all monies

Revocation of orders.

Trustees to order books of accounts to be kept.
Rivers and Navigation.

LXXXVII. That it shall and may be lawful to and for the said trustees, by advertisement to be inserted in some newspaper printed or generally circulated within the district of the jurisdiction, to appoint a time and place to receive proposals from, and to enter into, make, and execute contracts, for any term not exceeding the term for which such trustees may remain in office, with any engineer, engineers, or workmen, or other person or persons, not being a trustee or in any manner otherwise employed by the said trustees, for maintaining, preserving, and repairing any of the works which they may be hereby required or authorized to maintain, preserve, and repair, and for providing proper engines, utensils, and materials for that purpose, and all other matters, articles, and things concerning the same; and all such contracts so to be made shall be entered in a book to be kept for that purpose, and signed by the party or parties making such contract and by the said trustees, and shall be good, valid, and effectual in law without any more formal or further deed or instrument whatsoever.

LXXXVIII. That the said trustees for the time being elected in manner aforesaid shall and they are hereby authorized and required to support, preserve, cleanse, scour, maintain, or alter all rivers, streams, watercourses, canals, cuts, dams, drains, banks, sluices, tunnels, bridges, ways, roads, trenches, outlets, and other works made, executed, or erected by the said company of undertakers, as may be from time to time necessary or expedient; and the said trustees shall at their first meeting proceed to choose and appoint some person, not being a member of their own body, to be clerk, and some other person, not being a member of their own body, to be treasurer to the said trustees; but it shall not be lawful to the person so appointed clerk to the said trustees, nor for any other person holding any place of profit under them, to be the said treasurer; and the said trustees shall also have power to appoint from time to time such other officers as they may find necessary, and to allow to such clerks, treasurer, and other officers such reasonable salaries as they may think fit, and to rent or hire an office for the transaction of their business; and such trustees shall meet from time to time, as they may find convenient, at some place within the district for which they are chosen such trustees; and the said trustees shall have power and authority to rate, tax, and assess all and every the occupier or occupiers of all and every the lands and premises embanked, drained, or otherwise benefitted or improved by any of the works executed under the authority of this act, in such an equal rate or tax, not exceeding sixpence per acre in any one year, (except in the case of a further or larger tax being consented to as herein-after mentioned,) as shall be necessary to pay and discharge the expences of preserving, maintaining, and supporting the said works, and of defraying the reasonable costs and charges incurred by the said trustees in execution of the duties and trusts hereby imposed or conferred upon them, and the salary and salaries of the said clerk and treasurer, and such other officer or officers as shall be by them appointed for collecting or receiving such rates or taxes and managing and taking care of the said works, and to appoint such certain days and places for the payment of such rates and taxes, half-yearly, to the collectors or receivers thereof, as they the said trustees shall respectively think proper.

LXXXIX. That if in any year it shall appear to the said trustees that the said rate or tax of sixpence per acre shall yield a sum insufficient for preserving, supporting, and repairing, or making any needful alterations in, the said works, and defraying the said expences and salaries, it shall be lawful for the said trustees to cause public notice to be given in all the parish churches within the district for which they shall be trustees, on some Sunday immediately after Divine Service, and also to cause notices to be affixed upon the principal doors of the said churches, and of every Roman catholic chapel and presbyterian meeting house within the district aforesaid, requiring the proprietors of all lands and premises liable to assessment under the provisions of this act to meet at a time.
and place therein specified within the district aforesaid, such time not being less than fourteen days nor more than thirty days from the date of such notice, then and there to testify their consent to or dissent from the said trustees charging and levying, for the year then following next, such additional aresable rate or tax, over and above the said rate or tax of sixpence per acre as shall be in such notice expressed, not exceeding one shilling per acre, upon the several lands and premises within the district aforesaid; and such meeting shall be held accordingly, and the chairman of the said trustees shall preside thereat, and the owners of all the lands and premises aforesaid shall have right to attend and vote thereat under the same provisions, restrictions, and qualifications as are herein-before directed and required in the election of trustees; and if five sixths of such votes shall be given for charging or levying such additional rate or tax as aforesaid, the said trustees shall have and they are hereby invested with power and authority to charge and levy such additional rate or tax on such parts or shares thereof as they shall think necessary, over and above the said ordinary annual rate or tax, in such and the same manner and by the same means as they are authorized and empowered to charge and levy such ordinary rate or tax.

XC. That if any person or persons so rated, taxed, or assessed shall refuse or neglect to pay the money so rated, taxed, or assessed on him, her, or them respectively, within ten days after the respective times of payment to be appointed as aforesaid, (public notice of the said times of payment being affixed on the doors of all the churches and Roman Catholic chapels and Presbyterian meeting houses in the parishes wherein the said lands or premises in respect whereof such rate or tax shall be imposed shall be situate,) at such place as shall be specified in such notice, it shall be lawful for the collector or receiver, or other person or persons authorized by virtue of any warrant or precept under the hands and seals of any of the said trustees, (which warrant or precept such trustees are hereby empowered and required from time to time to grant, as occasion may require,) to levy such sum or sums of money so taxed or assessed, and all arrears thereof, by distress and sale of any goods or chattels whatsoever which may be found or met with on the lands or premises in respect whereof such rate or tax shall have been imposed, rendering the overplus (if any), on demand, to the owner or owners of such goods and chattels, after deducting the costs and charges of taking or making of such distress and sale; or otherwise it shall and may be lawful for the said trustees from time to time to enter upon the lands, premises, and grounds, in respect whereof such rate or tax may have been imposed, the rents, issues, and profits thereof respectively to receive and take, until thereby or otherwise such taxes, rates, or assessments, and all arrears thereof, so from time to time directed to be paid by such person or persons as aforesaid, and all costs, charges, and expenses occasioned by or attending such entry and receipt of the rents and profits of such premises, shall be fully paid and satisfied; and the tenant or tenants of all and singular such lands and grounds so to be rated, taxed, or assessed, holding the same as tenant or tenants from year to year or at a rack rent, is and are hereby required and authorised to pay such sum and sums so assessed and rated thereon as the same shall become due, and it shall be lawful for such tenant or tenants from year to year or at a rack rent to reimburse him, her, or themselves such sum or sums of money out of the next rent to become due to his, her, or their landlord or landlords respectively, who shall allow the same to be deducted out of his, her, or their rents accordingly.

XCII. That all the corts, drains, ditches, damps, sluices, tunnels, bridges, outlets, mills, engines, and other works which shall at any time hereafter be made, erected, supported, or maintained for the purposes of this act, and all right, title, estate, and interest in any lands or premises purchased by the said company by virtue of the powers on them hereby conferred, and the rights and property to and in all engines, and the materials of which the same shall consist, shall be and they are hereby Tenants to pay rates, taxes, and duties on land and materials of Works and of which the same shall consist to be vested in company until trustees appointed, and
vested in the said company of undertakers acting under and by virtue of the commission constituting them such for the time being, until the powers and authorities of the said company of undertakers shall cease, and until the trustees herein-before directed to be chosen shall be appointed by virtue of this act; and from and after such appointment shall be certified as herein-before mentioned, then the said lands or premises, works, and the right and property to and in the same, and the materials of which the same shall consist, shall be and the same are hereby vested in the said trustees; and the said company of undertakers and trustees respectively are hereby authorized and empowered to insure such engines from fire, and for and during the periods of their respective possession aforesaid to bring or cause to be brought any action in the name of any three or more of the said company or trustees, as the case may be, or of the clerk or clerks, treasurer or treasurers of such company or trustees, and to prefer and prosecute or order and direct the preferring and prosecuting of indictments, against any person or persons who shall break or pull down, steal, take, or carry away, spoil, injure, or destroy any of the said goods, materials, utensils, implements, or other things, or who shall do any act to injure or obstruct any person employed by the said company or trustees in execution of any of the powers created by or derived under authority of this act; in which action or actions, bill or bills of indictment, it shall be sufficient to state generally such goods, materials, utensils, implements, or other things to be the property of any three of the said company of undertakers or trustees, as the case may be, or of the officer in whose name such action or bill of indictment may be brought or preferred.

XCII. That the said company of undertakers or trustees respectively shall and they are hereby authorized and empowered from time to time and at all times hereafter, when they shall think the same advisable, to alter or remove any weirs erected upon streams of water, or any impediments whatsoever, on any river, stream, or watercourse, which now or hereafter shall be in the district and under the jurisdiction of the said company or trustees, making proper satisfaction and compensation for all such damage or injury to the proprietors or other persons interested in such weirs, river, stream, or watercourses, by and out of the monies to be raised and levied by virtue of this act; and in case the said company or trustees and the said proprietors and other persons cannot agree about the quantum of such satisfaction or compensation, then and in such case the same shall be ascertained and settled in like manner as the value of land or ground used or taken by the said company of undertakers by virtue of this act, and any damage or injury which may be done under any of the powers of this act, are herein-before directed to be settled and ascertained.

XCIII. That nothing in this act contained shall extend or be construed to enable any company of undertakers or trustees constituted under this act to take or appropriate any mill or mill site, or in any manner to alter or divert any river, stream, or watercourse, so as to impede or diminish the supply of water to any mill erected before the passing of this act, without the consent in writing first had and obtained of the owner or owners or occupier of such mill or mill site.

XCIV. Provided always, that in cases where from the damming up of any river or stream for the purpose of raising a head of water above the natural level thereof, so as to procure a greater power of water for any mill, occasional damage may arise by the overflowing of such river or stream, it shall and may be lawful for such company of undertakers or trustees respectively to construct any reservoir, embankment, tunnel, or back drain, and to erect any flood-gates, sluices, or other works which may be necessary to prevent the ill consequences of sudden floods in such rivers or streams, and to provide for the more safe and easy discharge of surplus water therefrom, but always so that the same average level of water theretofore enjoyed by any such mill shall be at all times maintained and preserved; and such level shall be previously ascertained.
and declared by two indifferent persons, one named by such company of undertakers or trustees, as the case may be, and another by the owner or owners of such mill respectively, or in case of disagreement between such two persons, then by an umpire nominated by such two persons.

XCV. And for the prevention of differences between the said company or trustees and the owner or occupiers of any such mill, be it further enacted, that at each and every flood-gate, sluice, or other convenient position, a stone sill or guage shall be erected, and that in clear and legible figures or letters the due and proper level of water ascertained and declared as aforesaid and to be maintained thereat shall be marked; and the said company shall appoint a proper person or persons, to be approved of by the owner or owners or occupier of such mill, for the regulation, opening, and closing of such flood-gates and sluices; and all the expenses of making and maintaining the same, and such cills or guages, and of remunerating such person employed to regulate the same, shall be defrayed by the said company of undertakers or trustees elected as herein-after provided under authority of this act, as the case may be.

XCVI. Provided always, That nothing herein contained shall be construed to exonerate the proprietor or proprietors of any mill or mill site, or any other person or persons, from such obligation, duty, or liability to preserve or repair the banks of any river, stream, or watercourse, or to maintain any dam or sluice or flood-gate, or any engine, contrivance, or other work for regulating the supply of water in any dam or watercourse, as he, she, or they may or would have been respectively subject or liable to if this act had not been made.

XCVII. That nothing herein contained shall be construed to render the said company of undertakers or trustees respectively liable for any consequential damages which may happen to any lands, hereditaments, or premises through or by the accidental overflowing of any river, stream, or watercourse, or by the sudden breaking of any bank, dam, or sluice whatsoever, which, under the provisions of this act, any company of undertakers or trustees may take upon them the duty of regulating or maintaining: Provided nevertheless, that if the owner or occupier of such lands, hereditaments, or premises shall have given notice in writing to the chairman or some member of the committee of management of the said company of undertakers, or to one of such trustees, warning him or them of the probability of such damage, or the weakness and deficiency of any such bank, dam, or sluice, and requiring him or them to strengthen, amend, and repair the same, and that the said company or trustees, as the case may be, shall not, within seven days next after the delivery of such notice, take proper precautions to prevent such damage happening, so far as it may be possible to prevent the same, then and in such case the amount of all consequential damages which shall happen through neglect thereof shall be made good by and out of the capital stock of the said company of undertakers, and the same shall be in reduction and abatement of the profits of their undertaking, or, in case the same shall happen after the appointment of trustees under this act, shall be raised and made good by an extraordinary assessment to be and which shall be made and levied in like manner as any other assessment made and levied by such trustees pursuant to the powers hereinbefore vested in them.

XCVIII. That it shall and may be lawful for any person interested in any mill, lands, or premises, or in any water, in case of any obstruction, want of repair, or other cause hindering the full and proper quantity of water from flowing to any mill, lands, or premises, to give notice in writing to some member of the committee of management of the said company of undertakers or trustees, as the case may be, requiring him or them to remove such obstruction or other cause, and to make any repairs necessary to secure the full and proper flowing of the said water to the persons interested therein as aforesaid; and in case the said company of undertakers or trustees, as the case may be, shall not, within the

Class XXIX. Rivers and Navigation.

Rivers and Navigation.

No. 1.

1 & 2 W. 4.

c. 57.

For the erection of a stone sill or gauge in certain places.

Not to exonerate proprietors from making such repairs as were necessary before the passing of this act.

Company not liable for damages arising to lands, &c. from insufficiency of embankments, &c. unless notice previously given.

Persons interested in waters, &c. may repair damages at expense of company.
space of ten days from the service of such notice, remove such obstruction or other cause, or proceed to make and complete such repairs, then it shall be lawful for such persons so interested as aforesaid, or any of them, or any of their agents, to remove such obstruction or other cause, and to make any repairs necessary to secure the full and proper flowing of the said water; and all reasonable expenses thereof, together with the costs and charges attending the same, shall be repaid by the said company of undertakers or trustees, as the case may be, to any such person or persons aforesaid, and the same shall be included and computed among the ordinary charges and expenses of making and maintaining the works by this act authorized to be undertaken, and shall and may be raised and levied accordingly.

XCIX. That if the said company of undertakers or the said trustees, as the case may be, fail to pay any sum to which they may become liable, either for consequential damages, or for the removal of any obstruction or making any repairs under the provisions of this act, the same shall, with all attendant costs and charges, be sued for and recovered by action of debt in any of His Majesty's courts of record at Dublin against such company of undertakers or trustees respectively.

C. And whereas it may be deemed necessary and expedient, for the purpose of facilitating the discharge of the waters from the said drains and lands contiguous thereto, that one or more engine or engines to be worked by steam be erected; be it therefore enacted, That it shall and may be lawful respectively to and for the said company of undertakers or trustees to be elected and appointed as aforesaid, and they and he are hereby authorized and required, at any time after their appointment under this act, to make, erect, and build, or cause to be made, erected, and built, at such place or places as they the said trustees may in their judgment think best, one or more good and substantial engine or engines to be worked by steam, with all proper machinery, houses, sluices, pits, and other necessary works; and the same engine and engines, and all other works incidental thereto, shall, on the same being made, built, erected, and completed, be for ever thereafter vested in, and used, maintained, supported, and kept in repair by, the said company of undertakers or trustees for the time being, out of the annual rates and assessments authorized by this act to be raised and levied as aforesaid.

CI. That the herbage and produce of the banks to be made or erected by virtue of this act shall belong to and be the property of the proprietors or occupiers of the lands adjoining thereto, and shall be consumed or taken away at the option of such proprietors or occupiers; subject nevertheless to such rules, orders, and regulations for stocking the said banks, and fencing the same from the adjoining lands, as the said company and trustees respectively shall from time to time think necessary, and order, direct, or appoint, for the protection and preservation thereof.

CII. And whereas the works by this act authorized to be executed may in some instances be conveniently undertaken and executed by one or more person or persons, and not by a joint stock company as hereinbefore provided; be it therefore further enacted, That it shall and may be lawful for any one or more person or persons, not exceeding six, to make application to the lord lieutenant or other chief governor or governors of Ireland for a commission for carrying into effect the purposes of this act in like manner and form, and upon and after such notice, and the observance and performance of like preliminaries, so far as the same are applicable, as have been herein-before appointed and required in order to the procuring and granting a commission to or creating any joint stock company for the purposes of this act; and the said lord lieutenant or other chief governor or governors of Ireland and are hereby authorized, if to him or them it shall seem fit, to grant and issue such commission accordingly, conferring such and the like powers and authorities as might or ought to have been contained in and conferred by
a commission creating any joint stock company under the provisions of this act, or such share of such powers as to the said lord lieutenant or other chief governor or governors of Ireland may seem good; and the person or persons in such commission named shall be and is and are hereby declared to be and become by virtue of such commission, from the date of the issuing thereof, an undertaker or undertakers within the meaning of this act for executing the works by such commission authorized, and shall have, use, and exercise all such privileges, powers, and authorities, and be subject and liable to all such obligations and duties, and invested with all such incidents, as are by this act conferred or imposed or attached upon any joint stock company constituted undertakers under the provisions of this act, save and except in so far as the same may be inappropriate, or shall be modified or abridged by the said lord lieutenant or other chief governor or governors in the exercise of his or their discretion as aforesaid; and the like proceedings in all respects, so far as the same may be possible, shall be taken under any commission so to be granted to any one or more person or persons as under any commission creating and granted to any joint stock company; and on the completion of the works performed thereunder, trustees shall be in like manner appointed for the preservation thereof, and from time to time continued, and all other the provisions of this act shall be deemed and taken to apply and extend to the case of any commission so to be granted to any one or more persons as fully and effectually as to the case of any commission creating or granted to any joint stock company, so far as the same are applicable thereto.

CIJI. Provided always, That no such commission shall issue to any person or persons (not being created a joint stock company) until and unless such person or persons shall previously enter into security, by writing obligatory to our sovereign lord the king, in such penal sum or sums of money as the lord lieutenant or other chief governor or governors of Ireland shall direct, such sum not being less than the amount of estimate of the expense of the whole works proposed to be executed under the said commission, binding himself or themselves jointly and severally to execute and perform, within a time to be limited in such writing obligatory, the said works conformably to the plan and specification thereof previously to be made; and the said lord lieutenant or other chief governors of Ireland shall have power and authority to cause such writing obligatory to be taken and entered into before such person as he or they may think fit, and the same shall be made by such form of words as obligations to the king's Majesty have been used to be made, and with such conditions thereunder written as the nature of the case may require; and every such obligation shall be of like force and validity as any obligation to the king hath or may be adjudged to have or be, any law or usage to the contrary in anywise notwithstanding; and such obligations shall and may be put in suit on breach or default in or of any condition therein contained, in such manner as the lord lieutenant or other chief governor or governors of Ireland for the time being shall direct; and in case any proceedings shall be so directed to be taken against any obligor or obligors, no writ or write of scire facias shall be required to be issued; but upon the production of the warrant or warrants under the hand or hands of the said lord lieutenant or other chief governor or governors of Ireland before any of the barons of the said court of exchequer, an extent shall and may issue in the first process upon the fiat of such baron, without any affidavit or other verification or proof of the cause of such proceeding than such warrant or warrants as aforesaid.

CIV. And in order to provide for works of a smaller extent, be it enacted, That where the clearing, sinking, embanking, or altering the course of any river or stream may be accomplished at or for a smaller extent the amount whereof shall not exceed two hundred pounds, it shall be lawful for any person having in lands bordered or intersected by any such river or stream a freehold estate of fifty acres at the
least, or a term of years whereof twenty-one shall be then unexpired of like extent, and who may be willing to advance the money required for, and desirous of undertaking the performance of, any such work as aforesaid, to make application to the grand jury of any county through or on the borders of which such river or stream may flow, for a presentment enabling him in that behalf; and notice of such application shall be given and the same made in like manner as notices of applications for other presentments and such applications now are or by law may or ought to be, or shall hereafter be by law required or appointed to be given or made, and it shall not be necessary to give notice of such application in any other manner, anything herein-before contained to the contrary notwithstanding; and it shall and may be lawful for any grand jury, upon such application, to proceed in like manner as they now are or hereafter may be by law empowered to proceed upon and deal with other applications for presentments, and to make such presentment accordingly; and such presentment shall be subject to the like traverse as any other presentment or presentments, and shall, when duly stated, have and be of like force and effect as any commission granted under authority of this act, and like proceedings shall be had and taken thereunder as have been herein-before appointed to be taken under such a commission, so far as such proceedings may be applicable, or as other proceedings may not be herein-after prescribed to be taken in lieu thereof.

CV. That every application for a presentment under this act shall set forth the names of the owner or owners, occupier or occupiers of all lands washed or intersected by the river or stream proposed to be improved under such presentment, and the breadth of such river or stream at the surface and at the bottom, and the depth thereof, and shall describe the operations proposed to be undertaken, and whether the course or channel of any such river or stream is proposed to be changed; and in such case a map, showing the proposed change or diversion, shall be annexed to such application; and in case it is intended that any bridge or bridges shall be built, altered, or repaired, then and in such case such application or presentment shall be made in like manner and form as any application or presentment for the purpose of making or repairing any bridge now is or hereafter may be by law required or appointed to be applied for and made; and every application for a presentment under this act shall also be accompanied by a detailed estimate of the expense of making the proposed alterations, specifying at what rate by the rod or perch, or other convenient and suitable measure, the proposed works are to be executed; and such application and presentment shall in all other particulars be made and dealt with in conformity to the provisions now by law established, or which may be established in respect of applications and presentments, for any other purpose whatsoever; and all applications and presentments made under this act shall be printed and distributed respectively at like times and in like manner, and the expense thereof in like manner defrayed, as any other applications or presentments now are or hereafter may be required by law to be printed, distributed, and paid for.

CVI. That, on the completion of the work authorized to be undertaken by such presentment, the person or persons named therein shall give notice of his intention to account for the same in the same manner as notice of like intention is or by law may be required to be given in case of other presentments, and such work shall be accounted for accordingly, and proper vouchers for all disbursements produced, together with a certificate under the hand of some skilful surveyor or engineer to be approved of by the grand jury who shall have made the presentment for such work, certify the due execution thereof; and it shall and may be lawful, for the purpose of such account, to examine upon oath such surveyor or engineer, or any other person or persons who may be acquainted with the matter, such oath to be administered in like manner as in other cases of persons sworn to give evidence in accounting for any.
county work or money; and any person swearing falsely therein shall be deemed guilty of perjury, and suffer the pains and penalties of perjury accordingly; and when such accounts shall have been examined and passed, the grand jury shall declare the amount of the expenditure incurred in and about the said work, and a certificate thereof shall be delivered by the secretary of the grand jury to the persons who shall be appointed under the provisions hereafter following to applot the same.

CVII. That the several persons whose names shall be set forth in the said presentment as owners or occupiers of land washed or intersected by the river, stream, or watercourse improved thereunder, shall meet at such place and time as the person who may have executed such work shall fix and appoint by notice to be given in such manner as the grand jury making such presentment shall have appointed, and at such meeting two or more persons shall be chosen by a majority of the votes of the persons then present; and such two or more persons shall, in the first place, proceed to hear and examine all claims of compensation for any damage which may have been anywise occasioned in or through the execution of the work executed under the said presentment, and such two or more persons (or, in case of any disagreement between them, an umpire to be by them chosen,) shall determine upon all such claims of compensation; and they shall, in the next place, proceed to applot the amount of the expenditure in and about such work, ascertained, declared, and certified as aforesaid, together with the gross amount of all claims of compensation which shall be by them allowed and confirmed, upon and off the lands affected by such work, in proportion to the quantum of benefit resulting or accruing to each subdivision thereof, acre by acre, rood by rood, perch by perch, or by such other subdivision thereof as may be deemed just and convenient: Provided always, That the whole amount of the money so apportioned, including the expenditure on the work, and all compensation allowed under the provision aforesaid, shall not exceed two hundred pounds; and the person making such apportionment shall deliver the same, accompanied by a certificate of the amount, and particulars of the several claims to compensation by them allowed, and the name of the persons to whom payment ought to be made, within thirty days next after they had been so appointed, to the treasurer of the county in which such lands may respectively lie; and such treasurer shall issue his warrant or warrants, setting out such apportionment, and authorising and requiring, without further apportionment, the collection of the sums so apportioned; and such sums shall and may be collected, raised, and levied pursuant to such warrant and in like manner as any other money authorised to be levied by any other grand jury presentment or treasurer's warrant is or may be by law appointed to be raised; and all powers, obligations, duties, penalties, and authorities which are now or hereafter may be created or provided to secure the collecting, levying, and safe-keeping of money appointed to be raised under such presentments, shall be alike valid and effectual as respects money appointed to be raised under presentment made by authority of this act, and all securities taken or to be taken for the custody thereof of or from the treasurer of any county, or any other person whomsoever, shall extend to and include the money raised under authority of this act; and the money so raised and paid under authority of this act to such treasurer shall be paid over to the person or persons who may have undertaken and executed the work included in such presentment, and to any person or persons who may have made out any claim to compensation under the provisions herein-before contained respectively, in the several portions in which they may be entitled thereto, in such manner and subject to such direction as the grand jury by which the accounts may have been passed shall have appointed, and also pursuant to such certificate as the said two or more persons appointed by the landowners and occupiers in manner aforesaid may have delivered to such treasurer: Provided always, That the claims for compensation allowed by such two or more persons shall be in the first place discharged, so that the deficit, if any, shall fall on the undertaker of the work.
No action to be brought against persons acting in execution of this act, until after notice has been given specifying the cause of action. Limitation of action six months.

If verdict for defendants, or plaintiffs nonsuited, or discontinued action, defendants have treble costs.

No action to be brought after tender of sufficient amend.

If no tender made, money may be paid into court, by leave, before issue joined.

Actions not to abate in consequence of death of parties.

CVIII. That no action, suit, or information shall be brought, commenced, or prosecuted by any person or persons for any thing done or to be done in pursuance of this act, or in execution of the powers or authorities of any commission or presentment herein authorized to be granted, or of the powers and authorities of the trustees to be elected hereunder, unless notice in writing of such action, suit, or information, specifying the ground or cause thereof, and signed by the attorney of the plaintiff or plaintiffs, shall be given to some member of the committee of management of any company of undertakers, or to some one undertaker where no joint stock company as aforesaid may be created, or some one of the trustees to be elected under this act, or left at the office of such company or trustees, as the case may be, at least twenty-one days before such action, suit, or information shall be commenced, nor unless such action, suit, or information shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuance of damages, then within six calendar months next after the doing or committing such damage shall have ceased, and not afterwards, and shall be laid or brought in the county where the matter in dispute shall arise, and not elsewhere; and the defendant or defendants may, at his or their election, plead specially or plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear to have been so done, or if any action, suit, or information shall be brought or commenced otherwise than as herein-before directed, then and in such case the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of his, her, or their action or actions, suits, or informations, after the defendant or defendants shall have appeared thereto, or if any verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer or otherwise judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the recovery of the same as any other defendant or defendants hath or have in other cases at law.

CIX. That no plaintiff or plaintiffs shall recover in any action to be brought against the said company or undertaker or trustees for any thing done by them or him in execution of the powers vested in them by their commission or by this act, as the case may be, if tender of sufficient amend shall be made by or on behalf of the said company or trustees or undertaker before such action brought; and in case no tender shall have been made, it shall be lawful for the defendant or defendants in any such action, by leave of the court in which such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall think fit, whereupon such proceedings, order, and adjudication shall be had and given in and by such court, as in actions where the defendant is allowed to pay money into court.

CX. Provided always, That in the case of any company or trustees, if any of the parties, plaintiffs or defendants, in any action to be brought for any act, matter, or thing done or to be done in pursuance of this act, or under pretence thereof, shall die pending the same, such action shall not abate by reason of the death of such parties, but shall be proceeded in as if no such event had happened; and if any party against whom such action might have been brought if living should die before any such action shall have been brought, and before the expiration of the time herein-before limited for bringing the same, it shall be lawful for the person or persons, body or bodies politic, corporate, or collegiate, who might have brought such action against the party or parties so dying, to bring the same within the time so limited as aforesaid, against such party or parties as if actually living, and to serve the clerk or clerks to the said company of undertakers or trustees, as the case may be, with process for commencing such action or actions, in the same manner as the party or parties might have been served therewith if living; and it
shall thereupon be incumbent upon the said company of undertakers or trustees, as the case may be, by direction or order or authority of whom the act or thing being the cause or ground of the action aforesaid may have been done or committed, to appear and defend such action or actions in the name or names of the party or parties so dead, and proceedings shall be had therein in the same manner as if such party or parties had been actually living; and the right of all parties shall be equally bound and concluded by the event of such action or actions.

CXI. That all actions, suits, and proceedings, whether at law or in equity, or otherwise, to be commenced, instituted, or prosecuted, under the provisions of this act, by or in behalf of or against any trustees or undertakers not being a joint stock company, shall and may be commenced, instituted, and prosecuted by or against any one of such trustees or undertakers, without naming any other of such trustees or undertakers, and that execution may be taken out in any such action or suit against the party named on the record, who shall be entitled to have and sue for contribution from his co-trustees or undertakers, as the case may be.

CXII. Provided also, That in case at any time or times any engineer or surveyor or other person or persons appointed under the provisions of this act to make any survey or valuation, or to decide any difference, or to make any arbitration or umpirage or allotment, shall die before making their or his award or awards, or performing the office for which he or they may have been appointed, or before nominating an umpire, or shall neglect or refuse to act in the execution of the several powers and authorities herein-before given to them for the space of one week, another engineer or surveyor, or one or more other person or persons; as the case may happen, shall be forthwith appointed by the parties or party by or for whom the engineer, surveyor, or other person or persons who shall so die or refuse as aforesaid may have been appointed to act; which newly-appointed engineer, surveyor, or other person or persons shall proceed with the survey, valuation, arbitration, allotment, or other matter, and shall have the same powers and authorities to proceed therein, in all respects as if they or he had been originally appointed for the purposes in this act in that behalf mentioned; and in case any umpire to be appointed as herein-before mentioned shall die, or shall neglect or refuse to act in respect of the matters and things which shall be referred to him for the space of one week, then and in every such case another person shall be appointed to act, and shall have full power and authority to act, as umpire in the several matters and things which shall be referred to him; and the acts and determinations of any originally and newly-appointed engineer or surveyor, or of any newly-appointed arbitrators, or of any newly-appointed umpire, as aforesaid, shall be as binding and conclusive to all intents and purposes as if such acts or determination had been performed or made by the engineer, surveyor, or other persons, or by the umpire, respectively originally appointed: Provided always, that the acts of determination of any former engineer, or surveyor, or arbitrator or arbitrators, or umpire, shall be valid and effectual to all intents and purposes so far as the same may extend, and that it shall not be necessary to commence any such survey, valuation, arbitration, or umpirage de novo.

CXIII. That in all such actions, suits, or informations as aforesaid, it Officers of shall and may be competent for the treasurer, clerks, or other officer or company may officers, or persons employed by the said company, undertakers, or be witnesses trustees, to be a witness or witnesses.

CXIV. That if any person or persons who shall be summoned as a Penalty on witness or witnesses to attend and give evidence before any justice or witnesses re-justices of the peace touching any matter contained in any information thusing to appear or complaint for any offence committed against this act, either on behalf or refusing to of the prosecutor or on behalf of the person or persons accused, shall give evidence refuse or neglect to appear at the time and place to be for that purpose appointed, having been paid or tendered a reasonable sum for his, her,
Rivers and Navigation. [Part VI.

No. I. 1 & 2 W. 4, c. 57.

Recovery of penalties and forfeitures.

or their loss of time, costs, and charges, without a reasonable excuse for his, her, or their refusal or neglect, or appearing shall refuse to be examined on oath, (or, in case of a quaker or quakers, on solemn affirmation,) and to give evidence before any such justice or justices, then and in either of the said cases every such person shall forfeit and pay for every such offence any sum not exceeding five pounds, to be recovered in like manner as any penalty imposed by this act may be recovered.

CXV. That all penalties, forfeitures, and fines, hereby inflicted or authorized to be imposed, and the manner of levying and recovery whereof is not herein otherwise directed, shall upon proof of the offences respectively before any one of his Majesty's justices of the peace for the county within which such offence shall have been committed, either by the confession of the party or parties offending, or by the oath of one or more credible witness or witnesses, (which oath such justice is hereby empowered to administer,) be levied by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand and seal of such justice, which warrant such justice is hereby empowered to grant for such purpose; and the overplus (if any), after such penalties, forfeitures, and fines, and the charges of such distress and sale, are recovered and deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and the penalties, forfeitures, and fines shall be from time to time paid to the said company, undertakers, or trustees, and applied to the purposes of this act; and in case sufficient distress shall not be found, and such penalties, forfeitures, and fines 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 return of such warrant it shall appear that no sufficient distress can be had whereupon to levy the said penalty or penalties and such costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the said justice, either by the confession of the offender or offenders, or otherwise, that he, she, or they hath or have not sufficient goods and chattels whereupon such penalties, forfeitures, and fines can be levied if a warrant of distress were issued, such justice shall not be required to issue such warrant of distress and thereupon it shall be lawful for any such justice of the peace as aforesaid, and he is hereby authorised and required, by warrant or warrants under his hand and seal, to cause such offender or offenders to be committed to the common gaol or house of correction of such county, there to remain without bail or mainprize for any time not exceeding three calendar months, unless such penalties, forfeitures, or fines, and all reasonable charges, shall be sooner paid or satisfied.

CXVI. Provided always, That it shall be lawful for the said company, undertakers, or trustees respectively, if they shall see cause, to pay and apply any part of the said penalties, forfeitures, and fines, or any of them, to and for the use of the informer or informers, or any person or persons (not being a witness or witnesses) aiding or assisting in the apprehension of any offender or offenders therein, or any of them, any thing herein contained to the contrary thereof notwithstanding.

CXVII. And whereas it is expedient to provide against any injury which may otherwise arise to navigation and commerce by an injudicious or improper exercise of the powers of this act; be it further enacted, That it shall not be lawful for any person or persons, either under the powers of this act or otherwise, to make, construct, or erect,
or to cause to be made, constructed, or erected, any pier, quay, wharf, jetty, breast, or embankment in or adjoining to any public harbour, or any river immediately communicating therewith, so far as the tide flows up the same, without first obtaining the authority and consent of the lord high admiral or the commissioners for executing the office of lord high admiral of the united kingdom, to be for that purpose signified in writing under the hand of the secretary of the admiralty for the time being; and if any person or persons shall make, construct, or erect, or cause to be made, constructed, or erected, any such pier, quay, wharf, jetty, breast, or embankment contrary hereto, every person so offending shall be deemed guilty of a misdemeanor, and on conviction be subject to punishment by fine and imprisonment, at the discretion of the court before which the conviction shall take place, and every such unauthorised work shall be forthwith abated and removed, and the shore restored to its former condition, by or at the expense of the person or persons so unlawfully causing such work to be made.

[9th September 1835.]

PART VI.
CLASS XXX.

SEDITIOUS MEETINGS, &c.

[There has been no recent statute upon this subject.]
PART VI.
CLASS XXXI.

SERVANTS.

[No. 1.] 1 & 2 W. IV. c. 36.—An Act to repeal several Acts and Parts of Acts prohibiting the Payment of Wages in Goods, or otherwise than in the Current Coin of the Realm.

[15th October 1831.]

WHEREAS by certain provisions contained in an act of parliament passed in the fourth year of the reign of king Edward the fourth, intituled An Act for improving the Manufacture of Cloths, and preventing the Importation thereof; and by certain provisions of an act passed in the eighth year of the reign of queen Elizabeth, intituled An Act touching Drapers, Cottoners, and Frizers in the Town of Shrewsbury: And whereas by certain provisions of an act of parliament passed in the fourteenth year of the reign of queen Elizabeth, intituled An Act for the Repeal of a Statute made Anno Octavo of the Queen’s Majesty’s Reign, touching the Town of Shrewsbury; and by certain provisions of an act passed in the first year of the reign of her late Majesty queen Anne, intituled An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom; and by certain other provisions of an act passed in the ninth year of the reign of her said late Majesty queen Anne, intituled An Act for reviving and continuing an Act made in the First Year of Her Majesty’s Reign, for the more effectual preventing Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom; and by certain other provisions of an act passed in the tenth year of the reign of her said late Majesty queen Anne, intituled An Act for regulating, improving, and encouraging the Woollen Manufacture of Mixed and Medley Broad Cloth, and for the better Payment of the Poor employed therein; and by certain other provisions of an act passed in the first year of the reign of his late Majesty king George the first, intituled An Act to make an Act of the Tenth Year of Her late Majesty, intituled, ‘An Act for regulating, improving, and encouraging of the Woollen Manufacture of Mixed or Medley Broad Cloth, and for the better Payment of the Poor employed therein,’ more effectual for the Benefit of Trade in general; and also to render more effectual an Act of the Seventh Year of her said Majesty’s Reign, intituled ‘An Act for the better ascertaining the Lengths and Breadths of Woollen Cloth made in the County of York;’ and by certain other provisions of an act passed in the twelfth year of the reign of his late Majesty 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; and by certain other provisions of an act passed in the thirteenth year of the reign of his said late Majesty king George the first, intituled An Act for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein, and for limiting a Time for prosecuting for the Forfeiture appointed by an Act of the Twelfth Year of His Majesty’s Reign, in case of Payment of the Workmen’s Wages in any other manner than in Money; and by certain other provisions of an act passed in the thirteenth year of the reign of his late Majesty king George the second, intituled An Act to explain and amend an Act made in the First Year of the Reign of Her late Majesty Queen Anne, intituled ‘An Act for the more effectual preventing the Abuses and Frauds of Persons employed in
the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom,' and for extending the said Act to the Manufactures of Leather; and by certain other provisions of an act passed in the twenty-second year of the reign of his said late Majesty king George the second, 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; and by certain provisions of an act passed in the twenty-ninth year of the reign of his said late Majesty king George the second, intituled An Act to render more effectual an Act passed in the Twelfth Year of the Reign of his late Majesty King George, to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages; and by certain other provisions of an act passed in the thirtieth year of the reign of his said late Majesty king George the second, intituled An Act to amend an Act made in the Twenty-ninth Year of the Reign of his present Majesty, intituled 'An Act to render more effectual an Act passed in the Twelfth Year of the Reign of his late Majesty King George, to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages,' and also an Act passed in the Thirteenth Year of the Reign of his said late Majesty, for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein, and for limiting a Time for prosecuting for the Forfeiture appointed by the aforesaid Act, in case of Payment of the Workmen's Wages in any other manner than in Money; and by certain other provisions of an act passed in the seventeenth year of his late Majesty king George the third, intituled An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses 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 also for making Provisions to prevent Frauds by Journeymen Dyers; and by a certain act passed in the nineteenth year of the reign of his said late Majesty king George the third, intituled An Act to prevent Abuses in the Payment of Wages to Persons employed in the Bone and Thread Lace Manufactory; as well as by two other acts of the fifty-seventh year of the reign of his Majesty king George the third, the one intituled An Act to extend the Provisions of an Act of the Twelfth Year of his late Majesty King George the First, and an Act of the Twenty-second Year of his late Majesty King George the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Manufacture of Articles made of Steel and Iron combined, and of Plated Articles, or of other Articles of Cutlery, and the other intituled An Act to extend the Provisions of an Act of the Twelfth Year of his late Majesty King George the Third, and an Act of the Twenty-second Year of his late Majesty King George the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Colleries or in the working and getting of Coal in the United Kingdom of Great Britain and Ireland, and for extending the Provisions of the said Acts to Scotland and Ireland: And whereas by an act passed in the fifty-eighth year of the reign of his late Majesty king George the third, intituled An Act to amend certain Acts passed in the Fourth Year of King Edward the Fourth, First and Tenth Years of Queen Anne, First, Twelfth, and Thirteenth Years of King George the First, Thirteenth, Twenty-second, and Twenty-ninth Years of King George the Second, and Thirteenth and Fifty-seventh Years of King George the Third, prohibiting the Payment of the Wages of Workmen in certain Trades otherwise than in the lawful Coin or Money of this Realm, provision is made respecting the payment of the wages of workmen in certain
trades and occupations in the aforesaid acts enumerated: And whereas it is expedient to consolidate the law respecting the payment of the wages of workmen in the several trades and occupations in the said recited acts and herein-after mentioned, and for that purpose to repeal the said acts, or so much thereof as herein-after mentioned; be it therefore enacted, &c. That the said acts so passed as aforesaid in the nineteenth and the fifty-seventh and fifty-eighth years of his said late Majesty king George the third, and so much of the said several other recited acts as regulates or relates to the payment of the wages of workmen in the several trades and occupations therein enumerated in goods or by way of truck, shall be and the same are respectively hereby repealed.

II. Provided always, That nothing herein contained shall or doth extend to repeal any provisions contained in any of the said recited acts respecting the recovery by any workmen or labourers of the wages of their labour, or to deprive any such workmen or labourers of any remedies now by law provided for the recovery of any such wages; and provided also, that all offences committed against, and all penalties incurred under the said recited acts or any of them, shall and may be prosecuted, sued for, recovered, and applied in the same manner as if this present act had not been made; and provided also, that nothing herein contained shall extend or be construed to revive any act or any part of any act of parliament which hath heretofore been repealed by any of the said recited acts.

[No. II.] 1 & 2 W. IV. c. 37.—An Act to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm.

WHEREAS it is necessary to prohibit the payment, in certain trades, of wages in goods, or otherwise than in the current coin of the realm; be it therefore enacted, &c. That in all contracts hereafter to be made for the hiring of any artificer in any of the trades herein-after enumerated, or for the performance by any artificer of any labour in any of the said trades, the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise; and that if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null, and void.

II. That if in any contract hereafter to be made between any artificer in any of the trades herein-after enumerated, and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void.

III. That the entire amount of the wages earned by or payable to any artificer in any of the trades herein-after enumerated, in respect of any labour by him done in any such trade, shall be actually paid to such artificer in the current coin of this realm, and not otherwise; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as herein-after mentioned, shall be and is hereby declared illegal, null, and void.

IV. That every artificer in any of the trades herein-after enumerated shall be entitled to recover from his employer in any such trade, in the manner by law provided for the recovery of servants' wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer in the current coin of this realm.
V. That in any action, suit, or other proceeding to be hereafter brought or commenced by any such artificer as aforesaid, against his employer, for the recovery of any sum of money due to any such artificer as the wages of his labour in any of the trades herein-after enumerated, the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff’s demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

VI. That no employer of any artificer in any of the trades herein-after enumerated shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of action against any goods, wares, or merchandise sold, delivered, or supplied to any such artificer by such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

VII. That if any such artificer as aforesaid, or his wife or widow, or if he the artificer or any child of any such artificer, not being of the full age of twenty-one or his wife or children become chargeable to any parish or place, and if within the space of three calendar months next before the time when any such charge shall be incurred such artificer shall have earned or have become entitled to receive any wages for any labour by him done in any of the said trades, which wages shall not have been paid to such artificer in the current coin of this realm, it shall be lawful for the overseers of the poor of such parish or place to recover from the employer of such artificer in whose service such labour was done the full amount of wages so unpaid, and to proceed for the recovery thereof by all such ways and means as such artificer himself might have proceeded for that purpose; and the amount of the wages which may be so recovered shall be employed in reimbursing such parish or place all costs and charges incurred in respect of the person or persons to become chargeable, and the surplus shall be applied and paid over to such person or persons.

VIII. Provided always, That nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any such artificer as aforesaid, of the whole or any part of his wages, either in the notes of the governor and company of the bank of England, or in the notes of any person or persons carrying on the business of a banker, and duly licensed to issue such notes in pursuance of the laws relating to his Majesty’s revenue of stamps, or in drafts or orders for the payment of money to the bearer on demand, drawn upon any person or persons carrying on the business of a banker, being duly licensed as aforesaid, within fifteen miles of the place where such drafts or orders shall be so paid, if such artificer shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts, or orders as aforesaid, shall for the purposes of this act be as valid and effectual as if such payments had been made in the current coin of the realm.

IX. That any employer of any artificer in any of the trades herein-after enumerated, who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, shall for the first offence forfeit a sum not exceeding ten pounds nor less than five pounds, and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence any such employer shall be and 412

No. II. 1 & 2 W. 4, c. 37.

In an action brought for wages no set-off shall be allowed for goods supplied by the employer of any artificer.
be deemed guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds.

X. That all offences committed against this act, and not herein-before declared a misdemeanor, shall be enquired of and determined, and that all fines and penalties for such offences shall be sued for and recovered by any person or persons who shall sue for the same, before any two justices of the peace having jurisdiction within the county, riding, city, or place in which the offence shall have been committed; and that the amount of the fines, penalties, and other punishments to be inflicted upon any such offenders shall, within the limits herein-before prescribed, be in the discretion of such justices, or, in cases of misdemeanor, of the court before which the offence may be tried; and in case of a second offence against this act, it shall be sufficient evidence of the previous conviction and offence, if a certificate, signed by the clerk of the peace or other officer having the custody of the record of such previous conviction, shall be produced before the said justices enquiring of such second offence, in which certificate shall be stated in a compendious form the general nature of the offence for which such previous conviction was had, and the date of such previous conviction; and so, in like manner, upon the trial of any indictment or information for any such misdemeanor as aforesaid, it shall be sufficient evidence of such second conviction for a like offence if a certificate thereof, signed by the clerk of the peace or other officer having the custody of the record of such second conviction, in such form as aforesaid, be produced to the court and jury: Provided always, That no person shall be punished as for a second offence under this act unless ten days at the least shall have intervened between the conviction of such person for the first and the conviction by such person of the second offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a first offence; and that no person shall be punished as for a third offence under this act, unless ten days at the least shall have intervened between the conviction of such person for the second and the conviction by such person of the third offence; but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a second offence; and that the fourth or any subsequent offence which may be committed by any such person against this act shall be enquired of, tried, and punished in the manner herein-before provided in respect of any third offence; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous conviction or convictions as aforesaid, any such offender as aforesaid shall be punished for each separate offence by him committed against the provisions of this act by an equal number of distinct and separate penalties, as though each of such offences were a first or a second offence, as the case may be; and that no person shall be proceeded against or punished as for a second or as for a third offence at the distance of more than two years from the commission of the next preceding offence.

XI. That it shall be lawful for any one justice of the peace, in all cases where any information or complaint shall be made as aforesaid, and he is hereby authorized and required, at the request in writing of any of the parties to the said complaint, and on the oath of the informer or complainant, or of the person informed or complained against, that he believes that the attendance of any person or persons as a witness or witnesses will be material to the hearing of such information, to issue his summons to any such person or persons, witness or witnesses, to appear and give evidence on oath before himself and such other justices or justices as shall hear and determine such information or complaint, the time and place of hearing and determining the same being specified in the said summons; and if any person or persons so summoned shall
not appear before the said last-mentioned justices at the time or place so specified in the said summons, and shall not offer any reasonable excuse for the default, to the satisfaction of the said last-mentioned justices, or appearing according to the directions of the said summons shall not submit to be examined as a witness or witnesses, then and in every such case it shall be lawful for such last-mentioned justices, and they are hereby authorized, (proof on oath, in the case of any person not appearing according to such summons, having been first made before such last-mentioned justices of the due service of such summons on every such person, by delivering the same to him or to her, or by leaving the same at the usual place of abode of such person, twenty-four hours at the least before the time appointed for such person to appear before such last-mentioned justices,) by warrant under the hands and seals of such last-mentioned justices to commit such person or persons so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of the said justices, there to remain without bail or mainprize for any time not exceeding fourteen days, or until such person or persons shall submit to be examined and give evidence.

XII. That all justices of the peace shall and are hereby empowered, on the conviction of any person or persons for any offence against this act, in default of payment of any penalty or forfeiture, together with the reasonable costs and charges attending such conviction, to cause the same to be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant or warrants under the hands and seals of such justices, together with the reasonable costs of such distress and sale; and in case it shall appear to the satisfaction of such justices, either by the confession of the offender or offenders or by the oath of one or more credible witness or witnesses, that he, she, or they hath not or have not goods and chattels within the jurisdiction of such justices sufficient whereon to levy all such penalties and forfeitures, costs and charges, such justices may, without issuing any warrant of distress, commit the offender or offenders to the common gaol for three calendar months (unless the same be sooner paid), in such manner as if a warrant of distress had been issued, and a return of nulla bona made thereon.

XIII. That no person shall be liable to be convicted of any offence against this act committed by his or her copartner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid, under the authority of this act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any copartnership concern, or business in the carrying on of which such charges may have become due or such offence may have been committed; and in all proceedings under this act to recover any sum due for wages it shall be lawful in all cases of copartnership for the justices, at the hearing of any complaint for the nonpayment thereof, to make an order upon any one or more copartners for the payment of the sum appearing to be due; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such copartners, shall be deemed to be a sufficient service upon all.

XIV. And it is declared and enacted, That in all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace, under the authority of this act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

XV. That the justices before whom any person shall be convicted of any offence against this act, or by whom any person shall be committed to the common gaol, in default of a sufficient distress, or for not appear-
XVI. That the justices before whom any conviction shall be had under this act shall cause the same to be returned to the next general or quarterly sessions of the peace held for the county or place wherein the offence has been committed, and the same shall then and there be delivered to the clerk of the peace, or other person acting as such, to be by him filed among the records of the said court; and such clerk of the peace, or other person acting as such, is hereby required, on the tender and payment to him of the sum of one shilling, to grant to any person or persons, on demand, a copy of such conviction, with a certificate thereupon indorsed or thereunto annexed, that the same is a true and accurate copy of the original conviction returned to such general or quarterly sessions as aforesaid.

XVII. That no conviction, order, or adjudication made by any justices of the peace under the provisions of this act shall be quashed for want of form, nor be removed by certiorari or otherwise into any of his Majesty's superior courts of record; and no warrant of distress, or of commitments in default of sufficient distress, 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.

XVIII. That out of any penalty or forfeiture incurred by any offence committed against this act it shall be lawful for the court or justices imposing the same to award any sum to the informer, not exceeding in any case the sum of twenty pounds; and the rest of any such pecuniary penalty or forfeiture shall go to the treasurer of the county in which the offence shall be committed, in aid of the rates of such county: Provided always, that every proceeding whatsoever for any offence against this act shall be commenced within three calendar months after such offence shall have been committed.

XIX. That nothing herein contained shall extend to any artificer, workman, or labourer, or other person engaged or employed in any manufacture, trade, or occupation, excepting only artificers, workmen, labourers, and other persons employed in the several manufactures, trades, and occupations following; (that is to say,) in or about the making, casting, converting, or manufacturing of iron or steel, or any parts, branches, or processes thereof; or in or about the working or getting of any mines of coal, ironstone, limestone, salt rock; or in or about the working or getting of stone, slate, or clay; or in the making or preparing of salt, bricks, tiles, or quarries; or in or about the making or manufacturing of any kinds of nails, chains, rivets, anvils, vices, spades, shovels, screws, keys, locks, bolts, hinges, or any other articles or hardwares made of iron or steel, or of iron and steel combined, or of any plated articles of cutlery, or of any goods or wares made of brass, tin, lead, pewter, or other metal, or of any japanned goods or wares whatsoever; or in or in about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, bleaching, dyeing, printing, or otherwise preparing of any kinds of woollen, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk manufactures whatsoever, or in or about any manufactures whatsoever made of the said last-mentioned materials, whether the same be or be not mixed one with another; or in or about the making or otherwise preparing, ornamenting, or finishing of any glass, porcelain, china, or earthenware whatsoever, or any parts, branches, or processes thereof, or any materials used in any of such last-mentioned trades or employments; or in or about the making or preparing of bone, thread, silk, or cotton lace, or of lace made of any mixed materials.
XX. That nothing herein contained shall extend to any domestic servant or servant in husbandry.

XXI. That no justice of the peace, being a person also engaged in any of the trades or occupations enumerated in this act, or the father, son, or brother of any such person, shall act as justice of the peace under this act.

XXII. That in all cities, boroughs, or corporate towns, where the magistrates for the time being are disqualified by the foregoing clause from administering this act, then and in every such case, and so often as the same shall happen, it shall be lawful for the magistrates of the county in which the offence may be committed (and not disqualified as aforesaid) to administer, and they are hereby authorized and empowered to hear, examine, and determine any offences committed against this act, in any such cities, boroughs, or corporate towns; and it shall be lawful for the complainant to remove the cases of information or complaint from the said cities, boroughs, or corporate towns to any other court of session or petty session not exceeding twelve miles from the place where the offence shall have been committed; any law, charter, usage, or custom to the contrary notwithstanding.

XXIII. That nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be used by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer, workman, or labourer employed in any of the trades or occupations enumerated in this act the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer; nor from making or contracting to make any stoppage or deduction from the wages of any such artificer, for or in respect of any such rent; or for or in respect of any such medicine or medical attendance; or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals dressed and prepared under the roof of any such employer; or for or in respect of any money advanced to such artificer for any such purpose as aforesaid: Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer.

XXIV. That nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificers for the education of any such child or children of such artificer, and unless the agreement or contract for such deduction shall be in writing, and signed by such artificer.

XXV. That in the meaning and for the purposes of this act, all workmen, definition of labourers, and other persons in any manner engaged in the performance of any work, employment, or operation, of what nature soever, in or about the several trades and occupations aforesaid, shall be and be deemed “Artificers”; and that within the meaning and for the purposes aforesaid, all masters, bailiffs, foreman, managers, clerks, and other persons engaged in the hiring, employment, or superintendence of the labour of any such arti-
Servants.

[Part VI.

No. II. 1 & 2 W. 4, c. 37.

Officers, shall be and be deemed to be "Employers;" and that within the meaning and for the purposes of this act, any money or other thing had or contracted to be paid, delivered, or given as a remuneration, reward, or for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and taken to be the "Wages" of such labour; and that within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificer are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and deemed a "Contract."

XXVI. That this act shall not commence or take effect till the expiration of three calendar months next after the day of passing the same.

XXVII. That the provisions of this act shall extend over the whole of that part of the united kingdom of Great Britain and Ireland called Great Britain.

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SCHEDULE referred to by the foregoing Act.

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Form of Conviction.

BE it remembered, That on this day in the year of our Lord , at in the county of , A.B. is duly convicted before us, C.D. and J.G., two of his Majesty's justices of the peace for the of , for that the said A.B. [specify the offence, and the time and place when and where committed] whereby the said A.B. has forfeited the sum of , this being adjudged to be the first [or second] offence [as the case may be] against the provisions of an act to prohibit the payment of wages in goods, besides the costs of this conviction, which we assess the sum of [here state to whom and in what proportions the penalty and costs are to be paid], pursuant to the statute in that case provided.

Given under our hands and seals,

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Summons to Witness.

WHEREAS information upon oath hath been made before me, A.B. esquire, one of his Majesty's justices of the peace for the county aforesaid, that C.D. of has been guilty of an offence against the laws prohibiting the payment of wages in goods, and that you are a material witness to be examined on the hearing and determination of such information; These are therefore to require you to appear personally before me, and such other justice or justices as shall hear and determine such information, at in the county aforesaid, on the day of , at the hour of of the same day, there to be examined touching the matters alleged in such information. As witness my hand,

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Warrant of Commitment of a Witness.

WHEREAS C.D. hath been duly summoned to appear and give evidence before us, A.O. and G.R., two of his Majesty's justices of the peace for the county [or riding, city, division, or place] of , on
Servants.

this day of being the time and place appointed for hearing and determining the complaint made on the oath of before us, against A.B., of having [stating the offence as laid in the information] contrary to the laws now in force for prohibiting the payment of wages in goods: And whereas the said C.D. hath not appeared before us at the time and place aforesaid specified for that purpose, or offered any reasonable excuse for his default [or ]:

And whereas the said C.D., having appeared before us at the time and place aforesaid specified for that purpose, hath not submitted to be examined as a witness and give his evidence before us touching the matter of the said complaint, but hath refused so to do [or ]; Therefore we the said justices do hereby, in pursuance of the statute made, &c. [setting forth the title of this act] commit the said C.D. to the [describing the prison] there to remain without bail or main-prize, for his contempt aforesaid, for the space of three calendar months, or until he shall submit himself to be examined and give his evidence touching the matter of the said complaint, or shall otherwise be discharged by due course of law. And you [the constable or peace officer to whom the warrant is directed] are hereby authorized and required to take into your custody the body of the said C.D., and him safely to convey to the said prison, and him there to deliver to the gaoler or keeper thereof, who is hereby authorized and required to receive into his custody the body of the said C.D., and him safely to retain and keep, pursuant to this commitment. Given under our hands and seals, this day of in the year of our Lord

Warrant to distress for Forfeiture.

to wit.

WHEREAS A.B. of is this day convicted before us, C.D. and J.G., two of his Majesty's justices of the peace in and for the said county, upon oath of H.K., a credible witness, for that the said A.B. did [here set forth the offence], contrary to the statute in that case made and provided, by reason whereof the said A.B. hath forfeited the sum of to be distributed as herein is mentioned, besides the sum of for costs, both of which he hath refused to pay; These are therefore, in his Majesty's name, to command you to levy the said sum of and also the sum of for costs, by distress of the goods and chattels of him the said A.B.; and if within the space of days next after such distress by you taken, the said sums, together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels so by you distrainted, and out of the money arising by such sale that you do retain the said costs, and also the said forfeiture or sum of and thereout pay to L.M., who hath informed and prosecuted in this case, the sum of being his adjudged portion of such forfeiture, the residue whereof is to go to the treasurer of the said county of , in aid of the rates thereof; and that you do return the overplus, on demand, to him the said A.B. (the reasonable charges of taking, keeping, and selling the said distress being first deducted); and if sufficient distress cannot be found of the goods and chattels of the said A.B. whereon to levy the said sum of that then you certify the same to us, together with this warrant.

Given under our hands and seals,

Commitment for Want of Distress.

to wit. } To the [constable] of in the said county, and to the keeper of the common gaol [or the house of correction] at in the said county.
WHEREAS A. B. of in the said county was
on the day of convicted before us
C. D. and J. G. two of his Majesty’s justices of the peace in and for the
said county, upon the oath of H. K. a credible witness, for that he the
said A. B. [here set forth the offence], contrary to the statute made in the
year of the reign of his Majesty king William the fourth, by reason whereof the said A. B. hath forfeited the sum of
besides the sum of for
costs: And whereas on the day of in the year aforesaid we did issue our warrant to the [constable] of
to levy the said sum of and
costs, by distress and sale of the goods and chattels of him the said
A. B., and to distribute the same according to the directions of the said
statute: And whereas it duly appears to us, upon the oath of the said
[constable], that the said [constable] hath used his best endeavours to
levy the said sum on the goods and chattels of the said A. B. as aforesaid,
but that no sufficient distress can be had whereon to levy the same
[or by confession of the said A. B., or by the oath of a credible witness,
that the said A. B. hath not goods and chattels within our jurisdiction
whereon to levy the said forfeiture and costs]; These are therefore to
command you the said [constable] aforesaid to apprehend the said A. B., and him safely to convey to the common gaol
[or house of correction] at in the said county, and there to deliver him to the keeper thereof, together with this
precept. And we do also command you the said keeper to receive and
keep in your custody the said A. B. for the space of three months,
unless the said sum and costs shall be sooner paid; and for so doing
this shall be your sufficient warrant. Given under our hands and seals.

PART VI.
CLASS XXXII.

SESSIONS.

[For the clause of the 1 W. 4, c. 70, altering the times at which the
quarter sessions are to be held, see ante Part IV. Class I. p. 392. And
for the 4 and 5 W. 4, c. 47, to prevent the interference of the spring
assizes with the April quarter sessions, see ante Part IV. Class IX.
p. 492.

By the municipal corporation act, 5 and 6 W. 4, c. 76, §. 103, his Ma-
jesty, on the petition of the council of any borough, may grant such bo-
rough a separate court of quarter sessions. See the clause ante Part I.
Class V. p. 63.]

PART VI.
CLASS XXXIII.

SHEEP.

[By the act for the general regulation of the customs (3 and 4 W. 4,
c. 52, §. 104) sheep and mutton are prohibited from being imported into
this country.

For the recent statute 5 & 6 W. 4, c. 59, consolidating the laws relating
to the improper treatment of cattle, see ante Part VI. Class VII. A.
tit. CATTLE.]
PART VI.
CLASS XXXIV.

STAGE [AND HACKNEY] COACHES.

[No. I.] 1 W. IV. c. 68.—An Act for the more effectual Protection of Mail Contractors, Stage Coach Proprietors, and other common Carriers for hire against the loss of or injury to Parcels or Packages delivered to them for conveyance or custody, the value and contents of which shall not be declared to them by the Owners thereof.

[Inserted ante Part IV. Class XIV].

[No. II.] 1 & 2 W. IV. c. 22.—An Act to amend the Laws relating to Hackney Carriages, and to Waggons, Carts, and Drays used in the Metropolis; and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in England under the Commissioners of Stamps (1).

[22d September 1831.]

WHEREAS it is expedient to reduce into one act, and to alter and amend the provisions of several acts now in force, passed in the parliaments of Great Britain and the United Kingdom respectively, relating to hackney carriages within the cities of London and Westminster and the suburbs thereof, and also the several parishes and places comprised within the weekly bills of mortality; and it is also expedient to place the collection of the duty upon or in respect of such hackney carriages under the care and management of the commissioners of stamps: And whereas it is expedient to repeal the laws relating to the registering and numbering of waggons, carts, and drays used in the metropolis, and to make other regulations in lieu thereof: Be it therefore enacted, &c., That the several acts and parts of acts herein-after mentioned, or so Certain acts much and such part and parts thereof as are now in force, shall respectively remain and continue in force until and upon the fifth day of January in the year one thousand eight hundred and thirty-two, and shall then forthwith respectively cease, determine, and be repealed; (that is to say,) the several acts and parts of acts passed in the parliaments of Great Britain herein-after specified, namely, so much of the several acts Acts of Great hereinafter next mentioned as in any manner relates to the licensing or regulating of hackney coaches or chairs, that is to say,) of an act passed in the ninth year of the reign of Queen Anne, made for the purpose (among other things) of licensing and regulating hackney coaches and chairs; and of an act of the tenth year of the said queen Anne, made for the purpose (among other things) of licensing an additional number of hackney chairs; and the whole of an act passed in the twelfth year of the reign of the said queen Anne, intituled An Act for explaining the Acts for licensing Hackney Chairs; and so much as in any manner relates to the licensing or regulating of hackney coaches or chairs of an act passed in the first year of the reign of his Majesty King George the first, made for the purpose (among other things) of better regulating hackney coaches within the cities of London and Westminster and the weekly bills of mortality; 3 G. 1, c. 7, and of an act of the third year of the reign of the said King George the a.1.

(1) By the 3 & 4 W. 4, c. 49, this act is not to extend to steam carriages. See the statute, post.
first, passed for the purpose (among other things) of redeeming certain
duties, revenues, and annuities, and for establishing a general yearly
fund for the future payment of annuities at several rates, to be payable
and transferrable at the bank of England, and redeemable by parlia-
ment; and of an act of the twelfth year of the reign of the said king
ss. 13, 14 & 15. George the first, passed for the purpose (among other things) of adding
one hundred additional hackney chairs to those already licensed; and of
16 G. 2, c. 26, an act of the sixteenth year of the reign of his Majesty king George the
second, passed for the purpose of continuing several laws relating (among
other things) to the additional number of one hundred hackney chairs,
and to the powers given for regulating hackney coaches and chairs; and
also so much of an act of the eighteenth year of the reign of the said
king George the second, passed for the purpose of preventing the misbe-
avour of the drivers of carts in the streets of London, Westminster,
and the limits of the weekly bills of mortality, and for other purposes;
and of an act of the thirtieth year of the reign of the said king George
the second, passed for the purpose of explaining and amending the said
last-mentioned act, as in any manner relates to the registering or num-
bering of carts, cars, drays, and other carriages driven or used within
the cities of London and Westminster and the suburbs thereof, the
borough of Southwark, and the limits of the weekly bills of mortality;
and the whole of an act passed in the thirty-third year of the reign of the
said king George the second, intituled An Act for continuing certain Laws
relating to the additional Number of One hundred Hackney Chairs, and to
the Powers given for regulating Hackney Coaches and Chairs; and so
much of an act of the fourth year of the reign of his late Majesty king
George the third, passed for the purpose (among other things) of extend-
ing the laws relating to hackney coaches to the counties of Kent and
Essex, as in any manner relates to such last-mentioned purpose; and so
much of two several acts passed respectively in the seventh and tenth
years of the reign of the said king George the third, for the purpose
(among other things) of explaining and amending several acts of parlia-
ment relating to hackney coaches and chairs, as in any manner relates
to such last-mentioned purpose; and the whole of the several acts next
following, (that is to say,) an act passed in the eleventh year of the reign of
the said king George the third, intituled, An Act for licensing an ad-
additional Number of Hackney Coaches, and applying the Monies arising
thereby; and another act passed in the said eleventh year of the reign of
the said king George the third, intituled An Act for punishing Offences
committed by Hackney Coachmen and Chairmen within certain Districts and
Places therein mentioned, and for renewing the Registry of Carts and Car-
rriages; and an act of the twelfth year of the reign of the said king George the
third, passed for the purpose of explaining and amending the said recited
act of the seventh year of the same king's reign, so far as the same re-
lates to hackney coaches; and an act passed in the twenty-fourth year
of the reign of his said Majesty king George the third, intituled An Act for laying an additional Duty on Hackney Coaches, and for explaining and
amending several Acts of Parliament relating to Hackney Coaches; and an
act passed in the twenty-sixth year of the reign of his said Majesty king
George the third, for explaining and amending the said last-recited act
of the twenty-fourth year of the reign of his said Majesty; and an act of
the thirty-second year of the reign of his said Majesty king George the
third, passed for the purpose of explaining and amending so much of the
said recited act of the seventh year of the reign of his said Majesty as re-
lates to hackney coaches and chairs; and an act passed in the thirty-
ninth and fortieth years of the reign of his said Majesty king George the
third, intituled An Act for repealing the Rates and Fares taken by licensed
Hackney Coachmen, and for establishing other Rates and Fares in lieu thereof,
and for explaining and amending several Laws relating to Hackney Coaches
and Chairs; and the whole of the several acts passed in the parliaments
of the united kingdom of Great Britain and Ireland, herein-after specified,
(namely,) an act passed in the forty-second year of the reign of his said
Majesty king George the third, intitled An Act to authorize the licensing an additional Number of Hackney Coaches; and an act passed in the forty-fourth year of the reign of his said Majesty king George the third, intitled An Act for explaining and amending the several Acts relating to Hackney Coaches employed as Stage Coaches, and for indemnifying the Owners of Hackney Coaches who have omitted to take out Licences pursuant to an Act made in the Twenty-fifth Year of his present Majesty; and an act passed in the forty-eighth year of the reign of his said Majesty king George the third, intitled An Act for repealing the Rates and Taxes taken by licensed Hackney Coachmen, and for establishing others in lieu thereof, and for amending several Laws relating to Hackney Coaches; and an act passed in the fifty-fourth year of the reign of his said Majesty king George the third, intitled An Act for the better Regulation of the Drivers of licensed Hackney Coaches, for explaining and amending an Act passed in the Forty-eighth Year of his present Majesty, relating to Hackney Coaches, and for authorizing the licensing of a limited Number of Hackney Chariots; and an act passed in the fifty-fifth year of the reign of his said Majesty king George the third, intitled An Act to amend several Acts relating to Hackney Coaches, for authorizing the licensing of an additional Number of Hackney Chariots, and for licensing Carriages drawn by One Horse; and an act passed in the fifty-seventh year of the reign of his said Majesty king George the third, intitled An Act to authorize the driving and keeping a Hackney Coach or Chariot under the same Licence; and the said several recited acts and parts of acts, or so much and such parts thereof as are now in force, shall respectively remain and continue in force until and upon the said fifth day of January one thousand eight hundred and thirty-two, and from and immediately after that day the same shall be and are hereby severally repealed accordingly, save and except so far as the said acts or any of them repeal the whole or any part of any former act or acts, and except as to any duties, penalties, or forfeitures incurred and not recovered, and to any offences or other matters committed or done before or upon the said fifth day of January one thousand eight hundred and thirty-two.

II. That all licences to drive, keep, and let to hire any hackney coach, chariot, or two-wheeled carriage, granted or to be granted by the commissioners appointed by his Majesty's commission for regulating and licensing such hackney coaches, chariots, two-wheeled carriages, under or by virtue of the said several recited acts or any of them, shall also cease and determine from and after the said fifth day of January one thousand eight hundred and thirty-two; and every person to whom any such licence shall have been granted shall, either before or within one calendar month next after the said fifth day of January one thousand eight hundred and thirty-two, deliver up to the commissioners of stamps, or to their authorized officer, at the head office for stamps in the city of Westminster, the numbered plate or plates appertaining to every such licence, or, in default thereof, every such person shall forfeit forty shillings for every such plate which he shall neglect or omit so to deliver up within the time herein before limited for that purpose.

III. That from and after the commencement of this act there shall be raised, levied, and paid unto and for the use of his Majesty, his heirs and successors, for and in respect of every licence and every hackney carriage mentioned and described in the Schedule (A.) to this act annexed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the same schedule; and that the said schedule shall be deemed and taken to be part of this act; and that all the said duties shall be under the management of the commissioners of stamps, and shall be denominated and deemed to be stamp duties.

IV. That every carriage with two or more wheels which shall be used for the purpose of standing or plying for hire in any public street or road at any place within the distance of five miles from the general post office in the city of London, whatever may be the form or construction of such

Former licences to cease, and the plates to be delivered up to the commissioners of stamps.

Grant of stamp duties specified in the schedule (A.) hereto annexed.

Definition of a hackney carriage.
Stage [and Hackney] Coaches.  [Part VI.

No. II.  
1 & 2 W. 4,  
c. 22.

Horses used in drawing hackney carriages not to be subject to the duties imposed by 4 G. 4, c. 62, on horses let for hire.

Hackney carriages not to be kept without licences, nor without plates.

Licences to be granted by the commissioners of stamps or their officers.

... carriage, or the number of persons which the same shall be calculated to convey, or the number of horses by which the same shall be drawn, shall be deemed and taken to be a hackney carriage within the meaning of this act; and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe any such carriage as aforesaid by the term "Hackney Carriage," without further or otherwise describing the same: Provided always, That nothing in this act contained shall extend to any stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and being duly licensed by the commissioners of stamps for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches.

V. That the duties granted by an act passed in the fourth year of the reign of his late Majesty George the fourth, intituled An Act to repeal the Duties on Horses let to Hire for the Purpose of travelling in Great Britain, and to grant other Duties in lieu thereof, and to provide for letting the same to farm, shall not be deemed to attach upon or be payable in respect of any horse used in drawing any hackney carriage which shall be duly licensed under the provisions of this act, where the same shall be used to go no greater distance than ten miles from the general post office in the city of London, provided such hackney carriage shall be regularly and constantly used for the purpose of standing and plying for hire in the public streets or roads within the distance of five miles from the said general post office.

VI. That it shall not be lawful for any person to keep, use, employ, or let to hire any hackney carriage, at any place within the distance of five miles from the general post office in the city of London, unless such person shall have a licence in force so to do under the hands of two of the commissioners of stamps, or under the hand of some person duly authorized by the said commissioners to grant such licence, nor unless there shall be fixed on such hackney carriage, in the manner herein-after mentioned, the numbered plate herein-after directed to be delivered with every such licence.

VII. That any two of the commissioners of stamps, or any person duly authorized by the said commissioners, shall grant licences under their or his hands or hand, upon the terms and conditions and in the manner herein-after mentioned, to keep, use, employ, and let to hire any hackney carriage at any place within the distance of five miles from the general post office in the city of London; and the said commissioners, or the person so authorized to grant such licences as aforesaid, shall at the time of granting every such licence, and at all other times when necessary, deliver to the persons applying for such licences respectively a numbered plate, to be fixed upon every such hackney carriage in the manner herein-after mentioned, upon which said plate there shall be painted a number corresponding with the number which shall be inserted in such licence, together with such device as the said commissioners shall think fit to cause to be painted on every such plate; and such plate shall be known and distinguished from other plates required by this act to be fixed upon hackney carriages by the name of the stamp office plate: Provided always, That it shall be lawful for the said commissioners, if they shall think proper, to refuse to grant any such licence to any person whose former licence shall have been revoked by the said commissioners under or by virtue of any of the powers or authorities contained in this act, or to any person who shall be in arrear for any duties granted by this act; and provided also, that no such licence shall be granted to any person under the age of twenty-one years, nor to any person who shall have been at any time convicted of felony, or of knowingly receiving stolen property.

VIII. That until the fifth day of January one thousand eight hundred and thirty-three the number of licences so to be granted by the commissioners of stamps or their authorized officer which shall be in force at one and the same time shall not at any time exceed twelve hun-
dred, and that in the granting of such licences as aforesaid the said commissioners shall first give preference to the applications of such persons as shall be possessed of licences granted under any former act to keep hackney coaches, chariots, or two-wheeled carriages, and in force at the time of or at any time within one calendar month next preceding the commencement of this act, and who, at any time within one calendar month next preceding or before the expiration of one calendar month next following the said commencement, shall apply for licences under this act; and the said commissioners or their authorized officer shall grant to such persons respectively the same number of licences under this act which such persons shall respectively hold and have in force as aforesaid under any former act, or any less number which such persons respectively may think proper to apply for; and in case the number of such licences which shall be so granted to such persons as aforesaid, and which shall be in force at one and the same time, shall, at any time after the expiration of one calendar month next after the commencement of this act, and after the fifth day of January one thousand eight hundred and thirty-three, be or become less than twelve hundred, then it shall be lawful for the said commissioners or their authorized officer to grant such licences to the extent of twelve hundred in the whole to such persons as the said commissioners shall think fit.

IX. That from and after the fifth day of January one thousand eight hundred and thirty-three, licences to be granted without limitation of number.

X. Provided always, That every person who shall be possessed of any licence or licences to keep any hackney coach, chariot, or two-wheeled carriage, granted to him under any former act, and in force at the time of or at any time within one calendar month next preceding the commencement of this act, shall be entitled to have the same or any less number of new licences granted to him under the authority of this act, without the payment of the duty of five pounds by this act imposed on every such licence; provided he shall produce and deliver up to the commissioners of stamps the said licence or licences of which he shall be so possessed, together with the numbered plate or plates appertaining thereto, and shall apply for such new licence or licences within one calendar month next preceding, or before the expiration of one calendar month next following the commencement of this act.

XI. That before any such licence as aforesaid shall be granted under Persons possessing licences at the commencement of this act to be entitled to new licences, without payment of the duty of 5s.

XII. That there shall be specified in every such licence to be granted What shall be as aforesaid the true christian name and surname and place of abode of specified in the the person and of every person who shall be a proprietor or part pro. licences. prietor of the hackney carriage in respect of which such licence shall be granted, or who shall be concerned either solely or in partnership with
Stage [and Hackney] Coaches.

No. II. 1 & 2 W. 4, c. 22.

Notice to be given by proprietors of hackney carriages of any change of abode.

Penalty 40s.

Names and places of abode of the proprietors of hackney carriages, and the numbers of the plates, to be registered at the Guildhall in London.

Penalty 40s.

Duties in what manner to be paid.

Mode of discontinuing licences.

any other person in the keeping, using, employing, or letting to hire of such hackney carriage, the number which shall be painted or marked on the plates to be fixed on such hackney carriage, together with such clauses and conditions for more effectually securing the payment of the weekly duty by this act made payable in respect of every such licence as the commissioners of stamps in their discretion shall think fit; and every such licence shall bear date on the day on which the same shall be granted.

XIII. That as often as any person named as the proprietor or one of the proprietors in any licence to keep, use, employ, and let to hire any hackney carriage under the provisions of this act, shall change his place of abode, he shall within seven days next after such change give notice thereof in writing, signed by him, to the commissioners of stamps, specifying in such notice his new place of abode; and such proprietor shall at the same time produce such licence to the proper officer at the head office for stamps in Westminster, who shall endorse thereon and sign a memorandum specifying the particulars of such change; and if any person named as the proprietor or one of the proprietors of any hackney carriage in any such licence as aforesaid shall change his place of abode, and shall neglect or omit to give notice of such change, or to produce such licence in order that such memorandum as aforesaid may be indorsed thereon, within the time and in the manner limited and directed by this act, he shall forfeit forty shillings.

XIV. That the proprietor of every hackney carriage licensed under the provisions of this act shall, within seven days next after any such licence shall be granted to him, leave at the office of the commissioners of sewers of the said city of London and liberties thereof for the time being, at the Guildhall in the city of London, with the principal clerk or the assistant clerk to the said commissioners, a true account in writing of his christian name and surname and place of abode, and of the number of the plate granted with any such licence, and every such proprietor shall in like manner deliver at the said office a similar account from time to time as often as and within seven days next after his place of abode or the number of the plate granted to him as aforesaid shall be changed, upon pain that every such proprietor who shall refuse or neglect to deliver such account as aforesaid, within the time and in the manner directed by this act, shall forfeit forty shillings.

XV. That the weekly sum of ten shillings by this act reserved and made payable in respect of every such licence as aforesaid shall be due and payable in advance, in manner following; that is to say, the person to whom any such licence shall be granted shall, at the time of the granting thereof, pay in advance to the receiver general of stamp duties, at the head office for stamps in the city of Westminster, the said weekly duty, computed from the day of the date of such licence, if the same shall bear date on a Monday, and if the same shall bear date on any other day of the week, then from the Monday next preceding the day of the date thereof, up to the first Monday of the next succeeding calendar month; and on the first Monday of every calendar month the person to whom such licence shall be granted shall pay in advance the said weekly duty up to the first Monday in the next succeeding calendar month, and so on from time to time during the continuance of every such licence; and the said weekly duty shall accordingly be paid in advance, from time to time, in manner aforesaid, to the said receiver general, or in default thereof it shall be lawful for the commissioners of stamps to revoke and make void any such licence, and to call in the numbered plate relating thereto.

XVI. That when any person to whom any such licence shall have been granted shall determine to give up such licence, and to discontinue the use of the hackney carriage in respect of which the same may have been granted, such person shall give notice in writing of such his determination to the commissioners of stamps, or to the officer authorised to grant such licences; and when the time for giving up such
licence according to such notice shall have expired, and the plate mentioned in such licence shall have been redelivered to the said commissioners or to such officer as aforesaid, such licence shall cease and determine, and shall be no longer in force, and the person so previously licensed shall not be charged or chargeable with the said weekly duty in respect of such licence for any period subsequent to the expiration of such notice and the redelivery of such plate: Provided always, that no such licence as aforesaid shall by any such notice be made to cease or expire on any other day than on the first Monday in some calendar month subsequent to the delivery of such notice, up to which period the said weekly duty shall be payable; any thing herein-before or in any such notice contained to the contrary notwithstanding.

XVII. That whenever any person shall give notice to the commissioners of stamps, or their authorized officer, of his intention to give up any licence granted under this act for or in respect of any hackney carriage, and also whenever any such licence as aforesaid granted to any person shall be revoked by the said commissioners, such person to whom any such licence as aforesaid shall have been granted shall deliver up the numbered plate mentioned in such licence, or in any indorsement thereupon, to the said commissioners or to their authorized officer; and every such person who shall neglect or refuse so to deliver up such plate within three days after the expiration of notice of his intention to give up such licence, or of the revocation thereof, as the case may be, shall forfeit ten pounds, and shall also continue to be subject and liable to the payment of the said weekly duty by this act charged in respect of every such licence.

XVIII. That all carriages, horses, and harness, and other articles and things, kept, used, or employed for the purpose of being let for hire by any person to whom any such licence as aforesaid shall be granted under the provisions of this act, shall be subject and liable to and chargeable with all the duties which shall from time to time become due and payable from or by such person for or in respect of any such licence as aforesaid granted to him, and to and with all penalties which may be imposed upon or incurred by such person under this act, and also to and with the costs and expenses of all proceedings which shall or may be had or taken for the recovery of any such duties and penalties respectively; and all such carriages, horses, harness, and other articles and things may be distrained or otherwise seized or taken to satisfy such duties, penalties, costs, and expenses, or any part thereof respectively, in or into whose custody or possession soever such carriages, horses, harness, and other articles shall or may be or come, and by or under what right or title soever the same shall or may be held or claimed; and in case any person in or into whose custody or possession any such carriages, horses, harness, or other articles shall be or come by or under any means or title whatsoever, shall convert the same to his own use, or shall sell or dispose thereof for the use or benefit of any other person, after notice given by the commissioners of stamps, or their solicitor, or by any other officer of stamp duties, that such carriages, horses, harness, or other articles are subject and liable to or chargeable with any of the duties, penalties, costs, and expenses aforesaid, every person so converting or selling or disposing of such carriages, horses, harness, or other articles shall be accountable to his Majesty to the extent of the value of such carriages, horses, harness, or other articles, for the duties, penalties, costs, and expenses to or with which such carriages, horses, harness, or other articles shall be subject, liable, or chargeable, and the same may be sued for and recovered under and by virtue of this act as a debt due to his Majesty accordingly.

XIX. That if any person to whom any such licence as aforesaid shall be granted shall make default in payment of the said weekly duty which shall become due or payable in respect of such licence, at the time and in the manner by this act appointed for payment thereof, it shall be lawful for any two of the commissioners of stamps to grant a warrant to

Penalty 10l.

Plates to be delivered up on the discontinuance or revocation of such licences.

Carriages, horses, harness, &c. liable to duties and penalties.

Duties recoverable by distress.
Stage [and Hackney] Coaches. [Part VI.

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any constable or police officer, or to any officer of stamp duties, directing him to detain every such person so making default as aforesaid, by his goods and chattels, and also to seize and take the carriages, horses, harness, and other articles and things by this act made subject and liable to such duty, for the amount of the duty so due or payable as aforesaid, and of all the costs, charges, and expenses incident or relating to the taking and keeping of such distress; and it shall be lawful for such constable or for any such officer as aforesaid to make such distress and seizure accordingly; and the distress so taken to detain and keep for the space of five days, at the costs and charges of the person distressed; and if the amount of such duty, and of all the costs, charges, and expenses aforesaid, shall not be paid within such space of five days, then such constable or other officer shall cause the goods and chattels, carriages, horses, harness, and other things so seized or taken, to be sold in the manner directed by this act, and shall render the overplus, if any, of the money arising by the sale thereof, after deducting and retaining the amount of such duty, and all the costs, charges, and expenses aforesaid, as well as the charges and expenses of the sale, to the person so detained, or to the owner of the carriages, horses, harness, or other things so seized and taken as aforesaid; and for the purpose of taking such distress it shall be lawful for such constable or police officer, or for such officer of stamp duties in the presence of any constable or police officer, where any refusal or resistance shall be made, to break open in the day time, any house or place where any such carriages, horses, harness, or other articles or things, or any goods or chattels, to be seized or taken under such warrant as aforesaid, shall be.

XX. That upon every hackney carriage which shall be used for the purpose of standing or plying for hire, or which shall be let for hire, within the distance of five miles from the general post office in the city of London, the stamp office plate shall be fixed in a conspicuous place on the outside of the back of such hackney carriage; and there shall also be fixed upon every such hackney carriage, in the manner herein-after directed, three other numbered plates, of the description herein-after mentioned, to be provided for this purpose by the proprietor of such hackney carriage; that is to say, a plate, having thereon the number of the stamp office plate placed upon such hackney carriage, denoted by projecting figures of one inch and a half at least in length, and of a proportionate breadth, and without any other figure or any letter or other device thereon, shall be fixed in a conspicuous place on the inside of the back of such hackney carriage; and two other plates, upon which there shall be painted, in letters and figures of black upon a white ground, the christian name and surname of the proprietor or of one of the proprietors of such hackney carriage, and the number of the said stamp office plate shall respectively be fixed in some conspicuous place on each side of such hackney carriage; and if it shall happen that the commissioners of stamps or their authorized officer shall be dissatisfied with the position of any plate fixed or placed upon any such hackney carriage, and shall direct such plate to be placed upon some other conspicuous part of any such hackney carriage, such plate shall be placed and fixed accordingly upon any part of such hackney carriage in compliance with such direction; and every such plate shall be placed and fixed upon every such hackney carriage in such manner that the number thereon shall be at all times plainly and distinctly visible and legible; and if any proprietor or driver of any hackney carriage shall permit or suffer any such plate, or the number on any such plate, placed or fixed upon such hackney carriage, to be in any manner or by any means concealed from public view, or to be inverted, or if such proprietor or driver, or any waterman or assistant to the drivers of hackney carriages, shall molest or oppose or by any means endeavour to prevent any person in or from inspecting any such plate fixed or placed upon any such hackney carriage, or in or from taking or noting the number thereof, or if any such proprietor, driver, or waterman or assistant shall by word of mouth give or declare to any person a wrong number as or
for the number of such plate or of such hackney carriage, such pro-

prietary, driver, or waterman or assistant shall forfeit five pounds.

XXI. That whenever, in the opinion of the commissioners of stamps
or their authorized officer, it shall be expedient to recall any plate for
the purpose of changing the same for any other plate bearing the same
or a different number, the said commissioners or such officer shall give
notice to the person or to any one of the persons to whom the licence
relating to such plate shall have been granted, that the said commis-
sioners or such officer do or doth by such notice recall such plate; and
the person to whom such licence shall have been granted shall within
one week after such notice deliver up such plate, and produce the licence
relating to the same, to the said commissioners or to their authorized
officer, and also apply to the said commissioners or such officer for a
new plate; and thereupon the said commissioners or such officer shall
deliver to the person so applying for the same a new plate in lieu of the
plate so as aforesaid recalled; and if such new plate shall bear a number
different from the number mentioned in such licence, the said commis-
sioners or such officer shall indorse upon such licence a memorandum
of the surrender of the plate therein mentioned, and of the granting of
such new plate in lieu thereof; and from thenceforth such licence shall
be deemed to relate to such new plate in the same manner as if the
number thereof had been originally inserted in the body of such licence:
Provided always, That if it shall appear to the said commissioners or to
their authorized officer that the number upon any such plate so delivered
up as aforesaid hath been wilfully obliterated, or hath been rendered
illegible by any other means than by the regular and proper use and
wear thereof, it shall be lawful for the said commissioners or such offi-
cer to refuse to deliver any plate in lieu of the plate so surrendered and
delivered up as aforesaid, unless the person applying for the same shall
also surrender and deliver up the licence relating to such surrendered
plate, and shall take out and pay for a new licence with and relating to
the plate to be delivered in lieu thereof.

XXII. That if any person shall keep, use, employ, or let to hire any
hackney carriage at any place within the distance of five miles from the
general post office in the city of London, without having a licence in
force so to do, or without having the proper numbered plates properly
placed and fixed upon such hackney carriage in the manner required by
this act; or if any person to whom any licence shall have been granted
under this act to keep, use, employ, or let to hire a hackney carriage,
shall not, within one week after notice given to him, in the manner di-
rected by this act, that the stamp office plate to which such licence shall
relate hath been recalled, deliver up the plate mentioned in such notice,
according to the terms thereof, and produce the licence relating to such
plate, and apply for a new plate, and fix such new plate upon his hack-
ney carriage in the manner directed by this act, every such person so
offending in any of the several cases aforesaid shall forfeit ten pounds.

XXIII. That if any carriage shall be used for the purpose of standing
or plying for hire as a hackney carriage in any public street or road at
any place within the distance of five miles from the general post office
in the city of London, such carriage not having the proper stamp office
plate fixed thereon as required by this act, the driver of such carriage,
or the person plying for hire therewith, or having the care thereof, not
being the owner or proprietor thereof, shall forfeit five pounds, and if he
shall be the owner or proprietor of such carriage he shall forfeit ten
pounds; and it shall be lawful for any constable or police officer, or for
any officer of stamp duties, without any warrant for that purpose, to ap-
prehend such driver or other person plying for hire with or having the
care of such carriage, and to convey him before any justice of the peace,
and so be dealt with as herein-after mentioned; and it shall also be lawful
for such constable or police officer, or officer of stamp duties, to drive or
take the carriage not having such plate, with the horse or horses har-
nessed thereto or drawing the same, or to cause the same to be driven
or taken, to some public green yard, or to some livery stables or other

Where a plate has been wil-

fully obliterate-

Penalty for

Penalty on

If the owner

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place of safety, and there to lodge the same for safe custody until the determination of such justice shall be known; and the justice before whom such driver or other person shall be brought shall hear and determine such offence; and in case the person convicted of any such offence shall be the owner or proprietor of such carriage or of the said horse or horses, and if the penalty in which he shall be convicted, together with the costs and expenses, and the expenses of taking such carriage and horses to and keeping the same at such green yard, stables, or other place, shall not be fully paid or discharged within five days after such conviction, such carriage and horses, together with the harness used therewith, shall be sold by the order under the hand of such justice, and the surplus, if any, of the produce of such sale, after deducting therefrom the said penalty, costs, and expenses, and also the expenses of such sale, shall be rendered to such owner or proprietor; but in case the person so convicted shall not be the owner or proprietor of such carriage or horses, then in default of payment of the penalty in which he shall be convicted, together with the costs and expenses aforesaid, such justice shall commit the offender to the common goal or house of correction, there to be kept for the space of three calendar months; and such justice shall give an order for the delivering up of the carriage, horses, and harness to the owner thereof, on his paying the expenses of taking and keeping the same; and in case of his refusal to pay such expenses, then such carriage, horses, and harness, or a sufficient part thereof to defray such expenses, shall be sold by order under the hand of such justice; and after payment thereout of all such expenses as aforesaid, together with the expenses of such sale, the surplus, if any, of the produce of such sale, together with such part of the carriage, horses, and harness as shall remain unsold, shall be rendered and restored to the owner.

XXIV. That in any complaint or other proceeding for the recovery of any penalty incurred under this act in respect of or with relation to any hackney carriage, if evidence shall be given that the carriage in respect of which or in any manner relating to which any such proceeding shall be commenced or prosecuted was seen in or upon any public street or road having thereon any numbered plate by this act directed to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, such carriage shall be deemed and taken to be a hackney carriage, and such evidence as aforesaid shall be received as sufficient proof that such carriage was kept, used, and employed, and let to hire as a hackney carriage within the meaning of this act; and that in all such proceedings as aforesaid, the person named or described in the licence granted with or relating to the number of the stamp office plate, if any, fixed or placed upon any such carriage, whether such licence shall be in force or not, shall for the purposes of this act be deemed to be the proprietor of such carriage, unless the contrary be proved.

XXV. That if any person shall forge or counterfeit, or shall cause or procure to be forged, counterfeited, or resembled, the stamp office plate by this act directed to be provided for the purpose of being fixed upon every hackney carriage, or if any person shall wilfully fix or place, or shall cause or permit or suffer to be fixed or placed, upon any hackney carriage, or other carriage, any such forged or counterfeited plate as aforesaid, or if any person shall sell or expose to sale or utter any such forged or counterfeited plate, or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have or be possessed of any such forged or counterfeited plate, knowing such plate to be forged or counterfeited, every person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence as aforesaid, shall be adjudged guilty of a misdemeanor, and, being thereof convicted, shall be liable to be punished by fine or imprisonment, or by both, such imprisonment to be in the common gaol or house of correction, and either with or without hard labour, as the court shall think fit; and it shall be lawful for
any officer of stamp duties, or for any constable or police officer, to seize and take away any such plate, in order that the same may be produced in evidence against such offender, or be disposed of as the commissioners of stamps shall think proper.

XXVI. That when any information or complaint shall be made before any justice of the peace against the driver of any hackney carriage for any offence committed by him against any of the provisions of this act, such justice shall forthwith summon the proprietor of such hackney carriage personally to appear, and to produce the driver of such hackney carriage, to answer such information or complaint; and if any such proprietor, being duly summoned, shall neglect or refuse personally to appear, or to produce such driver according to such summons, without a reasonable excuse to be allowed by the justice before whom he ought to appear according to such summons, such proprietor shall forfeit forty shillings, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him: Provided always, that if such proprietor shall neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, without a reasonable excuse to be allowed as aforesaid, it shall be lawful for such justice to proceed to hear and determine the said information or complaint in the absence of the said proprietor and driver, or of either of them, and upon proof of such offence by the oath of one or more credible witnesses or witnesses to give judgment against such proprietor for the penalty incurred by reason of such offence.

XXVII. That all pecuniary penalties and costs incurred by reason of any offence committed by the driver of any hackney carriage against the provisions of this act shall, unless such driver shall pay the same, be levied by distress and sale of the goods of the proprietor of such hackney carriage, and for want of sufficient distress such proprietor shall be committed to the common gaol or house of correction, there to remain for any time not exceeding two calendar months, unless such penalties and costs shall be sooner paid.

XXVIII. Provided always, That every such proprietor who shall pay any penalty or costs incurred by reason of any such offence as aforesaid committed by such driver shall be entitled to recover the same from such driver in a summary manner; and upon complaint made in the premises before any justice of the peace by the said proprietor against the said driver, such justice shall inquire into the same, and shall cause the sum which shall appear to have been so paid as aforesaid by the said proprietor to be levied by distress and sale of the goods of the said driver; and for want of sufficient distress, such justice shall commit the said driver to the common gaol or house of correction, there to remain for any time not exceeding two calendar months, unless the said sum shall be sooner paid; and every such imprisonment shall be with or without hard labour, as such justice shall direct: Provided always, that if the said driver shall have been previously convicted of the offence for which the said penalty or costs shall be so as aforesaid paid by the said proprietor, then such proceedings shall be had and taken against the said driver upon such conviction for recovery of the penalty and costs in which he shall have been convicted as might have been had and taken thereon in case the said penalty or costs had not been paid by the said proprietor, and upon recovery thereof the sum so paid by such proprietor shall be repaid to him.

XXIX. That in case of any dispute between the proprietor of any hackney carriage and the driver thereof, then upon complaint made before any justice of the peace by such proprietor against such driver, or by such driver against such proprietor, such justice shall inquire into and determine the same, and shall award and order such compensation to be made to either party as to such justice shall seem proper; and in case of the nonpayment of such compensation, such justice shall cause the same to be levied by distress and sale of the goods of the party refusing or neglecting to make payment thereof; and for
want of sufficient distress such justice shall commit the said party to the
common gaol or house of correction, there to remain for any time not
exceeding two calendar months, unless the same shall be sooner paid.

XXX. That it shall be lawful for any two of the commissioners of
stamps to grant licences under their hands to such persons as they shall
think fit and proper to act as watermen or assistants to the drivers of
hackney carriages at the standings or places of resort where hackney
materials usually stand or ply for hire, which said licences shall be
granted in such form as the said commissioners shall think fit; and
every such licence shall be dated on the day on which the same shall be
granted, and shall specify the true christian name and surname and
place of abode of the person to whom the same shall be granted, and
shall specify the standing or place of resort at which he shall be thereby
authorised to act as such waterman or assistant as aforesaid; and as
often as such waterman or assistant as aforesaid shall change his place
of abode, notice in writing of such change, signed by such waterman or
assistant, shall forthwith be given to the proper officer at the head office
for stamps in Westminster, and the licence of such waterman or assist-
ent shall at the same time be produced to such officer, who shall indorse
thereon and sign a memorandum of such notice, or in default thereof
such licence shall be void; and if any person shall act as such water-
man or assistant as aforesaid at any such standing or place of resort as
aforesaid without first having duly obtained and having in force a
licence from the commissioners of stamps authorising him in that
behalf, he shall forfeit forty shillings.

XXXI. That the commissioners of stamps, at the time of granting to
any person a licence to act as a waterman or assistant to drivers of
hackney carriages, shall deliver to such waterman a badge to denote his
office and employment, having thereon a number by which such water-
man may be identified, and which badge shall be worn by such water-
man, during all the time of his employment, conspicuously upon his
breast, in such manner that the number thereon shall be at all times
plainly and distinctly-visible and legible; and if any person shall act as
such waterman without having and wearing such badge in manner
aforesaid, or if any such waterman shall refuse to permit any person to
inspect and note the number on such badge, or if any such waterman
shall lend such badge to or permit the same to be worn by any other
person, such waterman shall forfeit forty shillings, and on conviction of
any such offence it shall be lawful for the commissioners of stamps if
they think fit, to revoke the licence of such waterman.

XXXII. That the particulars of every licence which shall be granted
under any of the provisions of this act, and of all alterations made
therein, and of all indorsements thereupon, shall be entered, in such
manner and form as the commissioners of stamps shall direct, in one or
more book or books to be provided and kept for that purpose at the said
head office for stamps; and in all courts, and before any justice of the
peace, and upon all occasions whatsoever, the entries made or contained
in any such book or books shall be received as evidence, and be deemed
to be sufficient proof of all matters and things therein registered or con-
tained relating to any such licence as aforesaid, without requiring the
production of the original licence, or of any requisition, notice, or other
document upon which any such entries may be founded, and without
any further proof than the production of such book or books; and any
person shall be at liberty to inspect any such book or books without
payment of any fee or reward.

XXXIII. That if any person applying for or procuring or attempting
to procure any licence under any of the provisions of this act shall use
or employ any false or fictitious name or place of abode, or other false
or fictitious description of any person or supposed person, or shall wilfully
or knowingly insert or cause to be inserted in any requisition for any such
licence, or in any such licence, any false or fictitious name or place of abode,
or other false or fictitious description of any person or supposed person,
or shall wilfully or knowingly insert or cause to be inserted in any such requisition or in any such licence as aforesaid the name of any person as being a proprietor or part proprietor of any hackney carriage who shall not at the time of the application for such licence be in fact a proprietor or part proprietor of such hackney carriage, the person so offending shall be guilty of a misdemeanor, and, being convicted thereof, he shall be liable to be punished by fine or imprisonment, or by both, as the court shall award, such imprisonment to be in the common gaol or house of correction, and either with or without hard labour, as the court shall think fit.

XXXIV. That the driver of every hackney carriage which shall be let for hire at any place within the distance of five miles from the general post office in the city of London shall be obliged and compellable, if required by any person hiring such hackney carriage, (unless such driver shall have a reasonable excuse to be allowed by the justice before whom any such matter shall be brought in question,) to drive such hackney carriage to any place to which he shall be so required to drive the same within the distance of five miles from the said general post office, or to any place to which he shall be so required to drive the same within the distance of five miles from the place where the same shall have been let to hire; and in case such driver shall refuse to drive such hackney carriage to any such place as aforesaid, he shall forfeit forty shillings.

XXXV. That every hackney carriage which shall be found standing in any street or place, and having thereon any of the numbered plates required by this act to be fixed on hackney carriages, shall, unless actually hired be deemed to be plying for hire, although such hackney carriage shall not be on any standing or place usually appropriated for the purpose of hackney carriages standing or plying for hire; and the driver of every such hackney carriage which shall not be actually hired shall be obliged and compellable to go with any person desirous of hiring such hackney carriage; and upon the hearing of any complaint against the driver of any such hackney carriage for any such refusal, such driver shall be obliged to adduce evidence of having been and of being actually hired at the time of such refusal, and in case such driver shall fail to produce sufficient evidence of having been and of being hired as aforesaid, he shall forfeit forty shillings.

XXXVI. Provided always, That if the driver of any hackney carriage shall in civil and explicit terms declare to any person desirous to hire such hackney carriage that it is actually hired, and shall afterwards, notwithstanding such reply, be summoned to answer for his refusal to carry such person in his said hackney carriage, and shall upon the hearing of the complaint produce sufficient evidence to prove that such hackney carriage was at the time actually and bond fide hired, and it shall not appear that he used uncivil language, or that he improperly conducted himself towards the party by whom he shall be so summoned, the justice before whom such complaint shall be heard shall order the person who shall have summoned such driver to make to him such compensation for his loss of time in attending to make his defence to such complaint as such justice shall deem reasonable, and in default of payment thereof to commit such person to prison for any time not exceeding one calendar month, unless the same shall be sooner paid.

XXXVII. That it shall be lawful for the proprietor or driver of any hackney carriage which shall be licensed under the authority of this act to stand and ply for hire with such carriage and to drive the same on the be compellable Lord's Day, any former act or acts to the contrary notwithstanding; and to drive on that such proprietor or driver who shall so stand or ply for hire as aforesaid shall be liable and compellable to do the like work on the Lord's Day as such proprietor or driver is by this act liable or compellable to do on any other day of the week.

XXXVIII. That the proprietor or driver of any hackney carriage licensed under the provisions of this act shall be entitled to demand and take for the hire of such hackney carriage the rates and fares mentioned and set forth in figures or otherwise described in either of the two scho-

What distance drivers of hackney carriages shall be compellable to drive.

Penalty 40s.

Hackney carriages standing in any street to be deemed to be plying for hire, and the driver thereof refusing to go with any person liable to a penalty of 40s.

Compensation to drivers improperly summoned for refusing to carry any person.

Sundays.

Rates and fares to be taken for hackney carriages.
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Back fare payable by night.

XXXIX. That in case any hackney carriage, after having been hired at any place, whether within or beyond the limits of the metropolis as defined by this act, shall be discharged at any place beyond the said limits after the hour of eight in the evening and before five in the morning, it shall be lawful for the proprietor or driver of such hackney carriage to demand and receive, over and above the proper fare in respect of the distance or time for which the same shall have been hired or used, the full rate or fare from the place of such discharge to the nearest point of the said limits, or to any standing of hackney carriages where such hackney carriage shall have been hired beyond such limits, at the option of the person discharging the same, and in case any hackney carriage shall be hired and driven into the country, and there discharged at a distance of four miles or more beyond the said limits of the metropolis, in the day-time, and not after the hour of eight in the evening nor before five in the morning, it shall be lawful for the driver of such hackney carriage to demand and receive for the return thereof from the place of such discharge to the nearest point of the said limits, or to any standing for hackney carriages beyond any such limits where such hackney carriage shall have been hired, at the option of the person discharging such hackney carriage, for each and every mile the additional rate or fare of sixpence: Provided always, that no such additional rate or fare in the day-time shall be payable for any less distance than four miles.

XL. And whereas letters arriving in London by the general post are now delivered without additional postage at any place comprised within a circle, the radius of which is of the length of three miles measured from the general post office; be it enacted, that the circumference of the said circle shall be for the purposes of this act be deemed and called the limits of the metropolis.

XLI. That if any person shall refuse or omit to pay the driver of any hackney carriage the sum justly due to him for the hire of such hackney carriage, or if any person shall deface or in any manner injure any such hackney carriage, it shall be lawful for any justice of the peace, upon complaint thereof made to him, to grant a summons, or if it shall appear to him necessary a warrant, for bringing before him or any other justice such defaulter or offender, and, upon proof of the facts made upon oath before any such justice, to award reasonable satisfaction to the party so complaining for his fare or for his damages and costs, and also a reasonable compensation for his loss of time in attending to make and establish such complaint; and upon the refusal of such defaulter or offender to pay or make such satisfaction, it shall be lawful for such justice to commit him to prison, there to remain for any time not exceeding one calendar month, unless the amount of such satisfaction shall be sooner paid; and it shall also be lawful for such justice, if he shall think fit, to order such defaulter or offender to be kept to hard labour during such imprisonment.

XLIII. That if the driver of any hackney carriage shall refuse to go with any person desirous of hiring his carriage for the legal and proper fare allowed by this act, or if such driver shall refuse to drive such hackney carriage with all reasonable and proper expedition, or if the proprietor or driver of any hackney carriage shall exact or demand for the hire thereof more than the proper sum limited and allowed for the same by this act, every such proprietor or driver so offending shall forfeit forty shillings.

XLIII. That no agreement whatever made with the driver of any hackney carriage for the payment of more than his proper fare, as the same is allowed and limited by this act, shall be binding on the person making the same, but that any such person may, notwithstanding any such agreement, refuse, on discharging such hackney carriage, the pay-
ment of any sum beyond the proper fare as allowed and limited as aforesaid; and in case any person shall actually pay to the driver of any hackney carriage, whether in pursuance of any such agreement or not, any sum exceeding his said proper fare, which shall have been demanded or required by such driver, the person paying the same shall be entitled, on complaint made against such driver before any justice of the peace, to recover back the sum paid beyond the proper fare, and moreover such driver shall forfeit, as a penalty for such exaction, the sum of forty shillings; and in default of the repayment by such driver of such excess of fare, or of payment of the said penalty, such justice shall forthwith commit such driver to prison, there to remain for any time not exceeding one calendar month, unless the said excess of fare and the said penalty shall be sooner paid.

XLIV. That it shall be lawful for any person to require the driver of any hackney carriage to drive such hackney carriage, for a stated sum of money, a distance in the discretion of such driver, and in case such driver shall exceed the distance to which such person was entitled to be driven for such stated sum of money, such driver shall not exact or demand more than the sum for which he was so engaged to drive, upon pain to forfeit forty shillings for such offence.

XLV. That if the proprietor or driver of any hackney carriage, or if any other person on his behalf and with his knowledge and consent, shall agree beforehand with any person hiring such hackney carriage to take for any job any sum less than the proper rate of fare allowed by this act, such proprietor or driver shall not exact or demand for his fare more than the sum agreed for, upon pain to forfeit forty shillings for such offence.

XLVI. Disputes as to the number of persons which the hirer of any hackney carriage shall be entitled to require the driver of such hackney carriage to convey thereby, be it enacted, that no hackney carriage shall be used or employed or let to hire, or shall stand or ply for hire, unless nor until there shall be painted on a plate placed on some conspicuous place on the outside of such hackney carriage, in legible and conspicuous letters of black or white (whichever shall most differ from the colour of the ground whereon the same shall be painted), one inch in length, and of a proper and proportionate breadth, the number of persons to be carried by such hackney carriage, in words at length, and in the form following, (that is to say,) "To carry persons;" and the driver of every such hackney carriage shall accordingly be compellable, if required by the hirer thereof, to carry in or by such hackney carriage the number of persons so painted thereon, or any less number, at the option of the hirer; and if any person shall use, employ, or let to hire any hackney carriage, or shall stand or ply for hire therewith, upon which the number of persons to be carried thereby shall not be painted on such plate in such legible and conspicuous letters and in the manner aforesaid, or if the driver of any such hackney carriage shall refuse, if required by the hirer thereof, to carry in or by such hackney carriage the number of persons painted thereon, or any less number which he may be required by such hirer to carry thereby, every such person so offending shall forfeit forty shillings.

XLVII. That where any hackney carriage shall be hired and taken to any place of public resort, or elsewhere, and the driver thereof shall be required there to wait with such hackney carriage, it shall be lawful for such driver to demand and receive from the person so hiring and requiring him to wait as aforesaid a reasonable sum as a deposit, over and above the fare to which such driver shall be entitled for driving thither, which sum so demanded and received shall be accounted for by such driver when such hackney carriage shall be finally discharged; and if any such driver who shall have received any such deposit as aforesaid shall refuse to wait, or to account for the deposit, 40s.
person making such deposit, before the expiration of the time for which the sum so deposited shall be a sufficient compensation according to the rates and fares contained in the Schedule (C.) to this act annexed, or if such driver on the final discharge of such hackney carriage shall refuse duly to account for such deposit, every such driver so offending shall forfeit forty shillings.

XLVIII. That the proprietor of every hackney carriage shall provide and place in such hackney carriage a proper check string or wire, and shall renew the same from time to time so often as occasion shall require; and the driver of every such hackney carriage shall, during the time of his driving any person in such hackney carriage, hold such check string or wire in his hand, so that the same may be used for the accommodation of such person; and if the proprietor of any such hackney carriage shall neglect to provide and place in such hackney carriage such check string or wire as aforesaid, or shall neglect to renew the same when and so often as shall be requisite, or if the driver of any such hackney carriage shall neglect or refuse to hold such check string or wire in his hand during the time aforesaid, every such proprietor and every such driver so offending respectively shall forfeit twenty shillings.

XLIX. That the driver of every hackney carriage wherein any property whatever shall be left by any person hiring the same shall, within four days next after the same shall have been so left, carry such property, in the state in which he shall find the same, to the head office for stamps in the city of Westminster, and shall there deposit and leave the same with the proper officer to be appointed by the commissioners of stamps for that purpose, upon pain that every such driver making any default herein shall forfeit twenty pounds; and the said officer with whom any such property shall be deposited shall forthwith enter in a book to be kept at the said office for that purpose the description of such property, and the name and address of the driver who shall bring the same, and the day on which it shall be brought; and the property so entered shall be returned to the person who shall prove, to the satisfaction of the said commissioners, that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver who brought the same as with reference to the value of the property in question the said commissioners shall award; Provided always, That if such property shall not be claimed by and proved to belong to some person within one year after the same shall have been deposited, (the same having been advertised in such manner as the said commissioners may direct,) such property shall be delivered up to the driver who brought and deposited the same, provided he shall apply for the same within one calendar month next after the expiration of the said one year; and in default of such application by the said driver within the time limited as aforesaid, the said commissioners shall cause such property to be sold or otherwise disposed of, and the proceeds thereof to be paid over to the receiver general of stamp duties, to be carried to the public account.

L. That if the proprietor or driver of any hackney carriage which shall be hired shall permit or suffer any person to ride or be carried in, upon, or about such hackney carriage, without the express consent of the person hiring the same, such proprietor or driver shall forfeit twenty shillings.

LI. That if any proprietor or driver of any hackney carriage shall stand or ply for hire with such hackney carriage, or suffer the same to stand, across any street or common passage or alley, or alongside of any other hackney carriage, or two in a breadth, or within eight feet of the curbstone of the pavement in any such street or common passage or alley; or if any such proprietor or driver, or any waterman or other person, shall feed the horses of or belonging to any hackney carriage in any street, road, or common passage, save only with corn out of a bag, or with hay which he shall hold or deliver with his hands; or if the
Class XXXIV.] Stage [and Hackney] Coaches.

driver of any hackney carriage shall refuse to give way if he conveniently can to any private coach or other carriage, or shall obstruct or hinder the driver of any other hackney carriage in taking up or setting down any person into or from such other hackney carriage; or if any such proprietor or driver shall wrongfully, in a forcible or clandestine manner, take away the fare from any other such proprietor or driver, who, in the judgment of any justice of the peace before whom any complaint of such offence shall be heard, shall appear to be fairly entitled to such fare; every such proprietor, driver, waterman, or other person so offending shall forfeit twenty shillings.

LII. Provided always, That it shall be lawful for the proprietors or drivers of hackney carriages to stand with such hackney carriages two in breadth in Palace-yard, Westminster, without being liable to the penalty by this act imposed for standing two in a breadth or alongside of each other.

LIII. That after every four carriages which shall be upon any standing for hackney carriages in any public street or road, there shall be left a clear space of ten feet; and if the proprietor or driver of any hackney carriage which shall be the next after the fourth, eighth, or twelfth hackney carriage upon such standing, or next after any other hackney carriage after which such clear space as aforesaid ought to be left in pursuance of the direction of this act, shall suffer his hackney carriage, or the horse or horses attached thereto, to stand or be within the distance of ten feet from the said fourth, eighth, twelfth, or other hackney carriage after which such clear space as aforesaid ought to be left, or within the distance of ten feet from the horse or horses attached to the said fourth, eighth, twelfth, or other such hackney carriage as aforesaid, such proprietor or driver so offending shall forfeit twenty shillings.

LIV. That it shall be lawful for the court of mayor and aldermen of the city of London from time to time to appoint proper places in the said city of London and liberties thereof, and in the borough of Southwark, where hackney carriages may stand and ply for hire, and to make such orders for regulating the number of such hackney carriages to stand in such places respectively, and the distances at which they shall stand from each other, and the times at and during which they may stand and ply for hire, and such other orders and regulations for the better ordering and regulating the said hackney carriages, and the drivers or other the person or persons having the management thereof respectively, as to the said court of mayor and aldermen shall seem proper, and from time to time to alter, amend, or repeal such rules, orders, and regulations, and to make others in the room thereof; and the said court of mayor and aldermen shall cause all the rules, orders, and regulations to be made by them as aforesaid, and every alteration, amendment, or repeal thereof respectively, to be advertised in the London Gazette, and in two or more newspapers circulated in the said city of London, and a copy thereof to be hung up for public inspection in the town clerk's office at the guildhall of the said city, before the same or any of them shall be carried into effect, or be considered as repealed by the said court of mayor and aldermen; and in case the driver or any person or persons having the management of any hackney carriage shall permit the same to stand for hire in the said city of London or borough of Southwark in any place which shall not be appointed as aforesaid by the said court of mayor and aldermen, or at or for any other or any longer time than shall be appointed as aforesaid, or shall in any other manner offend against the rules, orders, and regulations to be made by the said court of mayor and aldermen by virtue of this act, or any of them, the person who shall so place the same, or, if such person shall not be known, the owner of such hackney carriage, shall for every such offence forfeit and pay any sum not exceeding five pounds; and every such penalty and forfeiture for any offence committed within the said city of London or borough of Southwark, after deducting such part

No. II.

1 & 2 W. 4, c. 22.

(refusing to give way to, or obstructing any other driver; or depriving him of his fare; Carriages may stand two in breadth in Palace yard.

A clear space of ten feet to be left after every four hackney carriages on any standing.)

Penalty 20s. shillings.

The court of aldermen authorized to make orders for regulating hackney carriages in the city of London and in the borough of Southwark.

Penalty on persons offending against such orders, 5s.
Stage [and Hackney] Coaches.  

No. II.  
1 & 2 W. 4,  
c. 22.  

Penalty for leaving carriages unattended at places of public resort, 20s.

Proprietors, drivers, or watermen misbehaving.

Proprietors, drivers, or watermen misbehaving.

Penalty 5l.

Licence may be revoked.

Justices empowered to award compensation to drivers or watermen for their loss of time in attending to answer complaints which shall not be substantiated against them.

thereof (if any) as shall be adjudged to be paid for the use of any informer or informers, shall be paid to the chamberlain of the city of London for the time being, to the account of the commissioners of sewers of the said city of London and liberties thereof for the time being, to be applied for the general purposes of the acts of parliament which the said commissioners are and shall be appointed to carry into execution: Provided always, That no such rules, orders, or regulations as aforesaid, nor any alteration or amendment thereof, shall be in any respect repugnant to or inconsistent with the laws of the realm, nor to or with any of the provisions of this act.

L.V. That if the driver of any hackney carriage shall leave such hackney carriage unattended in any street or road, or at any place of public resort or entertainment, whether such carriage shall be hired or not, it shall be lawful for any officer of police, constable, or other peace officer, watchman, or patrole, to drive away such hackney carriage, and to deposit the same, with the horse or horses belonging or harnessed thereto, at some neighbouring livery stables or other place of safe custody; and such driver shall forfeit twenty shillings for such offence; and in default of payment of the said penalty upon conviction, and of the expenses of taking and keeping the said hackney carriage and horse or horses, the same, together with the harness belonging thereto, or any of them, shall be sold by order of the justice before whom such conviction shall be made, and after deducting from the produce of such sale the amount of the said penalty and of all costs and expenses as well of the proceedings before such justice as of the taking, keeping, and sale of the said hackney carriage, and of the said horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage.

L.VI. That if the proprietor or driver of any hackney carriage, or any other person having the care thereof, shall by intoxication, or by wanton and furious driving, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property, or if any such proprietor or driver, or if any waterman or assistant to the drivers of hackney carriages, shall make use of any abusive or insulting language, or be guilty of other rude behaviour, to or towards any person whatever, or shall assault or obstruct any officer of stamp duties, or any officer of police, constable, or other peace officer, watchman, or patrole, in the execution of his duty, every such proprietor, driver, waterman, or assistant, or other person so offending in any of the several cases aforesaid, shall forfeit five pounds, and in default of payment thereof he shall be committed to the common gaol or house of correction for any time not exceeding two calendar months; and after the conviction of any such proprietor or waterman or assistant, for any such offence as aforesaid, it shall be lawful for the commissioners of stampes, if they shall think fit, to revoke the licence of any such proprietor or waterman or assistant, and to refuse to grant him any further licence in future.

L.VII. That if any driver of a hackney carriage, or any waterman or assistant to the drivers of hackney carriages shall be summoned or brought before any justice of the peace to answer any complaint or information touching or concerning any offence committed or alleged to have been committed by such driver or waterman respectively against the provisions of this act, and such complaint or information shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, it shall be lawful for the said justice, if he shall think fit, to order and award that the complainant or informant shall pay to the said driver or waterman such compensation for his loss of time in attending the said justice touching or concerning such complaint or information as to the said justice shall seem reasonable; and in default of payment of such compensation, it shall be lawful for the said justice to commit such complainant or informant to prison for any time not exceeding one calendar month, unless the same shall be sooner paid.
LVIII. That whenever the commissioners of stamps shall revoke any licence granted under the authority of this act to the proprietor of any hackney carriage, or to any waterman or assistant to the drivers of hackney carriages, they shall forthwith cause a notice of such revocation, in such form as they shall think fit, and signed by any two of them, to be given to the person named in such licence as the person licensed, or left for him at the place mentioned in such licence as the place of his abode; and in case he shall have quitted such place, or the same shall be a false or fictitious place of abode, then the said commissioners shall cause such notice to be posted up in some public place at the said head office for stamps in Westminster, which shall be deemed a good and sufficient notice of such revocation to all intents and purposes.

LIX. And for preventing the misbehaviour of the drivers of waggons, wains, carts, cars, drays, and other such carriages used in the metropolis and the suburbs thereof, and for the better discovery of offenders, be it enacted, That the owner of every waggon, wain, cart, car, dray, or other such carriage which shall be driven or used in any public street or road within the distance of five miles from the general post office in the city of London, shall before such waggon, wain, cart, car, dray, or other such carriage shall be so driven or used as aforesaid, paint or cause to be painted in words at full length, and in one or more straight lines or lines, upon some conspicuous place on the right or on off side of such waggon, wain, cart, car, dray, or other such carriage, clear of the wheel or wheels thereof, or upon the right or off side shaft thereof, the true christian name and surname and place of abode of the owner or (if there be more than one) of the principal owner of such waggon, wain, cart, car, dray, or other such carriage, and the letters of all such words shall be painted in legible and conspicuous characters of black upon a white ground or of white upon a black ground, and shall be at least one inch in height, and of a proper and proportionate breadth; and all such words shall be repainted or renewed in like manner from time to time as often as the same or any part thereof shall become obliterated or defaced.

LX. That if any person shall drive or use, or cause to be driven or used, in or upon any public street or road within the distance of five miles from the said general post office, any waggon, wain, cart, car, dray, or other such carriage upon which there shall not be duly painted in such legible and conspicuous characters as aforesaid, and in the manner directed by this act, the true christian name and surname and place of abode of the owner or (if there be more than one) of the principal owner of such waggon, wain, cart, car, dray, or other such carriage, every person so offending shall forfeit five pounds, and it shall be lawful for any person to take and seize such waggon, wain, cart, car, dray, or other such carriage, and any horse drawing the same, and to lodge the same for safe custody at some public green yard, or some livery stables or other place of safety, and them to detain and keep until some one of his Majesty’s justices of the peace shall bear and determine such offence, and until the penalty which such offender shall be liable and adjudged to pay for such offence, together with the costs of the proceedings for the recovery thereof, and the expenses of taking and keeping such waggon, wain, cart, car, dray, or other carriage, and any horse drawing the same, shall be fully paid and discharged; and if, on the conviction of any such offender, the said penalty, costs, and expenses shall not be forthwith paid, such waggon, wain, cart, car, dray, or other such carriage, and the horse, so seized and taken as aforesaid, or either of them, shall be sold under an order for that purpose, under the hand of such justice, directed to the constable or other peace officer of the parish or place where any such offence shall be committed; and the surplus (if any) of the money arising from such sale, after deducting thereout the amount of such penalty, costs, and expenses as aforesaid, together also with the costs and expenses of such sale, shall be rendered to the owner of the waggon, wain, cart, car, dray, or other carriage or horse which shall have been so seized and sold as aforesaid.
LXI. That all the duties granted by this act, and all fines, penalties, and forfeitures imposed by or which may be incurred under any of the provisions of this act, relating in any manner to the licences required to be obtained for hackney carriages, or to the stamp office plate to be fixed thereon, shall and may be sued for and recovered by all such ways and means, summary or otherwise, and in such manner and form, as are and is or at any time hereafter shall be provided by law for the recovery of any duties, penalties, or forfeitures granted or imposed by any act relating to stamp duties, as well as by the particular ways and means provided and directed by this act.

LXII. That it shall be lawful for his Majesty's principal secretary of state for the home department, by such orders and under such regulations as he shall from time to time think fit to make in that behalf, to direct any one of his Majesty's justices of the peace appointed or to be appointed under any act or acts for regulating the office of a justice of peace in the metropolis, to attend daily from the hour of eleven in the forenoon until the hour of three in the afternoon, at such one of the public police offices of the metropolis, or at such other office or place as the said principal secretary of state shall appoint in that behalf, not being within the city of London, for the purpose of hearing and determining offences against the provisions of this act; and that it shall be lawful for any justice of the peace who for the time being shall be in attendance at such public police office, or other office or place to be appointed for that purpose as aforesaid, to hear and determine all such offences as aforesaid in a summary manner, wheresoever the same may have been committed: Provided always, that it shall also be lawful for any other of his Majesty's justices of the peace, having jurisdiction where any such offence as aforesaid shall be committed, in like manner to hear and determine the same at any place within his jurisdiction.

LXIII. That it shall be lawful for any such justice as aforesaid, in all cases in which no other mode of proceeding is specially provided or directed by this act, upon information or complaint made by any person of any offence against the provisions of this act within thirty days next after the commission of any such offence, to summon the party accused, and also the witnesses on either side, to appear before the said justice, or before any other justice of the peace, at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, it shall be lawful for such justice, or any other justice present at the time and place appointed for such appearance, to proceed to examine into the matter of fact, and upon due proof made thereof, by voluntary confession of the party, or by oath of one or more credible witness or witnesses, to give judgment for the penalty or forfeiture, and on nonpayment thereof, together with the costs of such proceedings, to commit the offender to prison, where such commitment is specially directed by this act; and in any case where such commitment is not so specially directed, such justice is hereby required to award and issue out of his warrant for the levying of any penalty or forfeiture so adjudged, together with the said costs and expenses, and also the costs and expenses of such warrant, and of levy the same on the goods of the offender, and to cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus (if any); and where goods of such offender cannot be found sufficient to answer the penalty, and all such costs and expenses, to commit such offender to prison, there to remain for any time not exceeding two calendar months, unless such penalty and all such costs and expenses shall be sooner paid; and every such imprisonment shall be with or without hard labour, as such justice shall direct; and all proceedings whatsoever before any justice of the peace under any of the provisions of this act, and the judgment of the said justice thereon, shall be final and conclusive between the parties, and shall not be quashed or vacated for want of form, and shall not be removed by certiorari, or any other writ or process, into any superior court, any law, statute, or usage to the contrary notwithstanding.
LXIV. That in all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this act are directed to be sold, the same shall be sold by public auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his last known place of abode three days at the least prior to such sale: Provided always, that if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this act or shall be by any such notice appointed for such sale, or in any other manner than is by this act directed, it shall be lawful to sell such goods and chattels according to such consent: Provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made.

LXV. That every summons, conviction, warrant of distress, or commitment which shall be respectively made or issued in any proceedings for the recovery of any duty or penalty under the provisions of this act, may be drawn or made out according to the several forms contained in the schedule (D.) hereunto annexed, or to the effect thereof, mutatis mutandis, as the case shall require; and every such summons, warrant, and conviction respectively which shall be so drawn or made out shall be good and effectual, without stating the case of the facts or evidence in any more particular manner than is required by such forms respectively.

LXVI. Provided always, That it shall be lawful for any justice of the peace, upon any complaint being lodged before him against the proprietor or driver of any hackney carriage, or against any waterman or assistant to the drivers of hackney carriages, under the provisions of this act, to issue a warrant for the apprehension of such proprietor or driver or such waterman or assistant, or a summons for his appearance, to be examined touching the said complaint or to answer the same, as to such justice shall seem fit.

LXVII. That if any person who shall be summoned as a witness to give evidence before any justice of the peace touching the matters alleged in or relating to any information, complaint, or other proceeding depending before such justice under the authority of this act, shall neglect or refuse to appear before such justice at the time and place to be for that purpose appointed, without a reasonable excuse to be allowed by such justice, or if any person so summoned shall appear, but shall refuse to be examined and give evidence before such justice touching the matters aforesaid, every person so offending shall forfeit five pounds.

LXVIII. That any summons issued by any justice of the peace requiring the appearance of any defendant or of any witness or other person, with reference to any information, complaint, or other proceeding pending for the recovery of any duty or penalty under this act, shall be deemed to be well and sufficiently served in case either the summons or a copy thereof be served personally on any such person as aforesaid, or be left at his usual or last place of abode, or (in case such person be a licenced proprietor of a hackney carriage, or a licensed waterman or assistant to the drivers of hackney carriages,) at the place specified in any such licence as the place of abode of such proprietor or waterman, as the case may be; and if the place so specified cannot be found, or if such proprietor or waterman shall not be known thereat, then such summons shall be deemed to be well and sufficiently served if the same or a copy thereof be fixed up in some conspicuous place in the said head office for stamps to be appointed for that purpose.

LXIX. That if any constable or other peace officer shall refuse or neglect to serve or execute any summons, warrant, or order granted or issued by the commissioners of stamps or by any justice of the peace, refusing to serve pursuant to any of the provisions of this act, every such constable or a summons o-
peace officer so offending, and being convicted thereof upon the information of any person before any justice of the peace, shall forfeit five pounds, and in default of payment thereof shall be committed by such justice to the house of correction, there to be kept for the space of one calendar month, unless such penalty shall be sooner paid.

LXX. That it shall be lawful for any justice of the peace before whom any person shall be convicted of any offence against any of the provisions of this act to mitigate, as he shall think fit, any penalty by this act imposed, in cases where such justice shall see cause so to do; provided that all reasonable costs and charges expended or incurred in prosecuting for such offence shall be always allowed over and above the sum to which such penalty shall be mitigated; any thing herein contained to the contrary notwithstanding.

LXXI. That all pecuniary penalties which shall be recovered before any justice of the peace under the provisions of this act, except such as shall be recovered in the city of London or the borough of Southwark, shall respectively be divided and distributed in manner following; (that is to say,) one moiety thereof to his Majesty, and the other moiety thereof (with full costs) to the person who shall inform and prosecute for the same.

LXXII. That upon the trial or hearing of any information or complaint exhibited or made under any of the provisions of this act, any informant or complainant or other person shall be deemed and is hereby declared to be a competent witness, notwithstanding that he may be entitled to any part of any pecuniary penalty or to any pecuniary compensation or reward on the conviction of any offender upon any such information or complaint.

LXXIII. That all actions and prosecutions which shall be brought or commenced against any person for any thing done in pursuance or under the authority of this act shall be commenced and prosecuted within three calendar months next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in such action may plead the general issue, and give this act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this act, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced, by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if on demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be had shall signify his approbation of the action, and of the verdict obtained thereupon.

LXXIV. And in order to avoid the frequent use of divers terms and expressions, and to prevent any misconstruction of the terms and expressions used in this act; be it enacted, That whenever in this act with reference to any person, animal, matter, or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood to include se-
veral persons or animals as well as one person or animal, females as well as males, bodies politic or corporate as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

LXXV. And whereas it is expedient to transfer the collection and management of the duties on hawkers and pedlars in England from the commissioners for licensing and regulating hackney coaches to the commissioners of stamps; be it therefore enacted, That from and after the fifth day of January one thousand eight hundred and thirty-two, the rates and duties granted and made payable, by an act passed in the fiftieth year of the reign of his late Majesty king George the third, intituled An Act for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches, by every hawker, pedlar, petty chapman, and every other trading person and persons going from town to town, or to other men's houses, and travelling either on foot, or with horse, horses, or otherwise, in England, Wales, or the town of Berwick-upon-Tweed, carrying to sell or exposing to sale any goods, wares, or merchandise, shall be payable and paid to and shall be under the care and management of the commissioners of stamps for the time being, and shall be denominat and deemed to be stamp duties.

LXXVI. That all the powers, provisions, regulations, and directions contained in the said recited act, or in any other act or acts relating to the said duties on hawkers and pedlars in force immediately before the passing of this act, shall be executed and enforced by the commissioners of stamps, for securing and collecting the said duties, as fully and effectually as if such powers, provisions, regulations, and directions had been originally given to the said commissioners of stamps, and as if the same were repeated and re-enacted in this act; and that all the powers, provisions, regulations, and directions, forfeitures, pains, and penalties contained in and imposed by any act or acts in force immediately before the passing of this act, in relation to any of the duties under the management of the commissioners of stamps, so far as the same are applicable to the said duties on hawkers and pedlars, shall be of full force and effect, and shall be applied and put in execution, for securing and collecting the said last-mentioned duties, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually as if such powers, provisions, regulations, and directions, forfeitures, pains, and penalties, were repeated and specially enacted in this act with reference to the said last-mentioned duties.

LXXVII. That in all cases where no other period is specially fixed Commence-ment of the act. for the commencement of any of the clauses or provisions of this act, the same shall commence and take effect on the fifth day of January in the year one thousand eight hundred and thirty-two: Provided always, That it shall be lawful for the commissioners of stamps or their authorized officer, at any time during the period of one calendar month preceding the said fifth day of January, to grant and issue licences under any of the provisions of this act, to commence and take effect after the said fifth day of January; and all licences which shall be so granted and issued shall be dated on the said fifth day of January one thousand eight hundred and thirty-two, and shall be valid and effectual to all intents and purposes, any thing herein-before contained to the contrary notwithstanding.
Stage [and Hackney] Coaches.

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

Containing the Duties imposed by this Act.

For and upon every licence to keep, use, employ, and let to hire any hackney carriage within the distance of five miles from the general post office in the city of London
And for and in respect of every such licence as aforesaid, weekly and every week during the continuance thereof, the sum of

£ s. d.
5 0 0
0 10 0

SCHEDULE (B).

Containing the Rates and Fares to be paid for any Hackney Carriage hired and taken any Distance; (that is to say,)

For every hackney carriage drawn by two horses, for any distance within and not exceeding one mile
And for any distance exceeding one mile, after the rate of sixpence for every half mile, and for any fractional part of half a mile over and above any number of half miles completed.
And for every hackney carriage drawn by one horse only, two thirds only of the rates and fares above mentioned.

£ s. d.
0 1 0

SCHEDULE (C.)

Containing the Rates and Fares to be paid for any Hackney Carriage hired and taken for any time; (that is to say,)

For every hackney carriage drawn by two horses:
For any time within and { not exceeding } thirty minutes
Above thirty minutes forty-five minutes
And for any further time exceeding one hour, then after the rate and proportion of sixpence for every fifteen minutes completed, and sixpence for any fractional part of the period of fifteen minutes.
And for every hackney carriage drawn by one horse only, two thirds only of the rates and fares above mentioned.

£ s. d.
0 1 0
0 1 6
0 2 0

SCHEDULE (D.)

Containing the Forms of Proceedings for the Recovery of Duties and Penalties under this Act.

No. 1.

Form of a Warrant of Distress for the Recovery of Duties.

To A. B. of, &c.

WHEREAS a licence [or licences] hath [or have] been granted, under the provisions of the statute in that behalf made to C. D. of, &c. to keep, use, employ, and let to hire a hackney carriage [or hackney carriages] at any place within the distance of five miles from the general post office in the city of London, with plates numbered (respectively)
Class XXXIV.] Stage [and Hackney] Coaches.

[here specify the number or numbers of the plates appertaining to the licence or licences granted to C. D.]: And whereas the said C. D. hath made 1 default in payment of the sum of for the weekly duty which hath become due and payable to his Majesty in respect of such licence [or licences], contrary to the statute in that case made and provided: Therefore we and esquires, two of the commissioners of stamps, do hereby authorise and direct you to distrain the said C. D. by his goods and chattels, and also to seize and take all or any of the carriages, horses, harness, and other things made subject and liable to the said duty by the statute in that behalf, and to levy thereon the said sum of being the amount of such duty so due and payable as aforesaid; and if within the space of five days next after the taking of such distress the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then we do hereby order and direct that you shall sell and dispose of the said goods and chattels, carriages, horses, harness, and other things which shall be so distrained, seized, and taken, and that you shall levy and raise thereout the said sum of and all reasonable costs and charges of taking, keeping, and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels; and you are to certify to the commissioners of stamps what you shall have done by virtue of this our warrant.

Given under our hands this day of

No. 2.


County [or as the case may be] of to wit. } BE it remembered, That on the day of 

was duly convicted before me of one of his Majesty's justices of the peace for in pursuance of an act passed in the second year of the reign of his present Majesty king William the fourth, intituled An Act, &c. [title of this act], for that the said C. D. on the day of did [here state the offence as the case may happen to be], contrary to the form of the statute in that case made and provided; for which offence I do adjudge that the said C. D. hath forfeited the sum of and [if the justice mitigate the penalty which sum of I do hereby mitigate to the sum of over and above the sum of for the costs and charges of E. F. the informer, in prosecuting this conviction.

Given under my hand and seal day of

No. 3.

FORM of a Warrant of Distress founded on the foregoing Conviction.

To A. B. of, &c. } WHEREAS C. D. of, &c. has been duly convicted of a certain offence, for that [here state shortly the offence], whereby he hath forfeited the sum of [and, in case of mitigation, which hath been mitigated to the sum of over and above the sum of for the costs and charges of the informer, making together the sum of which you are to levy the said sum of by distrainting the goods and chattels of the said C. D., and by seizing and taking all or any of the carriages, horses, harness, and other things made subject

4 L 2
Stage [and Hackney] Coaches. [Part VI.
and liable by the statute in that behalf to be seized and taken, to satisfy the penalty, costs, and charges aforesaid; and if within the space of five days next after such distress taken, the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct that you shall sell and dispose of the said goods and chattels which shall be so distrained, seized, and taken as aforesaid, and shall levy and raise thereout the said sum of and all reasonable costs and charges of taking, keeping, and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels; and you are to certify to me what you shall have done by virtue of this my warrant.

Given under my hand and seal the day of 
(Signed)
One of his Majesty's justices of the peace for

No. 4.

Form of a Warrant of Commitment for want of a sufficient Distress, founded on the foregoing conviction.
To A. B. of, &c., and to the keeper of the common gaol [or house of correction] at County [or as the case may be] of wit. WHEREAS C. D. of &c. has been duly convicted of a certain offence, for that [here state shortly the offence] whereby he hath forfeited the sum of case of mitigation which hath been mitigated to the sum of over and above the sum of for the costs and charges of the informer, making together the sum of .: And whereas it has been duly made to appear to me that no sufficient distress can be found whereon to levy the said sum of , therefore I command you the said A. B. to apprehend and take the said C. D., and safely to convey him to the common gaol [or house of correction] at and there to deliver him to the keeper thereof together with this warrant: And I do hereby command you the said keeper to receive into your custody in the said gaol [or house of correction] him the said C. D., and him therein safely to keep for the space of unless the said sum of shall be sooner paid.

Given under my hand and seal the day of 
(Signed)
One of his Majesty's justices of the peace for

No. 5.

Form of a Summons to the Proprietor of a hackney carriage to produce the Driver thereof to answer a complaint or information.
To E. F. of, &c. proprietor of the hackney carriage, No.
WHEREAS complaint [or information] hath been made [or given] against the driver of the hackney carriage, number on the day of now last past [or instant], of which said hackney carriage you were then the proprietor, charging that the said driver, on the said, day of now last past [or instant], did [here state the alleged offence], contrary to the form of the statute in that case made and provided; these are therefore to require you personally to appear before me
Class XXXIV.] Stage [and Hackney] Coaches.

or such other of his Majesty's justices of the peace as shall be present at the day of
at of the clock in the and then and there to produce the said driver to answer the said complaint [or information].
Dated the day of
(Signed)
One of his Majesty's justices of the peace for

No. 6.

FORM of a WARRANT of DISTRESS for levyng upon the PRO-
PRIOR of a hackney carriage the penalty in which the driver thereof has been convicted.

To A. B. of, &c.

County [or as the case may be] of to wit. WHEREAS C. D., the driver of the hackney car-
riage, number on the day of (of which said hackney carriage E. F. of &c. was then the proprietor), has been duly convicted of a certain offence, for that [here state the offence], whereby he hath forfeited the sum of
[and, in case of mitigation, which hath been mitigated to the sum of
over and above the
sum of for the costs and charges of the
informers, making together the sum of
], which hath not been paid by the said driver, nor by any person on his behalf: And whereas according to the statute in that behalf made, the said E. F., the proprietor of the said hackney carriage, hath been required to pay the said sum of
which he hath neglected and refused to do; therefore I command you to levy the said sum of
by distrainting the goods and chattels
of the said E. F., the said proprietor, and by seizing, &c. [proceed as in
the form No. 3. to the end thereof.]

No. 7.

FORM of a WARRANT of COMMITMENT of the PROPRIETOR of a
hackney carriage, for want of a sufficient distress whereon to levy the penalty in which the driver of such hackney carriage has been convicted.

To A. B. of, &c. and to the keeper of the common gaol [or house of correction] at
County [or as the case may be] of to wit. WHEREAS, &c. [proceed as in the form No. 6. to
the words "which he hath neglected and refused to do," inclusive]: And whereas it has been duly made to appear to me that no sufficient distress of the goods and chattels of the said E. F. the said proprietor, can be found, whereon to levy the said sum of therefore I command you the said A. B. to apprehend and take the said E. F. and safely to convey him, &c. [proceed as in the form No. 4. to the end thereof.]

[No. III.] 2 & 3 W. IV. c. 120.—An Act to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in Great Britain, and to grant other Duties in lieu thereof; and also to Consolidate and Amend the Laws relating thereto.

WHEREAS it is expedient to repeal the duties under the management of the commissioners of stamps in respect of stage carriages
and of horses let for hire in Great Britain, and to grant other duties in lieu thereof, and also to consolidate and amend the laws now in force relating to such stage carriages and horses as aforesaid respectively; be it therefore enacted, &c., That the several acts and parts of acts next herein-after mentioned, or so much and such part and parts thereof as are now in force, shall respectively remain and continue in force until and upon the tenth day of October in the year of our Lord one thousand eight hundred and thirty-two, and shall from thenceforth respectively cease, determine, and be repealed: (that is to say,) 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; and so much of an act passed in the forty-fourth year of the reign of his said late Majesty, intituled An Act to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in Great Britain, and to grant new and additional Duties in lieu thereof, as relates to the painting upon every carriage to be employed as a public stage coach or carriage for the purpose of conveying passengers for hire to and from different places in Great Britain certain words in the said last-recited act mentioned, and to the number of inside passengers to be carried in any such carriage; and the whole of an act passed in the fiftieth year of the reign of his said late Majesty, 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; and so much of an act passed in the fifty-third year of the reign of his said late Majesty, intituled An Act for altering, explaining, and amending an Act of the forty-eighth Year of his Majesty's reign, for granting Stamp Duties in Great Britain with regard to the Duties on re-issuable Promissory Notes, and on Conveyances on the Sale and Mortgage of Property; for better enabling the Commissioners of Stamps to give Relief in Cases of spoiled Stamps, and to remit Penalties; for exempting certain Instruments from Stamp Duty; and for better securing the Duties on Stage Coaches, as relates to the duties granted on coaches and other carriages employed as public stage coaches, or carriages for conveying passengers for hire, and on licences for keeping the same; and also so much of the said last-recited act as relates to the time of granting such licences, or of their continuing in force; and so much of an act passed in the fifty-fifth year of the reign of his said late Majesty, intituled An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof, as relates to the duties on stage coaches and on licences for keeping stage coaches, and as relates to the offences in the said act mentioned respecting such duties and licences; and also so much of the said last-recited act as relates to licences to be taken out by the owners of hackney coaches employed as stage coaches, and to the owners or drivers of stage coaches taking up passengers in manner by the said last-recited act allowed; and the whole of an act passed in the third year of the reign of his late Majesty king George the fourth, intituled An Act to reduce the Rate of Duties payable in respect of certain Carriages used and employed for the purpose of conveying Passengers for hire, and to make Regulations and Provisions relating to Stage Coaches and the Duties thereon; and the whole of an act passed in the seventh year of the reign of his said late Majesty king George the fourth, intituled An Act to make further Regulations relating to the licensing of Stage Coaches; and so much of an act passed in the ninth year of the reign of his said late Majesty king George the fourth, intituled 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, as relates to stage coaches or other carriages kept, used, or employed to convey passengers for hire, or to the recovery of any fine, penalty, or forfeiture made or incurred with relation to any such stage coaches or carriages; and so much of an act passed in the second year of the reign of his said late Majesty king George the third, intituled An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof, and to protect and encourage Fishermen, as relates to the penalty therein imposed upon the driver of any fish carriage for taking up or suffering any passenger to be carried or conveyed in or by any such fish carriage; and that said several acts and parts of acts herein-before specified shall be and the same are hereby severally repealed accordingly, save and except only so far as is herein-after in that behalf provided.

II. That an act passed in the fourth year of the reign of his late Majesty George the fourth, intituled An Act to repeal the Duties upon relating to the Horses let to hire for the Purpose of travelling in Great Britain, and to grant other Duties in lieu thereof, and to provide for letting the same to farms, shall continue in force until and upon the thirty-first day of January in the year of our Lord one thousand eight hundred and thirty-three, and shall from thenceforth cease, determine, and be repealed, save and except only so far as is herein-after in that behalf provided.

III. Provided always, That nothing in this act contained shall extend to repeal any of the said several acts and parts of acts herein-before mentioned, so far as the same or any of them repeal the whole or any part of any former act or acts, or with respect to any duty or arrears of any duty, or any debt or sum of money, which at any time before the several days or times herein-before respectively appointed for the repeal of the said several acts and parts of acts shall have accrued or been incurred under or by virtue of the said acts and parts of acts or any of them respectively, and which shall then or at any time afterwards be or become due or payable, and remain in arrear and unpaid, or with respect to any penalty or forfeiture or punishment incurred for or in respect of any offence committed at any time before the said several days or times herein-before respectively appointed for the repeal of the said several acts and parts of acts, but that all such duties and arrears of duty, debts, sums of money, penalties, forfeitures, and punishments, shall respectively be sued or prosecuted for, recovered, obtained, and inflicted by the same ways and means and in the same manner as if this act had not been made.

IV. That in lieu of the duties repealed by this act there shall be raised, Grant of duties levied, collected, and paid unto and for the use of his Majesty, his heirs specified in and successors, in and throughout Great Britain, for and in respect of every stage carriage and every horse let for hire, and every licence relating to the same, and for and in respect of passengers conveyed for hire as mentioned and described in the schedule (A.) to this act annexed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the same schedule; and that the said schedule shall be deemed and taken to be part of this act; and that all the said duties shall be under the management of the commissioners of stamps, and shall be denounced and deemed to be stamp duties.

V. That every carriage used or employed for the purpose of conveying passengers for hire to or from any place in Great Britain, and which, stage carriage, when passing along any highway or other road, shall travel at the rate of three miles or more in the hour, shall, without regard to the form or construction thereof, be deemed and taken to be a stage carriage within the meaning of this act; provided the passengers, or any one or more of them, thereby conveyed, shall be charged or shall pay separate and dis-
Stage [and Hackney] Coaches.  

VI. That it shall not be lawful for any person to keep, use, or employ any stage carriage, unless such person shall have a licence in force so to do, granted to him under the authority of this act by two or more of the commissioners of stamps, or by some person duly authorized by the said commissioners to grant such licence, nor unless there shall be fixed on such carriage, in the manner herein-after mentioned, the numbered plates by this act directed to be delivered with every such licence, nor unless the several particulars by this act directed to be painted on every such carriage shall be painted thereon; any thing in any other act contained to the contrary thereof notwithstanding.

VII. That in any action, information, or other proceeding for the recovery of any duty or penalty incurred under this act in respect of or with relation to any stage carriage, if evidence shall be given that the carriage in respect of which or in any manner relating to which any such action, information, or proceeding shall be commenced or prosecuted was seen travelling or going upon any highway or other road, having fixed or placed thereon any numbered plate provided or used in pursuance of this or any former act relating to stage carriages, or having thereupon any plate resembling or intended to resemble any such plate as aforesaid, or having painted upon such carriage any of the particulars required by this act to be painted upon stage carriages, such carriage shall be deemed and taken to be a stage carriage; and such evidence as aforesaid shall be received as sufficient proof that such carriage was kept, used, and employed for the purpose of conveying passengers for hire as a stage carriage within the meaning of this act, unless the contrary be proved; and that in all such actions, informations, and proceedings as aforesaid the person named or described in the licence granted with or relating to the number of the plate (if any there shall be) fixed or placed upon any such carriage, whether such licence shall be in force or not, or the person whose name (if any) shall be painted on any such carriage, shall be for the purposes of this act (unless the contrary be proved) be deemed to be the person to whom such carriage doth belong.

VIII. That any two or more of the commissioners of stamps, or any person duly authorized by the said commissioners, shall grant a licence under their or his hands or hand to any and every person of the age of twenty-one years or upwards who shall apply for such licence in the manner herein-after mentioned, to keep, use, and employ any stage carriage in any part of Great Britain; and that every such licence to any person for or in respect of any stage carriage which shall go from or shall come to London or Westminster, or from or to any place within the county of Middlesex, or the weekly bills of mortality, shall be granted at the head office for stamps in Westminster; and every such licence to any person for or in respect of any stage carriage which shall go from or shall come to any other town or place within Great Britain shall be granted, either at the said head office, or by the person duly authorized by the said commissioners to grant such licences for the district within which the town or place is situated from which or at which such stage carriage shall begin or end its journey; and the said commissioners, or the person so authorized to grant such licence as aforesaid, shall at the time of granting every such licence for the first time, and at all other times when necessary, deliver to the person applying for such licence the numbered plates herein-after required to be
fixed upon the stage carriage mentioned in such licence: Provided always, That no person shall be entitled to the grant or renewal of any such licence who at the time of applying for such grant or renewal shall be in arrear for any duties payable under this or any former act for or in respect of any stage carriage, or who shall not have paid or satisfied any penalty in which he shall have been convicted or for which judgment shall have been obtained against him in any action, information, or other proceeding under this or any former act relating to stage carriages; and it shall be lawful for the commissioners of stamps or their officer to refuse to grant or renew any such licence to any such person until such arrear of duty, and such penalty or mitigated penalty, shall have been fully paid and satisfied; any thing herein contained to the contrary notwithstanding.

IX. That before any licence, whether original or supplementary, shall be granted or renewed under the provisions of this act for or in respect of any stage carriage, a requisition for such licence, in such form as the commissioners of stamps shall from time to time provide for that purpose, shall be made and signed by the proprietor or one of the proprietors of the stage carriage in respect of which such licence shall be applied for; and in every such requisition there shall be truly specified and set forth the christian name and surname and place of abode of the person applying for such licence, and of every person who shall be a proprietor or part proprietor of such carriage, or who shall be concerned, either solely or in partnership with any other person, in the keeping, using, or employing of such carriage; and in case any person, on applying for any such licence, shall neglect or omit to specify truly in such requisition as aforesaid the name of any person who shall be a proprietor or part proprietor of such carriage, or who shall be concerned as aforesaid in the keeping, using, or employing of such carriage, every person so offending shall forfeit ten pounds.

X. That if any person applying for or procuring or attempting to procure any licence under this act for or in respect of any stage carriage shall use or employ any false or fictitious name or place of abode, or other false or fictitious description of any person or supposed person, or shall insert or cause to be inserted in any requisition for any such licence, or in any such licence, any false or fictitious name or place of abode, or other false or fictitious description of any person or supposed person as being the proprietor or part proprietor of the stage carriage for or in respect of which such licence shall be applied for or procured, or shall wilfully or knowingly insert or cause to be inserted in any such requisition, or in any such licence as aforesaid, the name of any person as being a proprietor or part proprietor of such carriage who shall not at the time of the application for such licence be in fact a proprietor or part proprietor of such carriage, the person so offending shall be guilty of a misdemeanour, and, being convicted thereof, he shall be liable to be punished by fine or imprisonment, or by both, as the court shall award; such imprisonment to be in the common gaol or house of correction, and either with or without hard labour, as the court shall think fit; and in Scotland, whenever any person shall so offend, he shall be liable to be punished in like manner.

XI. That there shall be specified in every licence to be granted or renewed under this act for or in respect of any stage carriage the following particulars, or such of them as the commissioners of stamps shall think proper; (that is to say,) the christian name and surname and the place of abode of the person and of every person who shall be a proprietor or part proprietor of the stage carriage in respect of which such licence shall be granted, or who shall be concerned, either solely or in partnership with any other person, in the keeping, using, or employing of such carriage, the number painted or marked on the plates to be fixed on such carriage, the names of the extreme places from which and to which such carriage shall be authorized by such licence to go or pass, and the route or line of road by which such carriage shall travel to or from such
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[Part VI.]

No. III.  
2 & 3 W. 4,  
c. 120.  

extreme places, and also the distance in miles or fractional parts of a mile, or both, as the case may require, between such extreme places, the number of journeys, and the total number of miles upon which the duty granted by this act shall be assessed, and which such carriage shall be authorized to perform or to travel, either separately or in conjunction with one or more other licensed stage carriage or carriages, within the day, week, or month, as the said commissioners may think fit, the days of the week on which such carriage shall be authorized to be used, and the greatest number of passengers to be conveyed by such carriage, distinguishing (when the same is intended to convey both inside and outside passengers) the number to be carried on or about the outside from the number to be carried in the inside of such carriage; and a copy of every such licence, and of every indorsement which shall from time to time be made thereon, shall be kept at the office or place from which such licence shall be issued, in order that any person may have a copy thereof, paying one shilling for the same.

XII. Provided always, That it shall be lawful for the commissioners of stamps, where they shall deem it expedient, at the time of granting any such licence as aforesaid, to compound with any person, on such terms and conditions as they shall think fit, for the duties which may become payable in respect of such stage carriage; and then and in such case, instead of the number of journeys and the total number of miles which such carriage shall be authorized to perform within the day, week, or month, there shall be specified in the licence granted for or in respect of such carriage the amount of the composition, per day, week, or month, to be paid for and in respect of such carriage in lieu of the duties specified in the said schedule to this act annexed, together with such stipulations and conditions as the said commissioners shall think proper for better securing the payment of such composition.

XIII. That from and after the passing of this act every licence for the keeping, using, employing, or letting out to hire of any stage carriage which shall have been granted under any former act, and which shall have been in force on the thirty-first day of July in this present year one thousand eight hundred and thirty-two, shall be and the same is hereby revived and continued, and shall be deemed to be and to have been in full force and effect from the said thirty-first day of July; and every such licence which shall be so revived and continued as aforesaid, and also every other such licence as aforesaid which shall have been or shall be granted under any former act after the said thirty-first day of July and before the eleventh day of October in this present year one thousand eight hundred and thirty-two, shall respectively remain and continue in force until and upon the tenth day of October in the said year one thousand eight hundred and thirty-two (unless sooner determined by the parties to whom the same shall have been granted), and shall then cease and determine, any thing in any former act or in such licences respectively to the contrary notwithstanding; and that every such licence as aforesaid, whether original or supplementary, which shall be granted, under the authority of this act, after the tenth day of October and before the first day of November in the said year one thousand eight hundred and thirty-two, shall be dated on the eleventh day of October in the same year; and every such licence which shall be granted after the thirty-first day of October in the said year one thousand eight hundred and thirty-two, and before the first Monday in the month of October in the year one thousand eight hundred and thirty-three, shall be dated on the day on which the same shall be granted; and every such licence granted as aforesaid under the authority of this act shall have effect and continue in force from the day of the date thereof until the first Monday in the month of October in the year one thousand eight hundred and thirty-three (unless sooner discontinued in manner herein-after mentioned), and no longer; and every such licence as aforesaid which shall be granted at any time on or after the first Monday in October and before the first day of November in the year one thousand eight hundred and thirty-two, shall be dated on the first day of the month of October in the year one thousand eight hundred and thirty-two (unless sooner discontinued in manner herein-after mentioned), and no longer.
eight hundred and thirty-three, or in any subsequent year, shall be
dated on the first Monday in October in the year in which the same
shall be granted, specifying the day of the month; and every such
licence which shall be granted at any other time than as aforesaid in the
said last-mentioned year, or in any subsequent year, shall be dated on
the day on which the same shall be granted; and every such licence as
aforesaid which shall be dated on the first Monday in any month of
October, or on any other day in any year, shall have effect and continue
in force from the day of the date thereof until the first Monday in the
month of October then next ensuing, or until the Monday next ensuing
the granting of such licence, if such Monday shall be the first Monday
in October (unless sooner discontinued as aforesaid), and no longer;
and every such licence shall be renewed from year to year, by the grant
of an original licence, on payment of the duty of five pounds by this act
charged thereon.

XIV. That when any person to whom any licence shall have been
discontinued under this act for or in respect of any stage carriage shall de-
termine to discontinue or give up such licence, such person shall give
notice in writing of such his determination to the commissioners of
licences.

XV. That whenever any licence granted under this act for or in
respect of any stage carriage shall cease or expire, or be discontinued,
the person to whom such licence shall have been granted shall, within
seven days next after the expiration or discontinuance thereof, deliver
up to the commissioners of stamps, or to the officer by whom such licence was granted; and when
the time for giving up such licence according to such notice shall have
elapsed, and such licence shall have been given up to the said commis-
sioners or officer, such licence shall cease and determine, and shall be
no longer in force, and the person so previously licensed shall not be
charged with the duties payable according to the terms of such licence,
in respect of such stage carriage, for any period subsequent to the expi-
ration of such notice and the re-delivery of such licence, provided he
shall within seven days next after the expiration of such notice deliver
up to the said commissioners or officer the numbered plates mentioned
in such licence.

XVI. That whenever any person to whom any original licence charge-
able under this act with the duty of five pounds shall have been granted
for or in respect of any stage carriage shall afterwards, and within the
term for which such licence was granted, take any other person into
partnership in the keeping, using, or employing of such stage carriage;
and whenever, after the granting of any such original licence as afores-
said to any persons in copartnership, and within the period for which the
same was granted, any alteration shall take place in such copartnership;
and also whenever any person to whom any such original licence as
aforesaid shall have been granted shall afterwards, and within the period
for which the same was granted, be desirous of increasing or decreasing
the number of journeys specified in such licence to be performed or tra-
velled by such stage carriage in the day, week, or month, as the same
may be specified in such licence, or of altering the route or line of road
by which such stage carriage shall travel to or from the extreme places
from which and to which such stage carriage shall be authorized by such
licence to go or pass, or of altering such extreme places by extending or
shortening the distance which such stage carriage shall be authorized.

Licences to be
renewed
yearly.

Mode of dis-
continuing
stage carriage
licences.

Plates to be
delivered up
on
expiration
of licences, or
in default the
duty to con-
tinue to be pay-
able.

Supplementary
stage carriage
licences may be
granted in
certain cases.
Stage [and Hackney] Coaches. [Part VI.

Such supplementary licence to be then the only licence in force.

Duty to be payable by the person named in the licence;

Evidence of the duty due.

Commissioners may make allowance for the duties on journeys not performed by any licensed stage carriage.
or travelled by such carriage; and it shall also be lawful for the said commissioners to make such regulations with respect to such carriages, where any such allowance shall be applied for, as they shall from time deem necessary or expedient, as well for effectually securing the duties on such carriages as for doing justice to the owners or proprietors thereof, any thing herein contained to the contrary notwithstanding; and if any person licensed as aforesaid, in any account to be rendered by him in pursuance of this act, or of any such regulations as aforesaid, of the number of journeys or miles actually performed or travelled by any stage carriage, shall neglect or omit to insert therein any journey actually performed by such carriage, or shall insert therein a less number of miles than shall have been actually travelled by such carriage during the period for which such account shall be rendered, he shall forfeit fifty pounds.

XX. That the person to whom any such licence as aforesaid shall have been granted at the head office for stamps, or some person on his behalf, shall, on the first Monday in every calendar month, between the hours of ten in the morning and three in the afternoon, unless the same be a holiday, and then on the next day not being a holiday, pay the whole of the duty charged and accrued due under or by virtue of such licence within the four or five preceding weeks, as the case may be, in respect of the stage carriage mentioned in such licence, to the receiver general of stamp duties, or to the proper officer for the time being for receiving stage carriage duties at the said head office; and that the person to whom any such licence as aforesaid shall have been granted at any other place than the said head office, or some person on his behalf, shall at the periods aforesaid pay the whole of the duty charged and accrued due as aforesaid, under or by virtue of such last-mentioned licence, to the person by whom such licence shall have been granted, or to such other person as the commissioners of stamps shall appoint or authorize to receive the same.

XXI. That if any person to whom any such licence shall be granted under the provisions of this act to keep, use, or employ any stage carriage shall make default in payment of any sum of money not exceeding in amount the sum of fifty pounds, which shall become due or payable in respect of such licence, at the time and in the manner by this act appointed for payment thereof, it shall be lawful for any two of the commissioners of stamps to grant a warrant to any constable or other peace officer, or to any officer of stamp duties, or other person named in such warrant, directing him to distrain every such person so making default as aforesaid by his goods and chattels, and also to seize and take the carriages, horses, harness, and other articles and things by this act made subject and liable to such duty, for the amount of the duty so due or payable as aforesaid, and of all the costs, charges and expenses incident or relating to the taking and keeping of such distress; and it shall be lawful for such constable, or for any such officer or other person as aforesaid, to make such distress and seizure accordingly, and the distress so taken to detain and keep for the space of five days, at the cost, and charges of the person distrained; and if the amount of such duty and of all the costs, charges, and expenses aforesaid, shall not be paid within such space of five days, then such constable or officer or other person shall cause the goods and chattels, carriages, horses, harness, and other things so seized or taken, to be sold in the manner directed by this act, and shall render the overplus, if any, of the money arising by the sale thereof, after deducting and retaining the amount of such duty, and all the costs, charges, and expenses aforesaid, as well as the charges and expenses of the sale, to the person so distrained, or to the owner of the carriages, horses, harness, or other things so seized and taken as aforesaid; and for the purpose of taking such distress it shall be lawful for such constable or other peace officer, or for such officer of stamp duties, or other person named in such warrant, in the presence of any constable or other peace officer, where any refusal or resistance
shall be made, to break open in the daytime any house, building, or
other place where any such carriages, horses, harness, or other articles
or things, or any goods or chattels, to be seized or taken under such
warrant as aforesaid, shall be.

XXII. That if any person shall keep, use, or employ any stage car-
rriage without having such licence as by this act is required, such per-
sion shall, over and above any penalty which may be incurred under this
act, be accountable to his Majesty for the same duty as such person
would have been chargeable with and liable to pay for or in respect of
such carriage, in case such person had obtained a proper licence for the
same under this act, for the particular journey, distance, or number of
miles, and for the number of journies in the day, week, or month, and
for the number of passengers which such person shall at any time have
advertised or otherwise notified or expressed that such carriage was in-
tended or had been or was to be employed to go or carry respectively,
or which such carriage shall actually have gone or carried respectively,
at any one period during which such carriage shall have been kept or
used, at the election of the said commissioners; and that every person
so keeping, using, or employing such carriage shall be chargeable with
such duty for the same from the time when such carriage was first kept
or used without such licence as aforesaid down to the time when any
licence shall be taken out for the same by such person, or to the
time when the use thereof shall be absolutely discontinued, and also
with the duty which would have been payable for the proper licence
which such person ought to have taken out in respect of such carriage
as aforesaid.

XXIII. That it shall not be lawful for any person licensed in respect
of any stage carriage to use, have, or keep more than one pair of plates
under or by virtue of any one licence, but that for every pair of plates
there shall be a separate and distinct licence.

XXIV. That whenever the number or device on any plate or plates
shall become obliterated or defaced, so that the same shall not be dis-
tinctly visible and legible, and also whenever any plate or plates shall
be proved to the satisfaction of the commissioners of stamps to have
been lost or mislaid, the person to whom the licence relating to any such
plate or plates shall have been granted shall surrender and deliver up
such of the said plates as he shall have in his possession, and shall
produce such licence to the said commissioners or to their proper
officer, and such person shall then be entitled to have new plates deli-
vered to him in lieu of the plates so delivered up or lost or mislaid,
upon payment, for the use of his Majesty, of any sum, in the discretion
of the said commissioners, not exceeding the sum of ten shillings for
each pair of plates; and where the number on such new plates shall be
different from the number on such plates so delivered up or lost or mis-
laid, the said commissioners or officer shall indorse and sign upon the
licence a memorandum of the issuing of such new plates in lieu of the
plates in such licence mentioned: Provided always, That if any such
plate or plates which shall have been proved as aforesaid, or represented
to have been lost or mislaid, shall afterwards be found, the same shall
forthwith be delivered up to the said commissioners; and if any person
in or into whose possession or power any such plate or plates as last
aforesaid shall be or come shall refuse or neglect, for the space of five
days, to deliver up the same to the said commissioners, he shall forfeit
twenty pounds.

XXV. That whenever, in the opinion of the commissioners of stamps
or their proper officer, it shall be expedient to recall any plates for the
purpose of changing the same for any other plates, and such commis-
sioners or officer shall give notice to the person or to any one of the per-
sons to whom the licence relating to such plates shall have been granted
that the said commissioners or officer do or doth by such notice recall
such plates, the person to whom such licence shall have been granted
shall, within one week after such notice, deliver up such plates, and pro-
duce the licence relating to the same, to the said commissioners or their proper officer, and shall also apply to the said commissioners or such officer for new plates, and thereupon the said commissioners or such officer shall deliver to the person so applying for the same new plates in lieu of the plates so as aforesaid recalled; and where the number on such new plates shall be different from the number on such recalled plates the said commissioners or officer shall endorse and sign upon the licence a memorandum of the surrender of the plates in such licence mentioned, and of the granting of such new plates in lieu thereof, and from thence forth such licence shall be deemed to relate to such new plates in the same manner as if the number thereof had been originally inserted in the body of such licence.

XXVI. That the plates by this act required to be fixed upon every stage carriage shall be fixed, one on each side of such carriage, upon the upper fore quarter at the lower angle adjoining to the door, or if there be no upper fore quarter, then on the centre panel of each door in the side upon stage of such carriage, or if there be a door only in one side of such carriage, then one of such plates shall be fixed upon the centre panel of that door, and the other upon some conspicuous part of the opposite side of such carriage; and if it shall happen that the commissioners of stamps, or their proper officer, shall be dissatisfied with the position of any plate upon any such carriage, and shall direct such plate to be fixed upon some other conspicuous part of such carriage, such plate shall be fixed accordingly upon such carriage in compliance with such direction.

XXVII. That if any person shall keep, use, or employ, or shall be concerned as proprietor or part proprietor in the keeping, using, or employing of any stage carriage, without having a licence in force to do granted to him under this act, or if any person, whether he shall have any such licence or not, shall keep, use, or employ any stage carriage, such carriage not having placed and fixed thereupon and in the manner directed by this act the numbered plates required by this act to be fixed on stage carriages, or having thereupon any such plate as aforesaid the number or device whereon shall be in any manner obliterated, defaced, or obscured, so that the same shall not be distinctly visible and legible, or if any person to whom any such licence shall have been granted shall, for the space of one week after notice in manner by this act directed to be given to such person that the plates to which such licence shall relate have been recalled, neglect or refuse to deliver up the plates mentioned in such notice, according to the terms thereof, every person so offending in any of the several cases aforesaid shall forfeit twenty pounds.

XXVIII. That if any person to whom any licence shall have been granted in respect of any stage carriage shall permit, or suffer such carriage to perform a greater number of journeys or to travel a greater number of miles than shall be mentioned in or allowed by such licence, or to be used on any other day or for the performing of any other journey than shall be mentioned or allowed in by such licence, or shall fix or place upon such carriage any plate having a number different from the number mentioned in or authorised by the licence in force at the time of using such carriage, such person shall be deemed to be a person keeping, using, and employing a stage carriage without having a licence in force so to do, and shall accordingly be subject and liable to the penalty of twenty pounds by this act imposed in that behalf; and in all actions, informations, or other proceedings against such person for the recovery of such penalty in any of the cases aforesaid it shall be sufficient to charge or allege that such person did keep, use, and employ a stage carriage without having a licence in force so to do granted to him under this act, and it shall not be necessary further or otherwise to state or describe any such offence, nor to prove that such carriage was used or employed for the conveyance of passengers at separate fares.
XXIX. That whenever any person to whom any licence shall have been granted for or in respect of any stage carriage shall die, or become bankrupt or insolvent, during the existence of such licence, it shall be lawful for his executor, administrator, or assignee, or trustee, to keep, use, and employ such stage carriage according to the terms of such licence, for the space of thirty days next after the death, bankruptcy, or insolvency of the person to whom such licence was granted, without being liable for so doing to the penalty by this act imposed on any person who shall keep, use, or employ any stage carriage without having a licence in force so to do: Provided always, that such executor, administrator, assignee, or trustee shall be liable to and chargeable with the payment of the duty which shall accrue or become payable in respect of such stage carriage from the time of such death, bankruptcy, or insolvency, and shall also be liable to all other the provisions and regulations of this act in the same manner as if such executor, administrator, assignee, or trustee had duly obtained a licence in his own name for the keeping, using, and employing of such stage carriage.

XXX. That if any carriage, whether licensed as a stage carriage or not, shall be found upon or near to any public highway, and any person shall ply for passengers to be conveyed by such carriage for hire at separate fares, such carriage not having placed and fixed thereupon the numbered plates required by this act to be fixed on stage carriages, the driver of such carriage, or the person having the care thereof, or plying for passengers to be conveyed thereby, such driver or person not being the owner of such carriage, shall forfeit ten pounds, and if he shall be the owner of such carriage he shall forfeit twenty pounds; and moreover it shall be lawful for any constable or other peace officer, or any officer of stamp duties, without any warrant for that purpose, to apprehend such driver or other person having the care of such carriage or plying for passengers to be conveyed thereby, and to carry and convey him before any justice of the peace having jurisdiction where the offence shall be committed, to be dealt with as herein-after mentioned; and it shall also be lawful for such constable or other peace officer, or officer of stamp duties, to drive or take the carriage not having such plates, with the horse or horses harnessed thereto or drawing the same, or to cause the same to be driven or taken, to some public greenyard, or some livery stables or other place of safety, and there to lodge the same for safe custody until the determination of such justice shall be known; and the justice before whom such driver or other person shall be brought shall hear and determine such offence; and in case the person convicted of any such offence shall be the owner of any such carriage, and if the said penalty of twenty pounds, together with all costs and expenses, and the expenses of taking such carriage and horse or horses to and keeping the same at such greenyard, stables, or other place, shall not be fully paid or discharged within five days after such conviction, such carriage and horse or horses, together with the harness used therewith, shall be sold by order under the hand of such justice, and the surplus (if any) of the produce of such sale, after deducting therefrom the said penalty, costs, and expenses, and also the expenses of such sale, shall be rendered to such owner; but in case the person so convicted shall not be the owner of such carriage, then on default being made in payment of the said penalty of ten pounds such justice shall commit the offender to the common goal or house of correction for the space of three calendar months, unless such last-mentioned penalty shall be sooner paid; and such justice shall give an order for the delivering up of the carriage, and horse or horses, and harness, to the owner thereof, on his paying the expenses of taking and keeping the same; and in case of his refusal to pay such expenses forthwith, then such carriage, and horse or horses, and harness, or a sufficient part thereof to defray such expenses, shall be sold by order under the hand of such justice; and after payment thereof out of all such expenses as aforesaid, together with
the expenses of such sale, the surplus, if any, of the produce of such
sale, together with such part of the carriage, and horse or horses, and
harness, as shall remain unsold, shall be rendered and restored to the
owner.

XXXI. That from and after the passing of this act it shall be lawful
for the proprietor or driver of any stage carriage duly licensed by the
commissioners of stamps, and having thereon the proper numbered
plates or plate required by law to be placed on stage carriages, or for
any other person, to stand or ply with such carriage for passengers to
be carried for hire, and to take up, convey, and set down such passen-
gers with or from such carriage at any place either within the distance
of five miles from the general post office in the city of London or else-
where, any thing contained in an act passed in the last session of par-
liament, for amending the laws relating to hackney carriages, notwith-
standing; provided that for this purpose such stage carriage shall not
deviate from the proper route or line of road, if any shall be specified or
described in the licence relating to such stage carriage, or shall not go
beyond the limits allowed by such licence.

XXXII. That if any person shall forge or counterfeite, or shall cause
or procure to be forged, counterfeited, or resembled, any numbered
plate directed to be provided, or which shall have been provided, made,
or used, in pursuance of this act or of any former act relating to the du-
ties payable in respect of stage carriages, or shall wilfully fix or place,
or shall cause or permit or suffer to be fixed or placed, upon any stage
carriage or other carriage, any such forged or counterfeited plate, or if
any person shall sell or exchange or expose to sale or utter any such
forged or counterfeited plate, or if any person shall knowingly and
without lawful excuse (the proof whereof shall lie on the person ac-
cused) have or be possessed of any such forged or counterfeited plate,
knowing such such plate to be forged or counterfeited, every person so
offending, and every person knowingly and wilfully aiding, abetting, or
assisting any person in committing any such offence as aforesaid, shall
be adjudged guilty of a misdemeanor, and being thereof convicted shall
be liable to be punished by fine or imprisonment, or by both, such im-
prisonment to be in the common gaol or house of correction, and either
with or without hard labour, as the court shall think fit; and in Scot-
land, whenever any person shall so offend, he shall be liable to be
punished in like manner; and it shall be lawful for any officer of stamp
duties, or for any constable or other peace officer, or any toll-gate
keeper, to seize and take away any such plate, in order that the same
may be produced in evidence against such offender, or be disposed of as
the commissioners of stamps shall think proper.

XXXIII. That if after the expiration or discontinuance of any licence
granted to any person under any former act relating to stage carriages,
or under this act, such person shall use, detain, or have in his posses-
sion the numbered plate or plates mentioned in such licence, or shall
neglect to deliver the same to the commissioners of stamps or to their
proper officer, or if any person shall use or detain or have in his posses-
sion any numbered plate or plates without having a licence in force
granted to him under any such act as aforesaid, and relating to such
plate or plates, or if any person shall use or detain or have in his pos-
session any numbered plate or plates which shall have been recalled by
the commissioners of stamps or their proper officer, whether the licence
relating thereto shall be in force or not, it shall be lawful for any officer
of stamp duties, or for any constable or other peace officer, or for any
toll-gate keeper, to seize and take away any such plate or plates where-
soever the same may be found, in order to deliver the same to the said
commissioners; and for the purpose of seizing and taking away any
such plate or plates, or any forged or counterfeited plate or plates, it
shall be lawful for such officer of stamp duties, constable, peace officer,
or toll-gate keeper, to stop any stage carriage or other carriage upon
which the same may be placed; and any person who shall molest, ob-
No. III. 2 & 3 W. 4, c. 120.

Penalty for carrying a greater number of passengers than authorized by licence, 5l. for each passenger above number.

Two children under seven years old reckoned as one passenger.

Particulars to be painted on stage carriages.

XXXIV. That if the number of passengers at any one time conveyed in, upon, or about any licensed stage carriage shall be greater in the whole than the number of passengers which the licence granted in respect of such carriage shall authorize or allow to be conveyed thereby, or if the number of passengers at any one time conveyed in the inside of such stage carriage, or upon or about the outside thereof, shall be greater respectively than the greatest number of inside or outside passengers respectively specified in or upon such licence and allowed thereby, the person to whom such licence shall have been granted shall forfeit five pounds for every passenger so conveyed above the number allowed by such licence to be conveyed in the whole, or in the inside, or on or about the outside of such carriage respectively; and the driver of such stage carriage at the time when such offence shall be committed shall also forfeit five pounds.

XXXV. Provided always, That no child or children in the lap shall be counted as a passenger or passengers under any of the clauses or provisions of this act or of the Schedule (A.) hereto annexed; and that no child not in the lap, but under seven years of age, shall be so counted as aforesaid, unless there shall be more than one such child; and if there shall be more than one such child not in the lap, but under seven years of age, then two of such children shall be accounted equal to one adult person, and considered as one passenger, and so on in the same proportion.

XXXVI. That no stage carriage shall be used or employed unless nor until there shall be truly painted in words at length, and in legible and conspicuous letters one inch at the least in height, and of a proper and proportionate breadth, and in a colour different from and opposite to the colour of the ground on which such letters shall be painted, upon some conspicuous part of each side of such carriage, and clear of the wheel or wheels thereof, so that the same shall be at all times plainly and distinctly visible and legible, the christian name and surname of the proprietor or of one of the proprietors of such carriage, and also the names of the extreme places from which and to which such carriage shall be licensed to travel or go; and there shall also be painted in manner aforesaid, upon some conspicuous place on the back of such stage carriage, and so that the same shall be at all times plainly and distinctly visible and legible, the greatest number of passengers allowed to be carried in or by such carriage, and also when such carriage shall be licensed to carry both inside and outside passengers, the greatest number of passengers allowed to be taken in the inside and on the outside thereof respectively; and if any person shall use or employ any stage carriage upon which all such particulars as aforesaid shall not be truly painted in such legible and conspicuous letters and in manner aforesaid, or in case such particulars or any of them shall be partially obliterated or defaced from or upon any such carriage, then if any such person shall neglect to paint or cause to be painted again, in manner aforesaid, every particular so obliterated or defaced, such person so offending in any of the cases aforesaid shall forfeit five pounds.

XXXVII. That no outside passenger nor any luggage shall be carried on the top or roof of any stage carriage the top or roof of which from the ground shall be more than eight feet nine inches, or the bearing of which on the ground shall be less than four feet six inches from the centre of the track of the right or off wheel to the centre of the track of the left or near wheel; and if any outside passenger or luggage shall be carried on any such carriage in any manner contrary to the directions aforesaid, the driver of such carriage at the time when such offence shall be committed shall forfeit five pounds.

XXXVIII. Provided always, That any licensed stage carriage with four wheels or more, the top or roof of which shall not be more than
eight feet nine inches from the ground, and the bearing of which on the
ground shall not be less than four feet six inches from the centre of the
track of the right or off wheel to the centre track of the left or near wheel,
and drawn by not less than four horses, shall be allowed to (1) carry ten
outside passengers and no more; and that every such carriage as last
foresaid, when drawn by two or three horses only, and licensed to numbers of
carry not less than four inside passengers, shall be allowed to carry six outside pas-
outside passengers, and no more, and when licensed to carry not less
than six inside passengers, shall be allowed to carry seven outside pas-
sengers, and no more; and such several numbers of outside passengers
shall be reckoned exclusive of the driver, and also of the conductor or
guard, if there shall be a conductor or guard of such carriage; and if any Penalty for
greater number of outside passengers shall be carried by any stage car-
carrying a
riage than as herein before specified and allowed, the driver thereof at greater num-
the time when such offence shall be committed shall forfeit five pounds.

XXXIX. That in cases in which outside passengers are by this act
allowed to be carried by any such stage carriage as aforesaid nor more
than one of such passengers shall be allowed to sit or be carried upon
the box with the driver, and that not more than three of such passengers
shall be allowed to sit or be carried on the front of the roof, nor more
than three other of such passengers on the back of the roof of such car-
riage, and that the remainder of such passengers, if there be any more
than seven, shall be placed on some other safe and convenient seat on
the hind part of such carriage; and if any more than one person besides
the driver shall sit or be carried upon the box of such carriage the driver of
such carriage at the time when the offence shall be committed shall
forfeit five pounds.

XL. Provided always, That if the front and the back of the roof of
any stage carriage on which outside passengers are allowed to be carried
as aforesaid, or the seats placed upon the front and back of such roof for
the purpose of carrying outside passengers, shall respectively be not less
than five feet in length from one side to the other of such carriage, and
if there shall not be any luggage carried upon the top or roof of such
carriage exceeding nine feet and nine inches in height from the ground
measuring to the highest point of any part of such luggage when placed
upon the top or roof of such carriage, and if the top of the boot (if any)
behind the body of such carriage, when empty, shall not be more than
six feet from the ground, two additional outside passengers shall be al-
allowed to be carried by such carriage; and in such case four passengers,
and no more, shall be allowed to sit on the front, and four passengers,
and no more, upon the back of the roof of such carriage or on the seats
respectively placed thereupon as aforesaid, provided that in no case a
greater number of passengers be carried on the outside of any stage car-
riage than the licence relating thereto shall authorize to be carried on the
outside thereof.

XLI. That if four or more passengers shall be carried on the front Penalty for
part or on the back part of the roof of any stage carriage, such front part
or back part being less than five feet in length, or on any seat placed upon
the front part or on the back part of the roof of such carriage for the
purpose of carrying outside passengers, such seat being less than five
feet in length, or if four passengers shall be carried on the front part or
on the back part of the roof of any stage carriage at the same time with
any luggage on the top or roof of such carriage exceeding nine feet and
nine inches in height from the ground, or if in any case more than four
passengers shall be carried on the front part or on the back part of the
roof of any stage carriage, the driver of such carriage at the time when
such offence shall be committed shall forfeit five pounds.

XLI. That no stage carriage intended to carry luggage on the top or Stage carriages
roof thereof shall be used or employed until a division or space shall have been made on the top or roof thereof allotted for such luggage, distinctly separate divi-

(1) See now the 3 & 4 W. 4, c. 48, post.
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No. III. 2 & 3 W. 4, c. 170.

Section for luggage on the roof.

Luggage on the top of any stage carriage shall not exceed the height herein specified.

Penalty 5l.

No person to sit on luggage placed on the roof.

Penalty 5l.

Justices, road surveyors, toll collectors, &c., authorized to cause stage carriages and luggage to be measured, and the passengers to be counted.

Penalty on the proprietor or driver for refusal, 5l.

Penalty on toll-gate keeper neglecting to provide a measure, or refusing to count passengers, or to measure luggage, &c. 5l.

separated from the other part of the top or roof of such carriage by some railing or otherwise; and if any such stage carriage as aforesaid shall be used or (1) employed before or until such division or space as aforesaid shall be made, or if any luggage whatever shall be carried on the top or roof of any stage carriage not having such division or space as aforesaid, the proprietor of such carriage in either of the cases aforesaid shall forfeit five pounds.

XLIII. That no luggage which shall be carried on the top or roof of any stage carriage drawn by four or more horses shall in any case exceed ten feet and nine inches in height from the ground, nor shall any luggage which shall be carried on the top or roof of any stage carriage drawn by two or three horses only in any case exceed ten feet and three inches in height from the ground, measuring to the highest point of any part of such luggage when placed upon the top or roof of any such carriages respectively; and if any such luggage shall in either of the cases aforesaid exceed the height by this act in that behalf limited, the driver of such carriage at the time when such offence shall be committed shall forfeit five pounds.

XLIV. That it shall not be lawful for any person to sit or be carried upon any luggage placed on the roof of any stage carriage, nor upon that part of the roof allotted for luggage; and if any person shall sit or be carried upon any luggage or upon that part of the roof allotted for the same, contrary to the provisions of this act, he shall forfeit five pounds, and the driver of such carriage at the time when such offence shall be committed shall also forfeit five pounds.

XLV. That the proprietor of any stage carriage and the driver thereof shall, when thereunto respectively required by any justice of the peace, or by any constable, or any surveyor of any highway or turnpike road, or by any toll-gate keeper, or any officer of stamp duties, or by any passenger travelling with such carriage, permit and allow such carriage and the luggage thereon to be measured, and the number of passengers in, upon, or about such carriage to be counted; and it shall be lawful for any passenger to require the driver of any stage carriage to stop the same at any toll gate, and to require the toll-gate keeper at such gate to count the number of passengers upon the box, and in, upon, or about such carriage, and to measure and ascertain the height of the luggage thereon, and to sign a memorandum in writing of the number of such passengers in the inside and on or about the outside of such carriage (distinguishing the number on the box) and of the height of such luggage, and to deliver such memorandum to the person so requiring the number of passengers to be counted or the height of the luggage to be measured; and the toll-gate keeper at every such gate shall provide and keep at such gate a proper measure for measuring the height of any stage carriage and of the luggage thereupon; and if any proprietor of any stage carriage or the driver thereof shall, when thereto respectively required as aforesaid, refuse to permit and allow such carriage and the luggage thereupon to be measured, or the number of inside or outside passengers to be counted, or if such driver shall, on being so required as aforesaid, refuse or neglect to stop such carriage at any toll gate for the purpose aforesaid, such proprietor or such driver so refusing or neglecting as aforesaid shall forfeit five pounds; and if any toll-gate keeper shall neglect to provide and keep at any such gate a proper measure for the purposes aforesaid, or shall, on being thereunto requested as aforesaid, refuse to count the number of such passengers, or to measure and ascertain the height of such luggage, or to sign a memorandum in writing of the number of such passengers or of the height of such luggage in manner herein-before directed, or to deliver such memorandum so signed to the person entitled to require the same, or shall sign or give any memorandum in which any of the particulars aforesaid shall not be truly set forth, every such toll-gate keeper so offending shall forfeit five pounds:

(1) This clause is repealed by the 3 & 4 W. 4, c. 48, post.
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Provided always, that it shall not be lawful for any one passenger to require the driver of any stage carriage to stop the same for any such purpose as aforesaid more than once during any one journey, unless after the counting of such passengers or the measuring of such luggage any additional passenger or passengers shall be taken up, into, or upon such stage carriage, or additional luggage shall be placed on the top or roof thereof during the same journey.

XLVI. Provided always, That none of the regulations in this act contained relating to the plates to be fixed upon any stage carriage, or to any of the particulars to be painted upon any stage carriage, or relating to the placing of outside passengers or the luggage to be carried on the roof of any stage carriage, shall extend to any mail coach employed in the service of the general post office, built or constructed according to the regulations of the postmaster general, and carrying not more than four outside passengers.

XLVII. That if the driver of any stage carriage drawn by three or more horses shall at any place where such carriage shall stop quit the box of such carriage, or the horses drawing the same, without delivering the reins into the hands of some fit and proper person, or before some fit and proper person shall be placed and shall stand at the head of the horses or some of them belonging thereto, and shall have the command thereof; or if any person so placed and standing at the heads of such horses shall leave such horses before some other proper person shall be placed and stand in like manner and have the command of such horses, or before the driver of such stage carriage shall have returned and seated himself upon the box and taken the reins; or if the driver of any stage carriage shall permit any passenger or any person other than himself to drive the horses drawing such carriage; or if the driver of any stage carriage shall quit the box of such carriage without reasonable occasion, or for a longer time than such occasion shall absolutely require; or if the driver of any stage carriage shall suffer any plate or the concealing number on any plate fixed or placed thereon pursuant to this act to be misplacing in any manner concealed from public view, or shall suffer any such plate to be inverted, or so fixed or placed that the number thereon shall not be plainly and distinctly legible; or if any person travelling as on guard disregard to any stage carriage shall, whilst the horses are harnessed or in charging fire the act of being harnessed thereto, and whilst any passenger shall be in arms unnecessarily, or about such carriage, discharge any fire arms, except for the necessary defence of such carriage or of the passengers or luggage being in or about the same; or if the driver or conductor or guard on neglecting or neglecting of any stage carriage shall neglect to take due care of any luggage whatsoever carried or to be carried by such carriage; or if any such driver, luggage, or conductor or guard shall demand or receive for the fare of any passenger more than the sum which such passenger shall be liable to pay, than the proper or more than the money properly chargeable for the carriage of any luggage; or if any such driver or conductor or guard shall, when thereto required, neglect or refuse faithfully to account to his employer for all monies received by him in respect of any passenger or any luggage which shall be carried by such carriage; or if any such driver or conductor or guard shall assault or use abusive or insulting language to any person travelling or about to travel or having travelled as a passenger or by such carriage, or to any person accompanying or attending upon any such passenger in coming to or going from any such carriage, every such offender in any of the several cases aforesaid shall forfeit five pounds.

XLVIII. That if the driver or conductor or guard of any stage carriage, or any other person having the care thereof, or employed in, upon, or about such carriage, shall, through intoxication or negligence, or by wanton and furious driving, or by or through any other misconduct, endanger the safety of any passenger or other person, or shall injure or endanger the property of the owner or proprietor of such stage carriage or of any other person, every such person so offending shall forfeit five pounds.
XLIX. That whenever it shall happen that the driver or conductor or guard of any stage carriage shall have committed any offence against this act for the commission whereof any penalty is by this act imposed upon such driver or conductor or guard, and not upon the proprietor of such carriage, and such driver or conductor or guard shall not be known, or being known cannot be found, then the proprietor of such carriage shall be liable to every such penalty as if he had been the driver or conductor or guard of such carriage at the time when such offence was committed: Provided always, That if any such proprietor shall make out, to the satisfaction of the justice of the peace before whom any complaint or information shall be heard, by sufficient evidence, not resting on his own testimony, that the offence was committed by such driver or conductor or guard without the privity or knowledge of such proprietor, and that no profit, advantage, or benefit, either directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he has used his endeavour to find out such driver or conductor or guard, and given all reasonable information in answer to inquiries respecting him, such justice shall discharge the proprietor from such penalty, and shall levy the same upon such driver or conductor or guard when found.

LI. That the proprietor or company of proprietors of every railway in Great Britain along which any passenger shall, after the tenth day of October one thousand eight hundred and thirty-two, be conveyed for hire in or upon any carriage drawn or impelled by the power of steam, or otherwise, shall from time to time keep and cause to be entered in a book or books to be kept for that purpose, and which shall at all times be open for the inspection and examination of any authorized officer of stamp duties, a just and true account of the number of passengers which shall be conveyed daily for hire in manner aforesaid along any such railway or any part thereof, and of the number of miles which such passengers shall respectively be so conveyed; and every such proprietor or company shall, within five days next after the first Monday in every calendar month, deliver to the commissioners of stamps, or to such officer as they shall authorize to receive the same, a true copy of the account by this act directed to be kept, so far as the same shall relate to the passengers conveyed aforesaid, during the preceding four or five weeks (as the case may be), that is to say, from the first Monday in the preceding month up to and including the first Monday of the month in which such account shall be rendered; and to and with every such account there shall be annexed and delivered an affidavit or affirmation (to be taken before any one of his Majesty’s justices of the peace) of the secretary, chief clerk, or accountant of such proprietor or company, stating that the deponent or affirmand has examined and checked such account with the books of the said proprietor or company, and that to the best of the knowledge, information, and belief of such deponent or affirmand such account doth contain and is a true and faithful account of the several matters and things required by this act; and such proprietor or company shall at the time of delivering every such account pay or cause to be paid to the receiver general of stamp duties, or to the officer authorized by the said commissioners to receive the same for the use of his Majesty, the duties chargeable under this act for or in respect of the passengers so conveyed according to such account.

LII. That the proprietor or company of proprietors of every such railway shall, before any passengers shall be conveyed along the same in manner aforesaid, after the tenth day of October one thousand eight hundred and thirty-two, give security by bond to his Majesty, with a condition that such proprietor or company shall from time to time keep and render in the manner directed by this act the accounts by this act required to be kept and rendered by such proprietor and company respectively; and that such proprietor or company shall from time to time, upon every reasonable request of any authorized officer of stamp duties, produce and show to such officer, and permit him to inspect and examine, all and every the books and book of such pro-
No. III. 2 & 3 W. 4, c. 120.

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proctor or company in which any such account shall be contained or entered; and that such proctor or company shall well and truly pay or cause to be paid for the use of his Majesty, at the times and in manner directed by this act, all and every the duties which shall from time to time become chargeable under this act for or in respect of the passengers which shall be so conveyed as aforesaid along such railway; and that such proctor or company shall well and truly do and perform and cause to be done and performed all such acts, matters, and things as by this act are required or directed to be done or performed by or on the part or behalf of such proctor or company; and every such bond shall be taken with sufficient sureties to the satisfaction of the commissioners of stamps, and in such sum as the said commissioners may judge to be the probable amount of the duties which may become payable by such proctor or company under or by virtue of this act during the period of one quarter of a year; and every such security shall be renewed from time to time whenever and so often as such bond shall be forfeited, or as the parties to the same or any of them shall die or become bankrupt or insolvent, or reside in parts beyond the seas, and also whenever and so often as the said commissioners shall in their discretion require the same to be renewed; and if any proctor or company of proprietors of any such railway as aforesaid shall, after the said tenth day of October, convey or permit or suffer to be conveyed in manner aforesaid, along such railway or any part thereof, any passengers for hire, without having first given such security by bond to his Majesty in manner herein-before directed, or if any such proctor or company shall refuse or neglect to renew such security, whenever and so often as the same is or shall by or in pursuance of this act be required to be renewed such proctor or company shall forfeit one hundred pounds for every day during the period for which there shall be any refusal, neglect, or default to give or renew such security as aforesaid.

LIII. Provided always, That it shall be lawful for the lords commissioners of his Majesty's treasury, or any three or more of them, from time to time, where and whenever they shall deem it expedient, to compound and agree with the proctor or company of proprietors of any such railway as aforesaid for any sum or sums of money less than the amount of the duties which may be or become chargeable under this act, to be paid by such proctor or company in lieu of the said duties for or in respect of the passengers conveyed or to be conveyed along such railway, during any period of time not exceeding the term of seven years, and from time to time to renew any such composition for any further period, not exceeding the term aforesaid, upon such terms and conditions as may be agreed upon by and between the said lords commissioners and such proctor or company.

LIII. And for securing the duties granted by this act for and in respect of horses let for hire, and on licences to let such horses, be it enacted, That the said duties on horses let for hire shall be deemed to attach and be payable upon or in respect of every horse let for hire, or charged, used either as a saddle horse or for drawing any carriage or vehicle conveying any person, and upon or in respect of every horse used for drawing any mourning coach or hearse, subject to the exemption immediately herein-after mentioned; (that is to say,) provided always, that the said duties shall not be deemed to attach or be payable upon or in respect of any horse used in drawing any public stage carriage duly licensed under the authority of this act, nor upon or in respect of any horse used in drawing any hackney carriage which shall be duly licensed by the commissioners of stamps or their proper officer, where the same shall be used to go no greater distance than ten miles from the general post office in the city of London, provided such hackney carriage shall be regularly and constantly used for the purpose of standing and plying for hire in the public streets or roads within the distance of five miles from the said general post office; nor shall the said duties be deemed to attach or be payable upon or in respect of any horse used in drawing any carriage kept or usually employed for the conveyance of fish.
LIV. That in the case of calculating the amount of duty to be paid when the same is expressed in Schedule (A) to this act annexed to be one fifth part of the sum charged for the letting of any horse for hire, such one fifth part shall be calculated upon the whole sum charged for and in respect of such horse so let for hire, and of the carriage (if any) used therewith; and that in calculating the amount of such duty no factional part of any sum of money amounting to a less sum than one penny shall be charged; and that in all cases the inn, house, or other place at which any person shall be licensed to let horses for hire shall be deemed to be the place of letting for hire of every horse by him so let for hire; and that where any horse which shall have been let for hire at any period of time shall be retained and kept beyond the expiration of the time for which the same shall have been let for hire, without a new hiring, such horse shall be deemed, so far as relates to the duties imposed by this act, to have been retained and kept upon a new hiring, similar to that for which such horse was originally let for hire.

LV. That the commissioners of stamps, or any two or more of them, or any collector or other officer of stamp duties duly authorized by the said commissioners for that purpose, shall grant to any person who shall apply for the same a licence to let horses for hire; and all such licences which shall be granted between the thirty-first day of January and the sixteenth day of March in any year shall be dated on the first day of February in that year, and all such licences which shall be granted at any other time shall be dated on the day on which the same shall be granted; and all such licences respectively shall have effect and continue in force from the day of the date thereof until the thirty-first day of January next ensuing, both inclusive, and no longer; and no person required by this act to be so licensed shall, unless he shall have obtained a proper licence in that behalf, let any horse for hire to be used in any of the cases aforesaid, upon pain to forfeit for every horse so let for hire as aforesaid the sum of ten pounds; and every person so licensed shall be deemed a licensed postmaster within the meaning and for all the purposes of this act.

LVI. That if any licensed postmaster shall die, or become bankrupt or insolvent, it shall be lawful for his executor or administrator, assignee or trustee, or for any other person succeeding to or taking possession of his inn, house, or other place, to let horses for hire in manner aforesaid until such person shall procure such licence as herein-before directed; and such person shall not be liable to the penalty imposed upon persons letting horses for hire without being licensed in that behalf, provided such licence be taken out within thirty days next after the death, bankruptcy, or insolvency of any such licensed postmaster; and such person shall be subject to the same rules, regulations, and charges, and shall be liable to account for and pay the duties hereby imposed, in like manner as such deceased or bankrupt or insolvent postmaster was subject and liable to.

LVII. That every collector of the duties on horses let for hire shall from time to time, once in every three months, make out and deliver or transmit to the commissioners of stamps at the head office for stamps in Westminster an account or list, in writing, of all the licences granted by him as such collector to any person to let horses for hire, and such list or account shall specify the christian names and surnames of the persons licensed, their places of residence, the names of the inns (if any) or other places at which they shall be licensed to let horses for hire, and the date of every such licence; and any collector who shall neglect or refuse to deliver or transmit any such account or list in manner aforesaid shall forfeit one hundred pounds.

LVIII. That no licensed postmaster shall by virtue of any such licence be authorized to let any horse for hire at any inn, house, or place not specified in such licence, and that for and in respect of every inn, house, or other place at which any such postmaster shall let any of one licence.
horse for hire, a separate and distinct licence shall be taken out by such postmaster under this act; and if any person shall let any horse for hire at any inn, house, or place not named or described in such licence granted to him, he shall forfeit twenty pounds.

LIX. That every licensed postmaster shall cause his christian name and surname, together with the words "Licensed to let Horses for Hire," to be painted in legible characters of at least two inches in height, and of a proper and proportionate breadth, upon a sign or board, either hung out from or fixed upon some conspicuous part of the front of the house, stables, or out-offices at every inn, house, or place at which such postmaster may be so licensed, in order to denote that such person is a letter of horses for hire at such inn, house, or place; and any licensed postmaster who shall let for hire any horse at any inn, house, or place without having such sign or board hung out or fixed as aforesaid shall forfeit five pounds.

LX. That where any licensed postmaster shall keep any carriages to be furnished at the same time with any horse or horses by him let for hire by the mile (except hearsees and mourning coaches), such postmaster shall, before any such carriage shall be so furnished or used, cause all such carriages to be numbered with progressive numbers, beginning with number one, and proceeding upwards to the highest number of carriages which such postmaster shall so keep, and shall also paint, in one or more straight line or lines on the outside pannel of each door of every such carriage which shall have a door thereto, and on some conspicuous part outwardly on each side of every such carriage which shall not have a door thereto, the christian name and surname of such postmaster, and the name of the city, town, or place where such carriage shall be kept, in legible characters and figures of a colour different from and opposite to the colour of the ground whereon the same shall be painted, each letter to be at least one inch in height, and each figure to be at least one inch and a half in height, and each of a proportionate breadth; and such postmaster shall continue such letters and figures on every such carriage so long as such carriage shall be kept for the purpose aforesaid, varying the numbers on such carriages from time to time as occasion shall require, so as to make the same correspond with the actual number of such carriages which he shall then keep; and if any licensed postmaster shall neglect or omit to number or paint any such carriage in manner aforesaid, or shall paint or cause to be painted thereon any false or fictitious name or place of residence, or any higher number than the greatest number of such carriages which he shall then keep, or if any licensed postmaster shall keep two or more such carriages with the same number painted thereon, or shall continue any number upon any such carriage after he shall cease to keep any number of such carriages corresponding therewith, he shall forfeit ten pounds.

LXI. That the commissioners of stamps or their officers shall supply all such licensed postmasters with proper tickets, and shall also supply all toll-gate keepers with proper exchange tickets and check tickets; and that the tickets in respect of every horse or of any number of horses let for hire by the mile shall be adapted for the insertion of the number of miles and the name of the town or place to which every such horse shall be hired to go, and if to London, the name of the street, square, or place therein; and that the tickets in respect of every horse or of any number of horses let for hire for any period of time, or in any other manner than by the mile, shall be adapted for the insertion of the names of the places from and to which every such horse shall be hired to go or to go to and return from, the day or number of days for which every such horse shall be let for hire, and if such hiring shall be for any period of time exceeding one day, then for the insertion of the name and place of residence of the person hiring such horse, and the day upon which the hiring shall commence; and all such tickets, in the several cases aforesaid, shall also be adapted for the insertion of the number of horses let for hire, the day of the month, the month and year on which
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2 & 3 W. 4,  
c. 120.

Exchange tickets to be adapted for the insertion therein of certain particulars.

Postmaster shall deliver tickets with hire of horses.

Penalty for neglect, 10/.  

No person shall pay hire for more miles than expressed in the ticket.

Penalty for not filling up the ticket truly.

Persons using hired horses shall deliver the tickets at the first toll-gate, and receive check tickets.

Toll gate keepers shall demand tickets, and give check tickets in exchange.

Persons not to pass gates without producing tickets, or paying 1s. 9d. for every horse.

every such horse shall be so let for hire, and the christian name and surname and place of residence of the person letting the same; and the ticket herein-after required to be given by any toll-gate keeper in exchange for any ticket delivered to him shall be adapted for the insertion of the name of the county in which the toll-gate at which such exchange ticket shall be given is situated, together with the name of such toll-gate, the day of the month, the month and year upon which the hiring shall be or commence, the number of horses, the day or number of days, the names of the places from and to which every such horse shall be hired to go or to go to and return from, the number of miles, and the names and residences of the persons letting and hiring every such horse as the said particulars, or any of them, shall be expressed in the original ticket.

LXII. That every licensed postmaster who shall let any horse for hire shall, by himself or his servants, previous to the using of any such horse, deliver to the person hiring such horse, or to the postillion or person to be employed to drive such horse, a ticket properly filled up with respect to all the particulars herein-before mentioned which shall be applicable to the hiring of every such horse; and any postmaster who shall neglect or refuse to deliver such ticket according to the directions of this act shall forfeit ten pounds.

LXIII. That no person hiring any horse shall be compelled to pay for a greater number of miles for the hire of such horse than shall be expressed upon the ticket by this act directed to be delivered as aforesaid relating to the hiring of such horse; and any licensed postmaster who shall insert or cause or permit to be inserted in any such ticket the name of any other town or place than the town or place to which or to and from which the horse shall be hired to go or to go and return, or a less number of miles than such horse shall be actually hired to go, shall forfeit ten pounds; and it shall be lawful for the commissioners of stampe, if they shall so think fit, after conviction of such offender, to refuse to grant to him any such licence in future.

LXIV. That every person who shall receive from the person letting any horse for hire any ticket relating to the hiring of such horse, shall deliver or cause to be delivered every such ticket to the toll-gate keeper at the first toll-gate through which such horse shall pass or go; and every person who shall deliver to any toll-gate keeper any such ticket as aforesaid, relating to the hiring of any horse let for hire in any other manner than by the mile, shall ask for and receive from such toll-gate keeper the proper exchange ticket or check ticket containing the several particulars herein-before mentioned, which shall be applicable to the hiring of any such horse; and every such exchange ticket or check ticket shall, on demand of the toll-gate keeper, be produced and shown at every toll-gate through which such horse shall afterwards pass or go during the journey, or within the time for which such horse shall have been let for hire.

LXV. That the keeper of every toll gate through which any horse let for hire shall first pass shall demand of the person using such horse, or of the postillion or person employed to drive the same, the ticket issued for and in respect of such horse; and every such toll gate keeper shall deliver to the person using any horse let for hire in any other manner than by the mile, or to the postillion or person employed to drive such horse, an exchange ticket or check ticket, properly filled up with respect to the particulars in that behalf herein-before mentioned, and shall receive such original ticket, and write his name thereon, and file the same; and it shall be lawful for the keeper of any toll gate to prevent any horse let for hire from passing through any such gate, unless the proper ticket, exchange ticket, or check ticket required by this act, containing and specifying the particulars in that behalf herein-before mentioned, which shall be applicable to the hiring of such horse, shall be first delivered or produced and shown to such toll gate keeper, or the person using such horse shall pay to such toll gate keeper one shilling and
nine-pence in respect of every such horse, which sum such toll gate keeper is hereby authorized to demand and receive for his own use and benefit; and any toll gate keeper who shall neglect to demand or shall refuse to receive any ticket by this act directed to be delivered to him, or who shall neglect or refuse to write his name thereon, or to file the same when delivered, or who shall neglect or refuse to give any ticket by this act directed to be given by him in exchange, or who shall deliver any exchange ticket or check ticket without having first received the necessary ticket containing the particulars in that behalf herein-before mentioned, or who shall make or suffer to be made any alteration whatever in any ticket after the same shall have come to his possession, or who shall deliver any ticket herein-before directed to be received and filed by him to any person other than the person duly authorized to receive the same, or who shall permit any person to inspect any ticket by him received and filed as aforesaid other than the person duly authorized to receive the same, or who shall demand or receive, or shall agree to take or accept, any less sum of money than he is by this act authorized to demand and receive and retain to his own use, shall forfeit ten pounds.

LXVI. That if any person shall neglect or refuse to deliver at any toll gate any ticket which he ought, according to the provisions of this act, to deliver at such gate, or if any person shall falsely allege that any horse with which he shall pass any toll gate is not a hired horse, in order to avoid being stopped, or to avoid the payment of the sum which the toll gate keeper shall be entitled to demand in default of any such ticket being delivered or shown, every person so offending shall forfeit ten pounds.

LXVII. That the keeper of every toll gate within the distance of five miles from the head office for stamps in the city of Westminster shall, at such times as shall be directed by the commissioners of stamps or their proper officer, bring or send all the tickets by him received to the said head office, or to such other place within the bills of mortality as the said commissioners or officer shall appoint; and the keeper of every toll gate beyond the distance of five miles from the said head office shall bring or send all the tickets by him received to such places and at such times as the collector appointed to collect such tickets shall require, provided such places shall not be at a greater distance than the nearest market town, or shall, upon demand made to him for that purpose, deliver or cause to be delivered all such tickets as aforesaid to such collector; and any toll gate keeper who shall neglect or refuse to bring or send or deliver, in manner aforesaid, all the tickets received by him, shall, for every ticket he shall so neglect or refuse to bring, send, or deliver, forfeit twenty shillings.

LXVIII. That every toll gate keeper shall be entitled to demand and receive from the collector to whom he shall bring, send, or deliver such tickets as aforesaid one farthing for and in respect of each horse specified in every ticket, and also one farthing for each such horse for every day more than one and less than twenty-eight successive days in such tickets mentioned, and such collector is hereby required to pay or allow such sums accordingly.

LXIX. That in and across any public road on which any toll gate shall not be erected sufficient for the purposes of this act it shall be lawful for the commissioners of stamps to cause gates and bars to be erected for the receipt of the tickets directed to be issued in pursuance of this act, and to place a proper person at every such gate or bar, who shall have power and authority to collect such tickets, and to demand the money from the traveller for not producing and showing any such ticket, in like manner as any toll gate keeper is by this act authorized to collect and demand the same; and every such person shall be subject to the same penalties for any thing done or omitted contrary to this act as any toll gate keeper is by this act subject and liable to, and every such gate or bar shall be deemed and taken to be a toll gate for all the purposes of this act.
LXX. That where any licensed postmaster shall let for hire any horse for twenty-eight successive days or more, and such horse shall be returned to such postmaster before the expiration of the time for which such horse shall have been so let for hire, such postmaster, at the time of receiving back such horse, shall ask for and receive from the person so returning such horse the check ticket received by such person in exchange for the original ticket delivered to him on the letting of such horse, and shall, within three days after the return of such horse, deliver up or transmit such check ticket to the collector of the said duties to whom he ought to deliver his stamp office weekly account; and if any licensed postmaster shall refuse or neglect to ask for such check ticket, or having received the same, shall refuse or neglect to deliver up or to transmit the same to the said collector within the time aforesaid, he shall forfeit twenty pounds; and if such postmaster shall use any such check ticket, or shall permit the same to be used, or shall give out the same to any person, for the purpose of being used to cover and protect any other lettings for hire from the duty hereby granted, such postmaster shall forfeit fifty pounds.

LXXI. That every licensed postmaster shall from time to time, whenever he shall be thereunto requested by any collector or other authorized officer of stamp duties, as well during the continuance of any licence to such postmaster as at or after the expiration thereof, well and faithfully account to such collector or officer respectively for all the tickets which shall have been delivered to such postmaster, in pursuance of this act, under or in consequence of any such licence as aforesaid; and such postmaster shall also, on demand, re-deliver to such collector or officer all such tickets as shall not be satisfactorily accounted for in manner aforesaid, or in default thereof such postmaster shall be liable to pay for every ticket not accounted for as aforesaid after the rate of one shilling for every horse specified or expressed by figures or otherwise upon such ticket and in the receipt given by such postmaster for the same; and such rate or sum of one shilling for every horse specified or expressed as aforesaid shall be deemed to be the value of every such ticket, and shall be a debt due to his Majesty from such postmaster, and shall be recovered accordingly; and if any such postmaster shall neglect or refuse to account to such collector or officer in the manner directed by this act for every or any such ticket as aforesaid, or shall neglect or refuse to pay to such collector or officer the value of every or any such ticket as shall not be satisfactorily accounted for, and as shall not be re-delivered, on demand, to such collector or officer in the manner directed by this act, every such postmaster so offending shall forfeit ten pounds over and above the value of every such ticket not so accounted for or re-delivered.

LXXII. That any person who, with intent to defraud his Majesty or any other person, shall falsely make, forge, or counterfeit, or shall cause or procure to be falsely made, forged, or counterfeited, or shall wilfully aid or assist in the false-making, forging, or counterfeiting of any ticket by this act authorized or directed to be used, or shall utter or publish as true any such false, forged, or counterfeited ticket, shall forfeit fifty pounds.

LXXIII. That the commissioners of stamps or their officers, at the time of issuing any licence to any postmaster, shall deliver to such postmaster papers, intituled "Stamp Office Weekly Account," which shall be adapted for the insertion of the following particulars relating to the horses which may be let for hire; (that is to say,) the day of the month, the month and the year of such letting for hire, the names of the towns or places from which and to which, or from which and to which and back again, such horses shall be hired to go, according as the hiring may be, the number of every carriage required by this act to be numbered, the christian name and surname of every postillon or driver employed, the amount of the sum charged for or in respect of every let-
LXXIV. That every licensed postmaster shall truly insert and set forth in such his stamp office weekly account the several particulars following; (that is to say,) the day of the month, the month and year, on which every horse let for hire by him shall be let for hire, and from and to what place, or from and to what place and back again, every such horse shall be hired to go, the number of every carriage (which by this act is required to be numbered) which shall be furnished with any such horse, the christian name and surname of every postillion or driver employed with every such horse, the amount of the sum charged for the hire or use of every such horse, where in any case allowed by this act the postmaster shall elect to pay one fifth thereof for the duty on such letting, the time for which the same shall be let for hire or used, the number of horses so let for hire, and where the distance shall be ascertained the number of miles within which the same shall be hired to go or to go and return, or such of the several particulars aforesaid as shall be applicable to each respective letting for hire, and in all cases the amount of the duty payable for and in respect of every horse upon every such letting for hire or using; and whenever such licensed postmaster shall let any horse for hire for twenty-eight successive days or more he shall insert and set forth in such his stamp office weekly account the several particulars following; (that is to say,) the number of horses so let for hire, the day of the month, the month and year, on which such hiring shall commence, the number of every carriage by this act required to be numbered which shall be furnished therewith, the christian name and surname of every postillion or driver employed with every such horse, the time for which the same shall be hired, and the name and place of abode of the person hiring the same; and such postmaster shall also insert in every such account a memorandum or notice of every horse which shall have been let for hire by him for twenty-eight successive days or more, and which since the date of his last account shall have been returned.
No. II.
2 & 3 W. 4,
c. 120.
before the expiration of the term.
Penalty for neglect. 20l.

Entries to be made on the day the horses are let or returned;
Penalty, 40s.
Account to be open for the inspection of proper officers.
Penalty, 10l.

When and where licensed postmasters shall deliver their accounts, and pay the duty thereon.
Penalty for default, 20l.

Postmaster to make a declaration of the truth of his account.

have been given up and returned to him by the hirer before the expiration of the time for which such horse shall have been let for hire, and the day of the month on which the same shall have been so given up and returned, and also the amount of the duty payable in respect of the time during which every such horse shall have been under the direction of the person hiring the same by virtue of such letting for hire as aforesaid; and in case of the neglect or omission of any licensed postmaster to insert in any such stamp office weekly account the particulars hereinbefore respectively mentioned, or any of them, applicable to each respective letting for hire, he shall for every such neglect or omission forfeit twenty pounds.

LXXXV. That every licensed postmaster who shall let any horse for hire shall enter or cause to be entered, in such his stamp office weekly account, the several particulars by this act required to be inserted therein, on the day or which any such horse shall be so let for hire or so given up and returned as aforesaid, or on the day next immediately following, or in default thereof he shall forfeit forty shillings.

LXXXVI. That every such stamp office weekly account of every licensed postmaster shall be open for the inspection and examination at all seasonable times of the commissioners of stamps, or any collector of the said duties, or any authorized officer of stamp duties; and any postmaster who shall refuse to permit such commissioners or collector or officer, at any seasonable time, to inspect such his stamp office weekly account, shall for every such refusal forfeit ten pounds.

LXXXVII. That every licensed postmaster residing within the distance of five miles from the head office for stamps shall attend and deliver his stamp office weekly accounts, and shall pay the duties for which he shall be accountable either to the commissioners of stamps at the said head office, or to some collector of the said duties, at such place and at such time as shall be appointed for that purpose by a notice to be given upon the blank forms of the stamp office weekly accounts, which shall from time to time be delivered to such postmaster for the purpose of making therein the entries required by this act, provided such place be not at a greater distance than two miles from the said head office; and every licensed postmaster not residing within five miles of the said head office shall attend and deliver his stamp office weekly accounts, and shall pay the duties for which he shall be accountable to the collector of the said duties authorized to receive the same at such place in the market town in which such postmaster shall reside, or (in case he shall not reside in a market town) in the market town nearest to his place of residence, and at such time as shall be appointed for that purpose by a notice to be given in manner aforesaid, under the penalty of twenty pounds for every default in not attending to deliver or in not delivering any such account at the time and in manner aforesaid, and double the amount of the duties due and payable by such postmaster, so far as the same can be ascertained; and in default of the delivery of any such account, the said duties may be computed by the tickets which such postmaster shall have issued or caused to be issued, under the provisions of this act, by calculating the rate of duty imposed by this act upon the number of horses, and for the number of miles or days, or otherwise, as the case may be, specified or expressed upon such tickets respectively, without regard to the option of such postmaster, in any case, of paying one fifth part of the sum charged for the hire of any of such horses for the duty on the letting thereof.

LXXXVIII. That every licensed postmaster shall, at the respective times of delivering his account and paying the money due thereon, make and subscribe, in the presence of the collector or other officer authorized to receive such account, a declaration of the truth of the account then delivered in the form following:

'I A. B. do declare, That the stamp office weekly account hereunto annexed doth contain a just and true statement of the number of horses
which have been let for hire by me or my servants, or on my account and behalf, from the day of the day of both inclusive, together with the manner in which such horses have been so let for hire as aforesaid; and also the full amount of the duty due and payable by me, or for which I am chargeable or accountable, in respect of every such horse so let for hire by me or on my account as aforesaid during the time aforesaid.

And if any licensed postmaster shall refuse to make and subscribe such declaration in the manner by this act required, it shall nevertheless be lawful for the collector or other such officer as aforesaid to demand and receive the money due upon such account, and such postmaster shall forfeit twenty pounds for such refusal.

LXXXIX. Provided always, That it shall not be lawful for any person to inform, sue, or prosecute, either in any court of record or before any justice of the peace, or otherwise, for recovery of the said penalty of twenty pounds and double duty for any default in not attending to deliver or in not delivering any such account as aforesaid, or for recovery of the said penalty of twenty pounds for refusing to make and subscribe any such declaration as aforesaid, without having first obtained the consent in writing of two or more of the commissioners of stamps for that purpose, unless the action, suit, or prosecution for any such penalty as aforesaid shall be carried on by the solicitor of stamps in England or Scotland respectively; any thing herein contained to the contrary thereof notwithstanding.

LXXX. That the commissioners of stamps, or the collectors or other officers aforesaid, at the time of their settling the respective accounts of the several licensed postmasters in manner herein-before mentioned, shall allow to such postmasters, for their own use and benefit, and shall deduct from the amount payable by them on such their respective accounts, after the rate of three-pence in the pound out of the monies by them regularly accounted for and paid pursuant to the directions of this act.

LXXXI. That every licensed postmaster who shall wilfully conceal the letting of any horse for hire, or who shall make or render any false or fraudulent account touching or concerning the duties payable by him upon or in respect of horses let for hire, or who shall be guilty of any other fraudulent contrivance, device, or pretence whatsoever, with intent or design to defraud his Majesty, or any person, of any of the duties imposed by this act for or in respect of horses let for hire, shall forfeit fifty pounds; and it shall be lawful for the commissioners of stamps, if they shall so think fit, after judgment obtained against the offender, to refuse to grant any fresh licence to any such offender in future.

LXXXII. That every person letting any horse for hire shall be chargeable with the payment of the duty by this act imposed in respect of every such letting for hire, whether such person shall receive such duty or not, and every person who shall receive the hire for any horse shall be considered as the person to whom the duties by this act granted shall be paid, and shall be chargeable with the same as if such person were the actual proprietor of such horse, although the same may be the property of some other licensed person; and whenever it shall happen that any licensed postmaster at whose inn or residence any person shall apply to change horses cannot furnish horses to convey such person on his journey, and such person shall proceed on his journey with horses hired at and coming from any other inn or place, such licensed postmaster shall issue to any person demanding the same a fresh ticket, properly filled up, for the next stage of such journey, and shall receive the duty payable in respect thereof, and shall charge himself with such duty in the same manner as if such horses had been hired from such postmaster.

Penalty for refusal, 20l.

Consent of the commissioners of stamps requisite to prosecute for the two last-mentioned penalties.

Allowance to be made to postmasters out of the monies duty accounted for and paid.

Penalty on postmasters for wilful frauds.

Persons letting horses shall be chargeable with the duty thereon.

Postmaster who cannot furnish horses shall give tickets for horses furnished by others, and receive the duty thereon.
LXXXIII. That if any person not licensed to let horses for hire shall let any horse for hire, such person shall be chargeable with the duty by this act made payable for and in respect of every horse which shall be so let for hire in the same manner as if he had obtained such licence as aforesaid, and whether such duty shall be received from the person hiring such horse or not; and every such person so letting any horse for hire shall, upon one week's notice in writing for that purpose to him given by any collector of the said duties for the county, district, or place where he shall so let any horse for hire, deliver to such collector a true account in writing, signed by such person, of every such horse which he shall have let for hire and shall not then have already accounted for, and of the manner in which every such horse shall have been let for hire, and of the duty payable in respect thereof, in the same manner as by this act is required to be done by licensed postmasters, and shall also verify such account by oath (to be administered by such collector), and shall thereupon pay to such collector the amount of such duty; and in case of any refusal or neglect so to do, then he shall forfeit twenty pounds for every default in not delivering such account verified as aforesaid, and double the amount of the duty which he shall be then chargeable with: Provided always, that where any such notice shall have been given as aforesaid, then upon the delivery of such account in pursuance of such notice, and upon payment of all duty due thereon, and upon taking out such licence as ought to have been taken out previously thereto, the person so delivering such account shall be discharged from any penalty which he may be then liable to in consequence of having let for hire any horse mentioned in such account without having obtained such licence as aforesaid.

LXXXIV. That every person in any city, town, or place who shall let for hire or use any horse for drawing any carriage to be used as a hackney carriage to any distance not exceeding five miles from the general post office of any such city, town, or place, shall be subject and liable to the payment of the sums following, in lieu of and as a composition for the duties by this act chargeable upon horses let for hire; (that is to say,) the sum of five shillings per week for or in respect of all or any horses let for hire, or used for drawing every such carriage, when drawn by two horses; and the sum of three shillings per week for or in respect of any horse or horses let for hire, or used for drawing any such carriage, when drawn by one horse; and such person shall not be required, in respect of such horses so let for hire or used as last aforesaid, to keep the weekly accounts hereby directed to be kept or to deliver the tickets hereby directed to be delivered by persons letting horses for hire: Provided always, that if any horse used for drawing any such carriage shall go a greater distance than five miles from any such general post office as aforesaid, the person letting for hire or using any such horse shall be subject to all the rules and regulations of this act in respect of horses let for hire, and shall be chargeable with the duties by this act imposed in respect of horses let for hire: Provided also, that the person letting for hire or using any horse for drawing any such carriage as aforesaid, shall take out a licence expressly authorizing him so to do, and shall cause every such carriage to be numbered, and shall cause his christian name and surname, and the name of the city, town, or place, to be painted and inscribed upon the outside pannel of each door, or upon some conspicuous part of such carriage, in like manner as by this act is before directed in respect of carriages kept to be furnished or used with horses let for hire, and under and subject to the like penalties as are by this act imposed upon persons neglecting to take out licences, or neglecting to number or cause to be numbered any carriage kept to be furnished or used as aforesaid, or neglecting to paint or cause to be painted thereon the name of the person letting for hire or using any such horse with such carriage, and the name of the city, town, or place where such carriage shall be kept; and every person letting or using any horse for hire, for drawing such carriage used as a hackney carriage as aforesaid, shall attend and
pay the said weekly duties at such times and places as persons licensed to let horses for hire are required by this act to do, and shall be subject to the like penalty for any neglect or default in attending and paying such duties as aforesaid: Provided also, that nothing herein contained shall extend to exempt from the payment of the general duties by this act imposed in respect of horses let for hire any person letting horses for hire to draw any such carriage, unless such carriage shall be regularly and constantly used for the purpose of plying for hire in the public streets of some city or town as a hackney carriage; and that in all informations, actions, suits, or other proceedings whatsoever respecting the payment of any duty, or the recovery of any penalty, in respect of any horse used in drawing any such carriage, the proof of such carriage being regularly and constantly used for the purpose aforesaid shall be upon the person letting such horse for hire: And provided also, that nothing herein contained relating to the payment of such composition as aforesaid shall extend to any horse or horses used for drawing any hackney carriage at any place within the distance of five miles from the general post office in the city of London.

LXXXV. That if any person liable under the provisions of this act to account for and pay any duty, not exceeding in amount the sum of fifty pounds, for or in respect of horses let for hire, shall refuse or neglect to account for and pay such duty, according to the directions of this act, it shall be lawful for any justice of the peace having jurisdiction where such horses shall have been let for hire, and such justice is hereby required, on complaint made to him, to summon the party complained of, and any witnesses on either side, to be and appear before the said justice or before any other justice of the peace at a time and place to be appointed for that purpose; and either on the appearance of the party complained of, or in default thereof, it shall be lawful for such justice, or any other justice present at the time and place appointed for such appearance, to proceed to examine into the matter of fact, and on due proof being made of the sum due and owing for such duty as aforesaid by the voluntary confession of the party, or by the oath of one or more witness or witnesses, to grant a warrant to any constable or other peace officer, or to any collector of the said duties, or any other officer of stamp duties, directing him to distrain every such person by his goods and chattels, and also to seize and take the carriages, horses, harness, and other things by this act made subject and liable to such duty for the amount thereof, and of all the costs, charges, and expenses of obtaining such warrant, and of the proceedings incident or relating thereto; and it shall be lawful for such constable or other peace officer, or collector or officer of stamp duties, and he is hereby required, to make such distress and seizure accordingly, and the distress so to be taken to detain and keep for the space of five days, at the costs and charges of the person distrained upon; and if the amount of such duty, and of all the costs, charges, and expenses aforesaid, shall not be paid within such space of five days, then such constable or other peace officer, or collector or officer of stamp duties, shall cause the goods and chattels, carriages, horses, harness, and other things so seized or taken, to be sold in the manner directed by this act, and shall render the overplus (if any) of the money arising by the sale thereof, after deducting and retaining the amount of such duty, and all the costs, charges, and expenses aforesaid, as well as the charges and expenses of the sale, to the person so distrained upon, or to the owner of the carriages, horses, harness, or other things so seized and taken as aforesaid; and for the purpose of taking such distress it shall be lawful for such constable or other peace officer, and for such collector or officer of stamp duties, in the presence of any constable or other peace officer, where any refusal or resistance shall be made, to break open, in the daytime, any house, building, or place where any such carriages, horses, harness, or other articles and things, or any goods or chattels to be seized or taken under such warrant as aforesaid, shall be; and if no distress can be had or taken whereon to levy such duty, costs, charges, and expenses, or in the want of sufficient distress, the de-
Stage [and Hackney] Coaches.

[Part VI.]

No. III. 2 & 3 W. 4, c. 109. (a)

fault to be committed to gaol.

The duties on horses let for hire may be let to farm.

Notice of letting to be inserted in the gazette.

Proposals to be delivered three days previous to letting.

Mode of proceeding in putting up the duties.

The highest bidder to execute a contract to farm the duties, and give security for the performance thereof.

Deposit to be made by persons farming the duties.

Case an insufficient distress only can be found and shall be taken, then it shall be lawful for the justice by whom such warrant shall be granted to commit the person by or from whom such duty, costs, charges, and expenses, or any part thereof, shall remain due or owing, to the common gaol or house of correction, there to remain until all such duty, and all costs, charges, and expenses, or so much thereof as shall remain, after deducting therefrom the proceeds of the sale of any insufficient distress which may have been taken and sold, shall be fully paid and satisfied.

LXXXVI. That from and after the passing of this act it shall be lawful for the lords commissioners of his Majesty’s treasury, at any time and from time to time, as it shall be thought expedient, either by themselves or by the commissioners of stamps by them authorized for that purpose, to let to farm the several duties by this act granted in respect of horses let for hire to any persons who shall be willing to farm the said duties or any part thereof in separate divisions or districts, according to the regulations and in the manner herein-after mentioned: Provided always, that it shall not be lawful to let to farm the said duties or any part thereof, at any one time, for any longer period or term than three years from the day on which any such letting to farm shall commence and take effect.

LXXXVII. That a notice of one calendar month at least shall be given by the said lords commissioners of the treasury or by the commissioners of stamps, in the London Gazette, of the time and place of letting to farm the said duties or any part thereof, specifying the divisions or districts the duties within which it is intended to let to farm, and also the place or office at which proposals for taking to farm such duties, or any part thereof, shall be delivered.

LXXXVIII. That no such proposals shall be proceeded upon unless the same be signed by and in the proper names of the parties proposing to become bidders, and specifying the places of their abode, nor unless such proposals shall have been delivered as aforesaid at least three days previous to the day mentioned in the London Gazette for letting to farm the duties to which such proposals shall relate.

LXXXIX. That the biddings for such duties shall be conducted under such regulations as shall be established for that purpose by the lords commissioners of the treasury, or by the commissioners of stamps duly authorized as aforesaid, and that the person who shall be the highest bidder shall be the farmer or renter of the said duties, or such part thereof as shall be then put up to farm, for such term, not exceeding three years as aforesaid, as may be determined on, and as shall be inserted in the London Gazette; and such person shall execute a contract, to be prepared in pursuance of this act, containing such covenants, provisos, and conditions as the said lords commissioners, or the commissioners of stamps authorized as aforesaid, shall deem necessary or expedient for securing the payment of the money or yearly rent contracted for, as well as for securing and compelling a due compliance with the terms and regulations of this act; and such person shall also give security by bond to his Majesty, with three or more sufficient sureties, to the satisfaction of the said lords commissioners or of the commissioners of stamps, for securing the performance of the several covenants, clauses, and agreements contained in such contract, and also for securing the payment of the said money or yearly rent so contracted for to the receiver general of stamp duties, at the head office for stamps in Westminster, in equal portions, by eight several payments in the year, on the days to be fixed and appointed, before any such letting to farm as aforesaid.

XC. That it shall be lawful for the said lords commissioners of the treasury, or the said commissioners of stamps authorized as aforesaid, to appoint the time for making a deposit of a sum of money, and the amount thereof, on account of the rent to be paid by the person who shall be declared the farmer of any of the said duties hereby allowed to be farmed; and in case any such person shall fail to make such deposit at the time appointed, or shall fail to execute a proper contract in writing, and to give satisfactory security for the payment of the rent, and the due par-
performance of such contract, in the manner directed by this act, within the
time to be appointed for that purpose, it shall be lawful for the said lords
commissioners, or the commissioners of stamps authorized as aforesaid,
to declare the bidding and contract of such person to be null and void,
and the deposit thereon made (if any) to be forfeited.

XCI. That in case any of the said duties to arise in any district shall
not be let to farm at the time mentioned in such advertisement for want
of a sufficient bidding for such duties, or in case the bidding or contract
of any person who shall have declared the best bidder for or the
farmer of any of the said duties shall be declared or shall become null
and void, it shall be lawful for the said lords commissioners, or the
commissioners of stamps authorized as aforesaid, from time to time, when-
ever any such event shall happen, to appoint such future day as they
shall judge most proper for letting to farm the said duties to arise in such
district in the manner and upon the like notice as herein-before directed,
or to receive proposals for farming such duties, and to let the same to
farm by private contract, for any such period of time as aforesaid: Pro-
vided always, that no contract for letting to farm the said duties shall be
made with any licensed postmaster, nor with any person for the use or
on behalf of any licensed postmaster, nor so as that any licensed post-
master shall have any interest in or any benefit from any such contract,
and any such contract made contrary to this act shall be utterly null and
void; and if any contract made in pursuance of this act shall be assigned
to any licensed postmaster, or to any other person for the use of any
licensed postmaster, or so that he shall have any interest therein or
any benefit therefrom, such assignment shall also be utterly null and void.

XCII. And in order to prevent disputes concerning the said duties
when let to farm in cases where the same may be collected in one dis-
trict or division and the tickets may be delivered in another district or
division, be it enacted, That in such case the duties shall belong and the
tickets issued thereupon shall be delivered and accounted for to the per-
son who shall be the farmer of the duties arising within the district or
division within which the inns, houses, or other place shall be situated
at which the postmaster shall be licensed; and every toll-gate keeper at
whose gate or bar such ticket shall be delivered shall deliver the same to
the farmer of the said duties, arising within such district or division as
aforesaid, at such time and in such manner as such tickets are by this
act directed to be delivered to the several collectors of the said duties
when the same are not let to farm.

XCIII. That no person contracting to farm the said duties or any part
thereof, or appointed a collector thereof, shall, by reason of such con-
tract or appointment, be disqualified to vote at the election of any mem-
ber to serve in parliament, any law or usage to the contrary thereof not-
withstanding.

XCIV. That it shall be lawful for the commissioners of stamps, from
time to time as occasion shall require, to depute and appoint as well the
persons who shall become farmers or lessees of the said duties, and their
executors, administrators, and assigns, as any other persons approved
by the said commissioners, upon the nomination and for the use of such
farmers or lessees, or their executors, administrators, or assigns, to be
collectors of the duties so farmed arising within the respective districts,
with full power to grant the necessary licences to persons within the
respective districts for letting horses for hire, and to receive the stamp
office weekly accounts relating to the said duties by this act directed
to be delivered by licensed postmasters within their respective districts,
and to receive the money due thereon, and generally to execute and
perform all other the powers, matters, and things touching the collect-
ing, the managing, and enforcing the payment of the said duties within
their respective districts, which by this act are authorized to be done by
any collector of the said duties; and no deputation or commission ap-
pointing any person to be a collector of the said duties on horses let for
hire shall be charged or chargeable with any higher stamp duty than

Farmers of the
duties not to be
disqualified.

Commissioners
of stamps may
depute the far-
mers and other
persons on
their behalf
to be collec-
tors of the said
duties.
one pound fifteen shillings: Provided always, That it shall be lawful for the said commissioners to revoke the deputation or appointment and authority of any person deputed or appointed a collector of the said duties upon any such nomination as aforesaid whenever the said commissioners shall think fit so to do.

XCV. That it shall be lawful for such farmers or persons as farming the said duties or any part thereof, with the consent of the commissioners of stamps, to vary the form of keeping the weekly account directed by this act to be kept by the several licensed postmasters within their respective districts in such manner as such farmers shall judge most convenient for keeping such accounts, and also to add the name or number of their respective districts on the face or back of the tickets to be delivered by them to the several licensed persons in their respective districts.

XCVI. That all the powers, provisions, regulations, matters, and things given, prescribed, or appointed by this act with relation to the duties on horses let for hire, or to the persons appointed or to be appointed to collect the same, may be put in force and carried into execution by any person farming the said duties, or any part thereof, in like manner as any collector of the said duties is authorized and empowered by this act to put in force and execute the same; and every person farming the said duties or any part thereof shall be entitled to the same privileges, and to have and use the like remedies for collecting and recovering the duties by this act imposed, as if the duties were sued for by or on the behalf of his Majesty, and as if such duties had not been let to farm.

XCVII. That it shall not be necessary, upon the trial or hearing of any information, action, suit, or other proceeding to be commenced for the recovery of any of the said duties on horses let for hire which shall be let to farm in pursuance of this act, or for the recovery of any penalty imposed by this act with relation to the said duties, to produce the instrument whereby the commissioners of stamps shall be authorized to let to farm the said duties or any of them, nor to prove the execution of any contract or agreement whereby any of the said duties shall be let to farm, nor to prove the execution of any assignment of any such contract or agreement, nor to prove the signatures of the said commissioners of stamps to any consent to prosecute for any such penalty as aforesaid: Provided always, That such contract, agreement, or assignment, and consent to prosecute, shall be produced on the trial or hearing of any such information, action, suit, or proceeding, and it shall be made to appear that the person claiming or acting under such contract, agreement, or assignment had in fact acted as the farmer of the duties therein mentioned or some of them; and in every such case such proof shall be deemed and taken by the court or justice before whom any such trial or hearing shall be had to be good and legal evidence of such person being the farmer of the duties mentioned in such contract, agreement, assignment, or other instrument, unless by other evidence the contrary shall be made to appear; any law or usage to the contrary notwithstanding.

XCVIII. That if any officer of stamp duties, or other person employed in the execution of this act in relation to the said duties on horses let for hire, shall wilfully refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by such officer or person, whereby any of his Majesty's subjects shall sustain any damage, such officer or person shall be liable, in an action to be founded on this statute, to answer to the party aggrieved for all such damages, with full costs of suit.

XCIX. That it shall be lawful for any inspector of stamp duties, or any collector of the duties by this act granted in respect of horses let for hire, or for any other person authorized by the commissioners of stamps, on producing and showing (if required so to do) his appointment or authority in writing from time to time, to enter into any toll
house or other place at which any toll is or shall be by law payable or any ticket shall be receivable under this act, and in such toll house or other place to remain so long as such inspector, collector, or other person so authorised shall think fit and requisite, for the purpose of examining and checking the stage carriages travelling upon any turnpike or other road, or for the purpose of receiving and examining the tickets relating to horses let for hire; and if any toll-gate keeper, toll collector, or other person shall refuse to permit any such inspector, collector, or other person authorised as aforesaid to enter into or to remain in any toll house or other such place as aforesaid, or shall obstruct or hinder or molest such inspector, collector, or other person authorised as aforesaid in entering into or remaining in such toll house or place for the purposes aforesaid, or if any toll-gate keeper, toll collector, or other person shall in any way hinder, molest, or disturb, or use abusive or insulting language to any such inspector, collector, or other person authorised as aforesaid, either in the discharge of his duty or in the reasonable use of such toll house, or other place as aforesaid, every person so offending shall forfeit twenty pounds.

C. That if any person shall receive any sum of money, or any other Penalty on consideration or reward of any kind whatsoever, for aiding or assisting in or for convicting at the commission of any offence against this act, he shall forfeit twenty pounds.

Cl. That all duties granted or imposed by or incurred under this act may be sued for and recovered by all such ways and means and in such manner and form as are and is or at any time hereafter shall be provided by law for the recovery of any other duties granted or imposed by or incurred under any other act relating to stamp duties, as well as by the particular ways and means provided by this act; and in all actions, bills, plaints, informations, and proceedings to be commenced, prosecuted, entered, or filed in the name of his Majesty or of any other person for the recovery of any such duties, or of any debts or penalties which may be incurred or become payable under this act, it shall be lawful for his Majesty, or any other person legally entitled to sue or prosecute for the same, to have and recover such duties, debts, and penalties, with full costs of suit and all other reasonable charges and expenses.

CII. That all pecuniary penalties imposed by or which may be incurred under this act may be sued or prosecuted for in any of his Majesty's courts of record at Westminster for any offence committed in England, Wales, or Berwick-upon-Tweed, and in his Majesty's court of exchequer in Scotland, for any offence committed in that part of Great Britain called Scotland, by action of debt, bill, plaint, or information, wherein no essoin, protection, or privilege, nor more than one implemove, shall be allowed: Provided always, That it shall not be lawful for any person to sue or prosecute for any such penalty in any of the courts aforesaid without having first obtained the consent in writing of two or more of the commissioners of stamps for that purpose, unless the action, suit, or prosecution for such penalty shall be carried on by the solicitor of stamps in England or Scotland respectively; and it shall be lawful for the said commissioners, if they shall think fit, to order the proceedings to be stayed in any such action, suit, or prosecution on payment of part only of any penalty incurred, with or without costs, or on payment only of the costs incurred or any part thereof, or otherwise, as they shall judge proper and expedient.

CIII. Provided always, That it shall be lawful for any justice of the Peace not having jurisdiction where the offence shall be committed to hear and determine any offence against this act which may subject the recoverable offender to any pecuniary penalty not exceeding twenty pounds; and it shall be lawful for any such justice and he is hereby required, upon information given or complaint made before him, to summon the party accused, and also the witnesses on either side, to be and appear before the said justice or before any other justice of the peace at a time and place to be appointed for that purpose; and either on the appearance of the
party accused, or in default thereof, it shall be lawful for such justice, or any other justice present at the time and place appointed for such appearance, to proceed to examine into the matter of fact, and upon due proof made thereof by voluntary confession of the party, or by oath of one or more witness or witnesses, to give judgment for the penalty, and to award and issue out his warrant for the levying of any penalty so adjudged, together with the costs and expenses of such proceedings, and also the costs and expenses of such warrant, and of levying the same on the goods of the offender, and to cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus, if any; and where goods of such offender cannot be found sufficient to answer the penalty and all such costs and expenses it shall be lawful for such justice and he is hereby required to commit such offender to the common gaol or house of correction, there to remain for such term or period of time as is by this act fixed or provided as the term of imprisonment for the particular offence of which such offender shall have been convicted; and in any case where no such term of imprisonment is or shall be so fixed or provided as aforesaid, then such justice is hereby required to commit such offender to the common gaol or house of correction, there to remain for any time not less than three calendar months and not exceeding six calendar months if the full penalty imposed by this act for the offence of which such offender shall have been convicted shall amount to the sum of twenty pounds, and for any time not less than one calendar month and not exceeding three calendar months if such penalty shall not amount to twenty pounds, unless such penalty and all such costs and expenses shall be sooner paid and satisfied; and if the person convicted shall find himself aggrieved by the judgment of any such justice, it shall be lawful for such person to appeal against the same to the justices of the peace at the general or quarter sessions of the peace for the county or place within which the offence shall be committed which shall be held next after the expiration of ten days from the day on which such conviction shall have been made, of which appeal notice in writing shall be given to the prosecutor or informer seven clear days previous to the first day of such sessions; and such justices at such sessions are hereby authorised to examine witnesses upon oath, and finally to hear and determine such appeal; and in case the judgment of any such justice shall be affirmed it shall be lawful for the justices at such sessions to award and order the person appealing to pay such costs occasioned by such appeal as to them shall seem meet: Provided always, That no person convicted before any such justice shall be entitled or permitted to appeal against such conviction in manner aforesaid unless, within five days next after such conviction made, he shall enter into a recognizance, with two sufficient sureties, before such justice, to enter and prosecute such appeal, and to pay the amount of the penalty and costs in which he shall have been convicted, and also to pay such further costs as shall be awarded in case such conviction shall be affirmed on the hearing of such appeal: Provided also, That no such proceedings so to be had or taken shall be quashed or vacated for want of form, or shall be removed by certiorari, suspension, advocation, or reduction, or by any other writ or process, into any superior or other court or jurisdiction; any law or usage to the contrary notwithstanding.

CIV. Provided always, That it shall not be lawful for any person other than the solicitor of stamps, or some other officer of his Majesty's stamp duties in England or Scotland respectively, to inform or prosecute before any justice of the peace for the recovery of any penalty imposed by or incurred under this act, except in the cases next herein-after mentioned; (that is to say,) any penalty imposed or incurred with relation to horses let for hire or the duties thereon, and any penalty incurred by the driver of any stage carriage by reason of the carrying of a greater number of passengers in, upon, or about such stage carriage than is or shall be allowed by this act or by the licence relating to such stage car-
riage, and any penalty imposed or incurred by reason of the carrying of any outside passenger, or any luggage on the roof or top of any stage carriage, contrary in any manner to the directions of this act, or by reason of any person sitting or being carried on any luggage, or upon that
- part of the roof of any stage carriage allotted for luggage, or by reason of more than one person besides the driver sitting or being carried upon the box of any stage carriage, or of refusing to permit or allow any stage carriage or luggage to be measured, or the passengers to be counted, or refusing or neglecting to stop such carriage at any toll gate for that purpose, or by reason of any other offence which may subject to any penalty the driver or conductor or guard of any stage carriage, or any person employed to hold the horses, or having the care of or being employed in or about any stage carriage, or any toll-gate keeper, toll collector, constable, or peace officer, or by reason of any person summoned as a witness neglecting or refusing to attend or give evidence; and if any person, other than such solicitor or officer as aforesaid, shall commence or prosecute any information or complaint before any justice of the peace for the recovery of any penalty imposed by or incurred under this act, except in the several cases herein-before mentioned and allowed in that behalf, such information or complaint and every proceeding thereupon had shall be null and void to all intents and purposes; Provided always, That nothing herein contained shall extend to permit or allow any person other than the solicitor, or some other officer of stamp duties, to inform or prosecute for the recovery of any penalty imposed by or incurred under this act by reason of the driver of any carriage or other person plying for passengers to be conveyed for hire by any carriage not having the proper numbered plates fixed thereon, unless the offender shall be apprehended and taken before a justice of the peace, as authorised by this act.

CV. That it shall be lawful for any justice of the peace, before whom any person shall be convicted of any offence against any of the provisions of this act, to mitigate as he shall see fit any penalty by this act imposed in cases where such justice shall see cause so to do, provided that all reasonable costs and charges expended or incurred in prosecuting for such offence shall be always allowed over and above the sum to which such penalty shall be mitigated, and so as such mitigation do not reduce the penalty to less than one fourth of the penalty incurred, exclusive of such costs and charges; any thing herein contained to the contrary notwithstanding.

CVI. That all pecuniary penalties imposed by or incurred under this act which shall be sued or prosecuted for and recovered by or in the name of any person other than his Majesty's attorney general in England, or his Majesty's advocate for Scotland, or the solicitor of stamps, or any other officer of stamp duties in England or Scotland respectively, shall respectively be distributed and divided in manner following; (that is to say,) one moiety thereof to his Majesty, and the other moiety thereof, with full costs of suit, to the person who shall inform and sue or prosecute for the same within fourteen days after the offence shall have been committed; and all such pecuniary penalties as aforesaid which shall be sued or prosecuted for and recovered by or in the name of his Majesty's said attorney general in England or advocate in Scotland, or by or in the name of such solicitor or officer as aforesaid, or for the recovery of which any information or complaint shall be made, or any action or suit shall be commenced after the expiration of the time aforesaid, shall go and be applied to the use of his Majesty: Provided always, That it shall be lawful for the commissioners of stamps, at their discretion, to give all or any part of such penalties or shares of penalties belonging to his Majesty as rewards to any person or persons who shall have detected such offences or given information which may have led to the discovery thereof or to the conviction of the offenders.
CVII. That every justice of the peace before whom any person shall be convicted of any offence against this act shall take and receive the penalty or share of the penalty belonging to his Majesty levied or paid under or by virtue of such conviction, and every such justice shall pay or cause to be paid all such sums of money which he shall so take or receive as aforesaid, at the next general or quarter sessions of the peace after he shall have so taken or received the same, into the hands of the clerk of the peace or other such officer of the county or place within which such conviction shall have been made, who shall, within ten days after his receipt thereof, and without fee or reward, pay or remit the same for the use of his Majesty to the solicitor of stamps, at the stamp office in Westminster or Edinburgh, as the conviction shall happen to be in England or Scotland respectively, any thing in any other act contained to the contrary notwithstanding; and every such justice shall, within one week after every such payment made by him to any clerk of the peace or other such officer, transmit to such solicitor as aforesaid a schedule containing the name of the person so convicted, the nature of the offence, and the amount of the penalty of and in which he shall have been convicted, the date of such conviction, and the sum of money which shall have been paid under or by virtue thereof, together with the name of the clerk of the peace or other such officer to whom he shall have paid the same; and if any such justice shall neglect or omit to pay or cause to be paid to such clerk of the peace or other officer as aforesaid, at the time and in the manner herein-before directed, any such penalty or share of penalty received by such justice as aforesaid, or upon payment thereof shall neglect or omit to transmit to the proper solicitor of stamps such schedule as aforesaid, or if any such clerk of the peace or other officer shall neglect or omit to pay or remit any such penalty or share of penalty to such solicitor of stamps as aforesaid, within the time and in manner herein-before limited and directed in that behalf, every person so offending shall forfeit fifty pounds.

CVIII. That if any proprietor of any stage carriage, or the driver or guard of any stage carriage, shall be summoned before any justice of the peace to answer any information or complaint exhibited or made against him by any person, other than an officer of stamp duties, touching or concerning any offence committed or alleged to have been committed by such proprietor, driver, or guard respectively against the provisions of this act, and such information or complaint shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, it shall be lawful for such justice to order and award that the informer or person exhibiting or making such information or complaint shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses (if any) in attending such justice touching or concerning such information or complaint, as to such justice shall seem reasonable; and in default of immediate payment of the sum so awarded it shall be lawful for such justice to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, it shall be lawful for such justice to commit such person to the common gaol or house of correction for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

CIX. That any summons issued by any justice of the peace, requiring any defendant or any witness or other person to appear before such justice, or any other justice, with reference to any information, complaint, or other proceeding for the recovery of any duty or penalty under this act, shall be deemed to be well and sufficiently served in case either the summons or a copy thereof be served personally upon any such person
as aforesaid, or be left at his usual or last place of residence, or, in case such person be a proprietor, driver, conductor, or guard of any stage carriage, be left with the book-keeper or person for the time being acting as book-keeper for such stage carriage in any town or place from, into or through which such carriage shall go or be driven nearest to the place where any such offence shall be committed; and any notice by this act required to be given to the proprietor of any stage carriage or to any other person shall be deemed to be well and sufficiently served in case either such notice, or a copy thereof, be served personally upon such proprietor or other person, or be left at his usual or last place of residence, (or in the case of such proprietor) be left with any book-keeper or person acting as book-keeper at any office belonging to such proprietor.

CX. That if any constable or other peace officer shall refuse or neglect to serve or execute any summons, warrant, or order granted, issued, or made by any justice of the peace, or by any two of the commissioners of stamps, pursuant to any of the provisions of this act, every such constable or peace officer so offending shall forfeit ten pounds.

CXI. That if any person who shall be summoned as a witness to give evidence before any justice of the peace or before any justices at sessions touching the matters alleged in or relating to any information, complaint, appeal, or other proceeding depending before such justice or justices for the recovery of any duty or penalty incurred under this act, shall neglect or refuse to appear before such justice or justices at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal, to be allowed by such justice or justices, or if any person so summoned shall appear, but shall refuse to be examined and give evidence before such justice or justices touching the matters aforesaid, every such person so offending shall forfeit ten pounds.

CXII. That upon the trial or hearing of any information or complaint exhibited or made under any of the provisions of this act any officer of stamp duties, or other person employed by the commissioners of stamps, shall be deemed and is hereby declared to be a competent witness, notwithstanding that such officer or person may be the informant or complainant, or may be entitled to or expect any part of any pecuniary penalty, or any remuneration or reward, on the conviction of any offender upon any such information or complaint.

CXIII. That every complaint, information, summons, conviction, warrant of distress, or commitment, or other such proceeding which shall be had or taken for the recovery of any duty or penalty under the provisions of this act, may be drawn or made out according to the several forms contained in the Schedule (B.) hereunto annexed, or to the effect thereof, mutatis mutandis, as the case shall require; and every such complaint, information, summons, conviction, warrant, or other such proceeding which shall be so drawn or made out shall be good and effectual, to all intents and purposes whatsoever, without stating the case or the facts or evidence in any more particular manner than is required in and by such forms respectively.

CXIV. That all the carriages, horses, and harness, and other articles and things kept, used, or employed by any person, whether licensed under the authority of this act or not, for the purpose of conveying passengers for hire, or for the purpose of being let for hire as aforesaid, shall be subject and liable to and chargeable with all the duties in arrear and owing, which shall become due and payable from time to time, from or by such person for or in respect of any stage carriage kept, used, or employed by such person, or for or in respect of any horse let for hire by any such person, and to and with all penalties which may be imposed upon or incurred by such person under this act, and also to and with the costs and expenses of all proceedings which shall or may be had or taken for the recovery of such duties and penalties respectively; and all such carriages, horses, harness, and other articles and things

No. III. 2 & 3 W. 4, c. 120.

Penalty on constables refusing to serve a summons, &c. warrant 10l.

Penalty on evidence before any justice of the peace or before any justices at sessions witnesses neglecting to attend, 10l.

Officers of stamp duties not disqualified from being witnesses.

Proceedings to be drawn up according to the forms in schedule (B.)

Carriages, horses, harness, &c. chargeable with the duties and penalties incurred.
shall, for the purpose of satisfying such duties, penalties, costs, and expenses, or any part thereof respectively, be deemed to be the goods and chattels of such person, and shall be distrained or otherwise seized or taken accordingly, in or into whose custody or possessionsoever the same shall or may be or come, and by or under what right or titlesoever the same shall or may be held or claimed; and in case any person in or into whose custody or possession any such carriages, horses, harness, or other articles shall be or come, by or under any means or title whatsoever, shall convert the same to his own use, or shall sell or dispose thereof for the use or benefit of any other person, after notice given by the commissioners of stamps or their solicitor, or by any person authorised to collect or receive the duties by this act granted, or any of them, that such carriages, horses, harness, and other articles are subject and liable to or chargeable with any of the duties, penalties, costs, and expenses aforesaid, every person so converting or selling or disposing of such carriages, horses, harness, or other articles shall be accountable to his Majesty, to the extent of the value of such carriages, horses, harness, or other articles, for the amount of the duties, penalties, costs, and expenses to or with which such carriages, horses, harness, and other articles shall be subject, liable, or chargeable, and the same may be sued for and recovered under and by virtue of this act as a debt due to his Majesty accordingly.

CXV. That in all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this act are directed to be sold the same shall be sold by public auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his last known place of abode, three days at least prior to such sale: Provided always, that if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this act or shall be by any such notice appointed for such sale, or in any other manner than is by this act directed, it shall be lawful to sell such goods or chattels according to such consent; Provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any warrant or other process shall be directed or authorised to cause such goods or chattels to be sold the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made.

CXVI. That all actions and prosecutions which shall be brought or commenced against any person for any thing done in pursuance or under the authority of this act shall be commenced and prosecuted within three calendar months next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in such action may plead the general issue, and give this act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this act, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if on demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like
remedy for the same as any defendant may have for costs of suit in
other cases at law; and although a verdict shall be given for the plaintiff
in any such action, such plaintiff shall not have costs against the de-
fendant unless the judge before whom the trial shall be had shall at the
time of such trial certify in writing his approbation of the action and of
the verdict obtained thereupon.

CXVII. And in order to avoid the frequent use of divers terms and
expressions in this act, and to prevent any misconstruction of the terms the terms used
and expressions used therein, be it enacted, that wherever in this act, in this act
with reference to any person, matter, or thing, any word or words is or
are used importing the singular number or the masculine gender only,
yet such word or words shall be understood to include several persons
as well as one person, females as well as males, bodies politic or corpo-
rate as well as individuals, and several matters or things as well as one
matter or thing, unless it be otherwise specially provided, or there be some-
thing in the subject or context repugnant to such construction; and that
wherever the terms and expressions following occur in this act they shall
be construed respectively in the manner herein-after directed; (that is to
say,) that the term and expression "His Majesty" shall be construed to
mean and include his Majesty, his heirs and successors; that the term
"officer of stamp duties" shall be construed to mean any officer deputed
by or appointed by the commissioners of stamps, whatever may be his par-
ticular office or employment; that the term "proprietor," used with re-
ference to any stage carriage, shall be construed to mean and include
any and every person who shall keep, use, or employ such stage carriage,
or who shall be concerned in the keeping, using, or employing thereof;
that the term "licensed postmaster" shall be construed to mean and
include any and every person, male or female, licensed to let horses for
hire under the authority of this act; that the term "horse" or "horses,"
shall respectively be construed to mean and include any mare or gelding
or mares or geldings as well as any horse or horses; that the term "toll
gate" shall be construed to mean any gate or bar at which any toll is
payable or any ticket is receivable for any horse or carriage; that the
term "toll gate keeper" shall be construed to mean and include the
keeper of any such gate or bar as aforesaid, or the collector of tolls
thereat, or any person acting as such keeper or collector respectively;
that the term "driver," used with reference to any stage carriage, shall
be construed to mean the coachman, driver, or director thereof; and
that the term "luggage" shall be construed to mean any trunk, box, "Luggage."
bale, parcel, package, corn, or other article, whether such trunk, box,
bale, parcel, package, corn, or other article shall or shall not belong to
any passenger conveyed by any such stage carriage.

CXVIII. That all the powers, provisions, regulations, forfeitures,
pains, and penalties contained in or imposed by any other act or acts in
force with relation to any of the duties under the management of the
commissioners of stamps, so far as the same are or may be applicable in
cases not by this act expressly provided for, and so far as the same shall
not be superseded by and as the same shall be consistent with the ex-
press provisions of this act, shall be of full force and effect with respect
to the duties by this act granted and to the matters and things charged
or chargeable therewith, and shall be applied and put in execution for
securing and collecting the said last-mentioned duties, and for prevent-
ing, detecting, and punishing all frauds, forgeries, and other offences
relating thereto, as fully and effectually, to all intents and purposes, as
if such powers, provisions, regulations, forfeitures, pains, and penalties
had been repeated and specially enacted in this act with reference to the
duties by this act granted and made payable.

CXIX. That where the several clauses and provisions of this act are Commence-
not expressly directed to take effect from and after the passing thereof, ment of this
such clauses and provisions, so far as they in any manner relate to stage act.
carriages, or to the duties hereby granted in respect thereof, or of licences
to keep the same, or in respect of passengers conveyed for hire, shall
commence and take effect on the eleventh day of October in this present
year one thousand eight hundred and thirty-two; and such clauses and
provisions, so far as they in any manner relate to the duties hereby
granted in respect of horses let for hire or of licences to let the same,
shall commence and take effect on the first day of February in the year
one thousand eight hundred and thirty-three.

SCHEDULES to which this Act refers.

SCHEDULE (A.)
CONTAINING

The Duties granted by this Act on STAGE CARRIAGES and on LICENCES to keep the same; (that is to say,)

<table>
<thead>
<tr>
<th>DUTY.</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
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<tbody>
<tr>
<td>5</td>
<td>0</td>
<td>0</td>
<td></td>
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For and in respect of every original licence to be taken out yearly by the person who shall keep, use, or employ any stage carriage in Great Britain, (that is to say,) for every such stage carriage.

And for and in respect of every supplementary licence for the same carriage for which any such original licence shall have been granted, which shall be taken out in any of the several cases provided for by this act during the period for which such original licence was granted.

And for and in respect of every mile which any such stage carriage shall be licensed to travel the several sums following respectively; (that is to say,)

<table>
<thead>
<tr>
<th>If such stage carriage shall be licensed to carry—</th>
<th>Duty per Mile.</th>
</tr>
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<tbody>
<tr>
<td>Not more than four passengers</td>
<td>0 0 1</td>
</tr>
<tr>
<td>More than four and not more than six passengers</td>
<td>0 0 1½</td>
</tr>
<tr>
<td>More than six and not more than nine passengers</td>
<td>0 0 2</td>
</tr>
<tr>
<td>More than nine and not more than twelve passen-</td>
<td>0 0 2½</td>
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<tr>
<td>gers</td>
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<tr>
<td>More than twelve and not more than fifteen pas-</td>
<td>0 0 3</td>
</tr>
<tr>
<td>sengers</td>
<td></td>
</tr>
<tr>
<td>More than fifteen and not more than eighteen pas-</td>
<td>0 0 3½</td>
</tr>
<tr>
<td>sengers</td>
<td></td>
</tr>
<tr>
<td>More than eighteen and not more than twenty-one passengers</td>
<td>0 0 4</td>
</tr>
</tbody>
</table>

And if such stage carriage shall be licensed to carry more than twenty-one passengers, then for every three additional passengers exceeding twenty-one which such stage carriage shall be licensed to carry the additional duty of.

And where such excess above twenty-one shall not be exactly three, or a multiple of three, then such additional duty of one halfpenny shall be payable also for any number of such excess being less than three, or progressively less than any multiple of three, which such stage carriage shall be licensed to carry.
Class XXXIV.  Stage [and Hackney] Coaches.

Provided always, That the number of passengers for carrying of which any stage carriage shall be licensed shall be reckoned exclusive of the coachman or driver, and also exclusive of the conductor or guard if there shall be a conductor or guard.

And also the Duties on Passengers conveyed for Hire by Carriages travelling upon Railways; (that is to say,)

The proprietor or company of proprietors of every railway in Great Britain along which any passengers shall be conveyed for hire in or upon carriages drawn or impelled by the power of steam, or otherwise, shall pay for and in respect of all such passengers at and after the rate of one halfpenny per mile for every four passengers so conveyed.

And also the Duties on Horses let for Hire, and on Licences to let the same; (that is to say,)

DUTY.

For and in respect of every licence to be taken out yearly by every person who shall let any horse for hire in Great Britain

And for and in respect of every horse let for hire by the mile at the usual rate charged for horses travelling post at the place at which such horse shall be let for hire; (that is to say), for every mile such horse shall be hired, or used to travel or go

And for and in respect of every horse let for hire to go no greater distance than eight miles from the place of letting.

And for and in respect of every horse let for hire to go no greater distance than eight miles from the place of letting, where such horse shall not bring back any person, and shall not deviate from the usual line of road between the place of letting and the place to which such horse shall be hired to travel or go

And for and in respect of every horse let for hire, or used for any period of time less than twenty-eight successive days, or in any other manner than as aforesaid

And also for and in respect of every horse let for hire for twenty-eight successive days, or for any longer period of time, where any such horse shall be returned in a less period of time than twenty-eight successive days, and shall not be exchanged for another horse in continuation of the same hiring

Or in lieu of such last-mentioned one fifth part of such sum (at the option of the person letting the horse), the following duties for every day such horse shall be let for hire or used, or shall (by virtue of any such letting) have been under the direction of the person to whom the same shall be hired; (that is to say,)

One fifth part of the sum charged for such letting, or in lieu thereof, at the option of the person letting the horse,

One fifth part of the sum charged or received, or agreed to be received, on every such letting for hire or using.
For every day not exceeding three days  ....  0  2  6
And for every day exceeding three days, and not exceeding thirteen days ....  0  1  9
And for every day exceeding thirteen days, and less than twenty-eight days ....  0  1  3

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**SCHEDULE (B.)**

Containing the Forms of Proceedings for the Recovery of Duties and Penalties under this Act.

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**No. 1.**

**Form of a Warrant of Distress for the Recovery of Stage Carriage Duties.**

To A. B. of, &c.

WHEREAS a licence [or licences] hath [or have] been granted, under the provisions of the statute in that behalf made to C. D. of, &c. to keep, use, and employ a stage carriage [or stage carriages] with plates numbered respectively [here specify the Number or Numbers of the Plates appertaining to the Licence or Licences granted to C. D.]: And whereas the said C. D. hath made default in payment of the sum of the duty which hath become due and payable to his Majesty in respect of such licence [or licences] between the day of 

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**No. 2.**

**Form of Complaint whereon to found a warrant of distress for Recovery of Duties on Horses let for Hire.**

County [or as the case may be] of BE it remembered, That on this to wit. of in the year of our Lord

at the of of A. B., an officer of stamp duties, [or a collector or farmer of the duties on horses let for hire, as the case may be] complaineth to me, C. D. esquire, one of his Majesty's justices of the peace for the said that E.O. of, &c. being liable, under the provisions of the statute in that behalf made to account for and
Class XXXIV.]  Stage [and Hackney] Coaches.  

pay certain duty granted to his Majesty by the said statute for and in respect of divers horses let for hire by the said E.O. in the said  

of  
hath neglected to account for and pay to the proper collector or officer appointed to receive such duty, according to the directions of the said statute, the sum of  
due and owing from the said E.O. to his said Majesty, [or to the said A.B., or to G.H. his Majesty’s farmer of the said duties if the case be so,) for such duty as aforesaid; and thereupon the said A.B. prayeth of me, the said justice, that the said E.O. may be summoned to appear and show cause, if any be have, why, upon due proof being made of the sum due and owing from him for such duty as aforesaid, a warrant of distress should not be granted for recovery thereof, pursuant to the directions of the said statute. 

Taken and received by me the day  

and year first above written.  

No. 3. 

Form of a Summons on the foregoing complaint.  

To E.O. of, &c. 

County [or as the case may be] WHEREAS complaint hath been made unto me, to wit.  

C. D. esquire, one of his Majesty’s justices of the peace for the  

of that you, being liable, under the provisions of the statute in that behalf made, to account for and pay certain duty granted to his Majesty by the said statute for and in respect of divers horses let for hire by you in the said  
have neglected to account for and pay to the proper collector or officer appointed to receive such duty, according to the directions of the said statute, the sum of  
due and owing from you to his said Majesty [or to A.B. his Majesty’s farmer of the said duties] for such duty as aforesaid: These are therefore to summon you to be and appear at in the said  
on the day of  
at the hour of  
in noon of the same day, before me the said justice, or before such other of his Majesty’s justices of the peace for the said  
as shall be then present, in order that you may show cause, if any you have, why, on due proof being made of the sum of money due and owing from you for such duty as aforesaid, a warrant of distress should not be granted for the recovery thereof, pursuant to the directions of the said statute; and if you fail to appear accordingly such proceedings will be taken as if you had appeared and had not shown any sufficient cause why such warrant should not be granted. 

Given under my hand and seal, this  

day of  

No. 4. 

Form of a Warrant of Distress founded on the foregoing complaint.  

To the constable of  

County [or as the case may be] WHEREAS complaint hath been made that E.O. of, &c. being liable, under the provisions of the statute in that behalf made, to account for and pay certain duty granted to his Majesty by the said statute for and in respect of divers horses let for hire by the said E.O. in the said  
hath neglected to account for and pay to the proper collector or officer appointed to receive such duty, according to the directions of the said statute, the sum of  
due and owing from the said E.O. to his said Majesty [or to A.B. his Majesty’s farmer of the said duties] for such duty as aforesaid: And whereas the said
Stage [and Hackney] Coaches.

E.O. hath been duly summoned, and due proof hath been made on oath before me that the sum of is due and owing from the said E.O. for such duty as aforesaid, and that he hath neglected to pay the same: Therefore I command you to distrain the said E.O. by his goods and chattels, and also to seize and take all or any of the carriages, horses, harness, and other things made subject and liable to the said duty by the statute in that behalf, and to levy thereon the said last-mentioned sum, being the amount of such duty due as aforesaid, and also the further sum of for the costs, charges, and expenses of proceeding for and obtaining this warrant, and of the proceedings incident and relating thereto, making together the sum of

and if within the space of five days next after the taking of such distress the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I do hereby order and direct that you shall sell and dispose of the said goods and chattels which shall be so distrained, seized, and taken, and that you shall levy and raise thereout the said sum of and all reasonable costs and charges of taking, keeping, and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels; and you are to certify to me what you shall have done by virtue of this my warrant.

Given under my hand and seal, this

(Signed)

One of his Majesty's justices of the peace for the said

No. 5.

FORM of a WARRANT of COMMITMENT for want of sufficient Distress, founded on the foregoing complaint.

To the constable of in the of and also to the keeper of the common gaol [or house of correction] at in the said County [or, as the case may be, of ] WHEREAS complaint was made that E.O., of, &c. being liable, under the provisions of the statute in that behalf made, to account for and pay certain duty granted to his Majesty by the said statute for and in respect of given horses let for hire by the said E.O. in the said had refused and neglected to account for and pay to the proper collector or officer appointed to receive such duty, according to the directions of the said statute, the sum of due and owing from the said E.O. to his said Majesty, [or to A.B. his Majesty's farmer of the said duties] for such duty as aforesaid: And whereas the said E.O. was duly summoned, and due proof was made on oath that the sum of was due and owing from the said E.O., for such duty as aforesaid, and that he had neglected to pay the same: And whereas a warrant has been issued, directed to C.D. of commanding him, by distress and sale of the goods and chattels made subject and liable to the said duty by the statute in that behalf, to levy the said last-mentioned sum, being the amount of such duty as aforesaid due and owing from the said E.O., and also the further sum of for the costs, charges, and expenses of proceeding for and obtaining the said warrant, and of the proceedings incident and relating thereto, making together the sum of and it now appearing to me, by the oath of the said C.D., that no sufficient distress can be found whereon to levy the said duty, costs, and charges, [or, in case of insufficient distress shall have been taken]: And whereas the said C.D. hath certified to me that he hath, under the said warrant, levied and raised the sum of only, and it now appearing to me, by the oath of the said C.D., that no sufficient distress can be found whereon to levy the residue of the said duty, costs, and charges]: Therefore I com-
mand you, the said constable of
and take the said E. O. and safely to convey him to the common gaol [or house of correction] of the said at in the said
and there to deliver him to the keeper thereof,
together with this warrant: And I do hereby command you, the said keeper, to receive into your custody in the said gaol [or house of correction] him the said E. O. and him therein safely to keep until the said sum of
or until the sum of
the residue of the said duty, costs, and charges remaining after deducting the said sum of
so levied and raised as aforesaid, shall be fully paid and satisfied. Given under my hand and seal, this
day of

(Signed)
One of his Majesty's justices of the peace for the said of

No. 6.

FORM of an INFORMATION for the Recovery of a PENALTY under this Act.

County [or as the case may be] of to wit. BE it remembered, That on the day of in the year of our Lord at in the of A. B. of, &c.
[or A. B. an officer of stamp duties, or a collector or farmer of the duty on horses let for hire, as the case may be,] cometh before me, C. D. Esquire, one of his Majesty's justices of the peace for the said
and informeth me, the said justice, that E. O. of heretofore, to wit, on the day of in the year of our Lord did [here state the offence], contrary to the form of the statute in such case made and provided, whereby the said E. O. hath forfeited for his said offence the sum of
Taken and received by me the day

and year first above written.

No. 7.

FORM of a SUMMONS on the foregoing Information.

To E. O. of, &c.

County [or as the case may be] of to wit. WHEREAS an information hath been exhibited before me, C. D. Esquire, one of his Majesty's justices of the peace for the charging that you, the above-named E. O., on the day of at did [here state the substance of the charge], whereby you have forfeited the sum of These are therefore to require you personally to be and appear before me, the said justice, or before such other of his Majesty's justices of the peace for the said
as shall be then present at on the day of at the hour of in the noon of the same day, then and there to answer the same information and to make your defence thereto; and if you fail to appear accordingly such proceedings will be taken as if you had personally appeared, and had not made any defence to the said charge.

Given under my hand and seal, this day of

No. 8.

FORM of a CONVICTION on the foregoing Information.

County [or as the case may be] of to wit. BE it remembered, That on the day of C. D. of, &c.
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Stage [and Hackney] Coaches. [Part VI.]

was duly convicted before me for Majesty's justices of the peace for an act passed in the third year of the reign of his present Majesty, King William the fourth, intituled "An Act," &c. [title of this act], for that the said C. D. on the day of did [here state the offence, as the case may happen to be], contrary to the form of the statute in that case made and provided; for which offence I do adjudge that the said C. D. hath forfeited the sum of [if the justice mitigate the penalty] which sum of I do hereby mitigate to the sum of over and above the sum of for the costs and charges of B. F., the informer, in prosecuting this conviction. Given under my hand and seal, the day of

No. 9.

Form of a Warrant of Distress founded on the foregoing conviction.

To the constable of in the County [or, as the case may be,] of WHEREAS E. O. of &c. has been duly convicted to wit. of a certain offence, for that [here state the offence, as in the conviction] whereby he hath forfeited the sum of [and, in case of mitigation, which hath been mitigated to the sum of], over and above the reasonable costs and charges of the informer, allowed and assessed at the sum of

Therefore I command you to levy the said sum of and also the said sum of for the costs and charges aforesaid, making together the sum of by distrainting the goods and chattels of the said E. O., and by seizing and taking all or any of the carriages, horses, harness, and other things made subject and liable by the statute in that behalf to be seized and taken, to satisfy the penalty, costs, and charges aforesaid; and if, within the space of five days next after such distress taken, the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct that you shall sell and dispose of the said goods and chattels which shall be so distracted, seized, and taken as aforesaid, and shall levy and raise thereout the said sum of and all reasonable costs and charges of taking, and keeping, and selling such distress, rendering the overplus, if any to the owner of the said goods and chattels; and you are to certify to me what you shall have done by virtue of this my warrant. Given under my hand and seal, the day of

(Signed)

One of his Majesty's justices of the peace for the said

No. 10.

Form of a Warrant of Commitment for want of a sufficient distress, founded on the foregoing conviction.

To the constable of and to the keeper of the common gaol [or house of correction] at in the County [or, as the case may be,] of WHEREAS E. O. of, &c. has been duly convicted to wit. of a certain offence, for that [here state the offence, as in the conviction,] whereby he hath forfeited the sum of [and, in case of mitigation,] which hath been mitigated to the sum of], over and above the reasonable costs and charges of the informer, allowed and assessed at the sum of making together the sum of

And whereas it has
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been duly made to appear to me that no sufficient distress can be found
whereon to levy the said sum of

Therefore I com-
mand you, the constable of

to apprehend and take the
said E. O., and safely to convey him to the common gaol [or house of
correction] at

and there to deliver him to the keeper thereof, together with
this warrant: And I do hereby command you, the said keeper, to re-
ceive into your custody in the said gaol [or house of correction] him
the said E. O. and him therein safely to keep for the space of
unless the said sum of
shall be sooner paid.

Given under my hand and seal, the

(Signed)

One of his Majesty's justices of the peace for
the said

[No. IV.] 3 & 4 W. IV. c. 48.—An Act to amend an Act of
the Second and Third Years of His present Majesty, re-

tating to Stage Carriages in Great Britian; and also to ex-
plain and amend an Act of the First and Second Years of
His present Majesty, relating to Hackney Carriages used in
the Metropolis.

WHEREAS an act was passed in the second and third years of the
reign of his present Majesty, intituled An Act to repeal the Duties 2 & 3 W. 4,
under the Management of the Commissioners of Stamps on Stage Carriages c. 120.
and on Horses let for Hire in Great Britain, and to grant other Duties in

them thereof, and also to consolidate and amend the Laws relating thereto,
and it is expedient to alter and amend the said act in the several partic-
ulars herein-after mentioned; be it therefore enacted, &c., That from
and after the passing of this act as so much and such part and parts of
the said recited act as in any manner regulate or restrict the number of
passengers allowed to be carried on the outside of any stage carriage,
or regulate or relate to the distribution or placing of or the manner of
carrying the outside passengers on any stage carriage, and also so much
and such part of the said recited act as requires that a separate division
or space shall be allotted for luggage on the top or roof of any stage car-
rriage, shall be and the same is and are hereby repealed: Provided
always, That nothing herein contained shall extend or be construed to
extend to repeal or alter any clause of the said recited act by which any
penalty is imposed for conveying a greater number of passengers on the
outside of any licensed stage carriage than is specified and allowed in
and by the licence granted in respect of such carriage.

II. That notwithstanding any thing in the said recited act contained,
any licensed stage carriage with four wheels or more, the top or roof of
which shall not be more than eight feet and nine inches from the
ground, and the bearing of which on the ground shall not be less than
four feet six inches from the centre of the track of the right or off wheel
to the centre of the track of the left or near wheel, if such carriage shall
be licensed to carry any number not more than nine passengers, shall
be allowed to carry not more than five of such passengers outside; and
if licensed to carry more than nine and not more than twelve passen-
gers, shall be allowed to carry not more than eight of such passengers
outside; and if licensed to carry more than twelve and not more than
fifteen passengers, should be allowed to carry not more than eleven of
such passengers outside; and if licensed to carry more than fifteen and
not more than eighteen passengers, shall be allowed to carry not more

Number of
outside passen-
gerers allowed to
be carried by
stage carriages.

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more than two additional passengers outside for every three additional passengers which such carriage shall be so licensed to carry in the whole; provided that in no case a greater number of passengers shall be carried on the outside of any stage carriage than the licence relating thereto shall authorize to be carried on the outside thereof; and if any greater number of outside passengers shall be carried by any stage carriage than as herein-before specified and allowed, or if any outside passenger shall be carried by any stage carriage not expressly licensed to carry any outside passenger, the driver of such stage carriage at the time when such offence shall be committed shall forfeit five pounds.

III. That the several numbers of outside passengers by this act allowed to be carried by any such stage carriage as aforesaid shall be reckoned exclusive of the driver and also of the conductor or guard, if there shall be a conductor or guard of such stage carriage; and that no child or children in the lap shall be counted as a passenger or passengers; and that no child not in the lap, but under seven years of age, shall be so counted, unless there shall be more than one such child, and if there shall be more than one such child not in the lap, but under seven years of age, then two of such children shall be accounted equal to one adult person, and considered as one passenger, and so on in the same proportion.

IV. That no person shall be allowed to sit or be carried upon any luggage placed on the roof of any stage carriage, and that no more than one passenger or other person shall be allowed to sit or be carried upon the box with the driver of any stage carriage; and that if any person shall sit or be carried upon any luggage placed as aforesaid, or if more than one person besides the driver shall sit or be carried upon the box of any stage carriage; the driver of such stage carriage at the time when any such offence shall be committed shall forfeit five pounds.

V. That all penalties which may be incurred under the provisions of this act may be prosecuted for and recovered by information or complaint before a justice of the peace in the name of any person who will inform or complain in that behalf, by the same ways and means and in the same manner and form as are and is provided for the recovery of any penalty incurred under the said recited act; and all clauses, regulations, and provisions contained in the said recited act, relating to the recovering, levying, or mitigating of the penalties thereby imposed, shall be of full force and effect, and shall be applied and put in execution for the recovering, levying, and mitigating of the penalties by this act imposed, as fully and effectually to all intents and purposes as if such clauses, regulations, and provisions had been repeated and specially enacted in this act with reference to the penalties by this act imposed.

VI. Provided always, That all pecuniary penalties imposed by or incurred under this act and under the said recited act, or either of them, whether the same shall be sued or prosecuted for and recovered by or in the name of his Majesty's attorney general in England, or his Majesty's advocate for Scotland, or the solicitor of stamps, or any other officer of stamp duties in England or Scotland respectively, or for the recovery of which any information or complaint shall be made or any action or suit commenced by any other person or persons whomsoever, shall go and be applied to the use of his Majesty, any thing in the said recited act to the contrary thereof notwithstanding; and all such penalties shall be paid or remitted to the solicitor of stamps in the manner directed by the said act, and shall be deemed to be part of his Majesty's revenue arising from stamp duties, and shall accordingly be accounted for and paid by the said solicitor to the receiver general of stamp duties: Provided always, That it shall be lawful for the commissioners of stamps, at their discretion, to give all or any part of any such penalties as rewards to any person or persons who shall have detected the offences for or in
respect of which such penalties shall have been incurred, or who shall have given information which may have led to the discovery thereof or to the conviction of the offenders.

VII. And whereas an act was passed in the first and second years of the reign of his present Majesty, intituled An Act to amend the Laws relating to Hackney Carriages, and to Waggons, Carts, and Drays, used in 1 & 2 W. 4, the Metropolis, and to place the Collection of the Duties on Hackney Carriages, and on Hawkers and Pedlars, in England, under the Commissioners of Stamps; and doubts have arisen whether carriages drawn or impelled by the power of steam, and used for the conveyance of passengers for hire, are hackney carriages, subject to the duties and regulations imposed and enacted by the said last recited act; for removing such doubts, be it enacted and declared, That nothing in the said last recited act shall extend or be deemed or construed to extend to any carriage drawn or impelled by the power of steam, or otherwise than by animal power.

PART VI.

CLASS XXXV.

SWEARING.

[There has been no recent statute relating to this offence.

For the acts for the abolition of oaths and the substitution of declaration in lieu thereof, see ante Part IV. Class X. EVIDENCE, and Part V. Class XVIII. PERJURY.]

PART VI.

CLASS XXXVI.

TITHES.

[No. I.] 5 & 6 W. IV. c. 74.—An Act for the more easy recovery of Tithes.

[Inserted ante Part II. Class II. p. 120.]

PART VI.

CLASS XXXVII.

TURNIPS AND OTHER FIELD CROPS.

[The Larceny Consolidation Act, 7 and 8 G. 4, c. 29, (see Evans's Statutes, 6 vol. p. 49 e.) was the last enactment upon the subjects of this class.

For the 5 and 6 W. 4, c. 75, amending the law as to the tithing of turnips in certain cases, see ante Part II. Class II. p. 121.]
PART VI.

CLASS XXXVIII.

VAGRANTS.

[The 5th G. 4, c. 83, was the last statute on this subject.]

PART VI.

CLASS XXXIX.

WEIGHTS AND MEASURES.

[No. I.] 4 & 5 W. IV. c. 49.—An Act to amend and render effectual Two Acts of the Fifth and Sixth Years of the reign of his late Majesty King George the Fourth relating to Weights and Measures.

[13th August 1834.]

[Repealed by the following act.]

[No. II.] 5 & 6 W. IV. c. 63.—An Act to repeal an Act of the Fourth and Fifth Year of his present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.

[9th September 1835.]

WHEREAS an act was passed in the fourth and fifth years of the reign of his present Majesty, intituled An Act to amend and render more effectual Two Acts of the Fifth and Sixth Years of the Reign of His late Majesty King George the Fourth relating to Weights and Measures: And whereas it is expedient to repeal the same, and to make other provisions instead thereof: Be it therefore enacted, &c. That the said act shall be and the same is hereby repealed.

II. Provided always, That nothing herein contained shall extend or be construed to extend to interfere with any acts done or appointments made under the authority of the said act, or to prevent the suing for or recovery of any penalty incurred by any offence committed against the provisions of the said act previous to the repeal thereof in and by this act, or to hinder or defeat any prosecution commenced or to be brought for such offence; but all penalties and forfeitures so incurred may be sued for and recovered in the same manner as any penalties and forfeitures incurred under the provisions of this act are recoverable.

III. And whereas an act passed in the fifth year of the reign of his late Majesty king George the fourth, intituled An Act for ascertaining and establishing Uniformity of Weights and Measures: And whereas another act passed in the sixth year of the reign of his said late Majesty, intituled An Act to prolog the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures; and to amend the said act: And whereas, notwithstanding the provisions of the said recited acts, many sets of weights and measures of old accustomed and different shapes have been made and verified and stamped by the chamberlains as well
as by the auditor in the exchequer, as models of the said new standards, and have been used as standard weights and measures under the said recited acts, although different in shape and form from the standards prescribed by the said recited act of the said year aforesaid; and it is therefore expedient that such standard weights and measures should be made legal, and that the comptroller general or some other officer of the exchequer duly authorized should be empowered to compare and verify, and stamp as so compared and verified, standards of length, weight, or measure, although not exact models and copies in shape and form of the respective standards of length, weight, and measure deposited under the provisions of the said first-recited acts in the office of the said chamberlains and auditor: And whereas it is expedient that the use of all weights and measures not in conformity with the weights and measures established by the said recited acts should be prohibited, and that the use of the heaped measure should be abolished; be it therefore enacted, That so much of the said last-mentioned recited acts as require that all weights and measures shall be models and copies in shape or form of the standards deposited in the exchequer, and also so much of the said recited acts as allow the use of weights and measures not in conformity with the imperial standard weights and measures established by the said acts, or allow goods or merchandise to be bought or sold by any weights or measures established by local custom or founded on special agreement, shall be and the same are hereby repealed.

IV. That all weights and measures which have been so verified and stamped at the exchequer at Westminster as copies of the standard weights and measures, corresponding in weight and capacity with those established by the said recited acts, shall be deemed and taken to be legal weights and measures, to be used for comparison as copies of the imperial standard weights and measures, although not similar in shape to those required under the provisions of the said recited acts; and that the comptroller general, or some other officer of the exchequer at Westminster duly authorized, may compare and verify, and stamp as so compared and verified, as correct standard measures of a yard, and as correct standard weights, and as correct standard measures of capacity, any weights and measures which shall correspond in length, weight, and capacity with the standards, or parts or multiples thereof respectively, deposited in the exchequer under the said act of the fifth year aforesaid, although such weights and measures may not be models or copies in shape or form of the standards so deposited as aforesaid; any thing in the said recited acts to the contrary notwithstanding.

V. That all copies of the imperial standard weights and measures which may have become defective, or have been mended in consequence of any wear or accident, shall forthwith be sent to the exchequer at Westminster for the purpose of being again compared and verified, and shall be stamped as re-verified copies of the imperial standard weights and measures, provided that the comptroller general or other officer appointed for such verification shall deem them fit to be used for the purposes of standards; and every new comparison and verification shall be indorsed upon the original indenture of verification; and such weights and measures shall be so stamped upon payment of fees of verification only; and the comptroller general or other officer at the exchequer duly authorized shall keep an account or register of all copies of the imperial standard weights and measures that shall have been verified at the exchequer.

VI. That from and after the passing of this act the measure called the Local and customary Winchester bushel, and the lineal measure called the Scotch ell, and all tonna measures, or any deviation of measure other than one of the imperial measures, or some multiple or some aliquot part, such as half, the quarter, the eighth, the sixteenth, or the thirty-second parts thereof, shall, on conviction, be liable to a penalty not exceeding the sum of forty shillings for every such sale: Provided always, That nothing in this act shall prevent the sale of articles in certain vessels.
Weights and Measures.

VII. And whereas the heaped measure is liable to considerable variation; be it therefore enacted, That from and after the passing of this act so much of the said recited acts as relate to the heaped measure shall be and are hereby repealed, and the use of the heaped measure shall be abolished, and all bargains, sales, and contracts which shall be made after the passing of this act by the heaped measure shall be null and void; and every person who shall sell any articles by the heaped measure shall, on conviction, be liable to a penalty not exceeding forty shillings for every such sale.

VIII. And whereas some articles heretofore sold by heaped measure are from their size and shape incapable of being stricken, and from their nature and quality may not be conveniently sold by weight; be it therefore enacted, That all such articles may henceforth be sold by bushel measure, corresponding in shape with the bushel prescribed; and by the said act passed in the fifth year of the reign of his late Majesty for the sale of heaped measure, or by any multiple or by some aliquot part, such as the half, the quarter, or the eighth part thereof, filled in all parts as nearly to the level of the brim as the size and shape of the articles sold will admit: Provided always, That nothing herein contained shall prevent the sale by weight of any article heretofore sold by heaped measure.

IX. And whereas the sale of all coals, slack, culm, and cannel of every description by weight, and not by measure, would tend greatly to prevent the commission of frauds and impositions, in the vend and delivery of such coals, slack, culm, and cannel of every description; be it therefore enacted, That from and after the first day of January one thousand eight hundred and thirty-six all coals, slack, culm, and cannel of every description shall be sold by weight and not by measure; and every person who shall from and after the first day of January one thousand eight hundred and thirty-six sell any coals, slack, culm, or cannel of every description by measure, and not by weight, shall, on conviction, be liable to a penalty not exceeding forty shillings for every such sale.

X. That from and after the passing of this act all articles sold by weight shall be sold by avoirdupois weight, except gold, silver, plate, diamonds or other precious stones, which may be sold by troy weight, and drugs, which, when sold by retail, may be sold by apothecaries weight.

XI. And whereas by local customs in markets, towns, and other places throughout the united kingdom, the denomination of the stone weight varies; be it therefore enacted, That from and after the passing of this act the weight denominated a stone shall in all cases consist of fourteen standard pounds avoirdupois, and that the weight denominated an hundred weight shall consist of eight such stones, and that the weight denominated a ton shall consist of twenty such hundred weight: Provided always, That nothing herein contained shall prevent any bargain, sale, or contract being made by any multiple or by some aliquot part, such as the half, the quarter, the eighth, or the sixteenth part of the pound weight.

XII. That all weights which shall be made after the passing of this act the weight of one pound avoirdupois or more shall have the number of pounds contained in every such weight stamped or cast on the top or side thereof in legible figures and letters; and that all measures of capacity which shall be made after the passing of this act shall have their contents denominated, stamped, or marked on the outside of such measures in legible figures and letters.

XIII. And whereas the use of weights made of soft materials affords facility to fraud; be it therefore enacted, That from and after the first
day of January one thousand eight hundred and thirty-six no weight made of lead or of pewter, or of any mixture thereof, shall be stamped or used: Provided always, That nothing herein contained shall prevent the use of lead or pewter, or of any mixture thereof, in the manufacture of weight, if they be wholly and substantially cased with brass, copper, or iron, and legibly stamped or marked “Cased,” or shall prevent the insertion of such a plug of lead or pewter into weights as shall be bond fide necessary for the purpose of adjusting them and of affixing thereon the stamp herein-after mentioned.

XIV. And for the purpose of ascertaining and providing for the fulfilment of all existing contracts, and fixing the payments to be made in consequence of such contracts or rents in England and Ireland payable in grain or malt, or in any other commodity or thing, and in consequence of any toll, rate, or duty heretofore payable according to the weights and measures heretofore in use, where the same shall not have been already ascertained and fixed by agreement between parties, or under the provisions of the said act of the fifth year of his late Majesty; be it enacted, That at the general or quarter sessions of the peace to be held in every county, riding, or division, and in every city, town, or place (being a county of itself), in England or Ireland, next after the expiration of three months after the passing of this act, or at any general or quarter sessions of the peace to be held thereafter, on the application of any party to such sessions, an inquisition shall be taken before the justices assembled at such general or quarter sessions, by the oaths of twelve substantial freeholders of the said respective counties, cities, towns, or places, having lands or tenements to the value of one hundred pounds per annum or upwards, to be summoned by the sheriff or proper officers of every such county, city, town, or place, to inquire into and ascertain the amount, according to the standard of weight or measure by this act established, of all contracts to be performed or rents to be paid in grain or malt or any other commodity or thing, or with reference to the measure or weight of any such grain, malt, or other commodity or thing, and the amount of any toll, rate, or duty heretofore payable according to any weights and measures heretofore in use within such counties, cities, towns, or places respectively; and in taking such inquisition, care shall be taken that in every case in which grain, malt, or meal, or any other commodity or thing, having, before the first day of January one thousand eight hundred and thirty-five, been sold by weight shall henceforth be sold by measure, or having before the said first day of January been sold by measure shall henceforth be sold by weight, no increase or diminution be made in the amount of any rate, toll, or duty hereafter payable for such grain, malt, or any other commodity or thing, due regard being had to the substitution of measure for weight, or of weight for measure, as the case may be; and such inquisitions, when taken, shall be transmitted by the respective clerks of the peace of the same counties respectively, or by the mayor, bailiff, or other head officer of every such city, town, or place (being a county of itself), into his Majesty’s court of exchequer at Westminster and Dublin respectively, and shall be there enrolled of record, and shall and may be given in evidence in any action or suit at law or in equity; and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in regard to all such contracts, rents, tolls, rates, or duties in all time coming; and the costs and charges of such inquisitions and the enrolments thereof shall be paid and defrayed by the party on whose application such requisition shall be taken.

XV. And for the purpose of ascertaining and providing for the fulfilment of all existing contracts, and fixing the payments to be made of all certain stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever payable in grain, malt, or meal, or any other commodity or thing, in Scotland, or in any other place or district of the same according to the weights and measures heretofore in use, when such payments
shall not have been already ascertained and fixed by agreement between parties, or under the provisions of the said act of the fifth year of this late Majesty; be it enacted, That the sheriff in each shire in Scotland shall, on the application of any party to such sheriff, as soon as conveniently may be after the expiration of three calendar months from and after the passing of this act, summon and impanel a jury, of the same number and of the same qualifications which are required in the jury who strike the fair prices of grain within the same shire, to assemble at such place or places as he shall find convenient, which jury shall inquire into and ascertain the amount, according to the standards by this act established, of all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever payable in grain, malt, meal, or any other commodity or thing, according to the weights and measures heretofore in use within the same shires; and in taking such inquisitions, care shall be taken that in every case in which grain, malt, or meal, or any other commodity or thing, having, before the first day of January one thousand eight hundred and thirty-five, been sold by weight shall henceforth be sold by measure, or having before the said first day of January been sold by measure shall henceforth be sold by weight, no increase or diminution be made in the amount of any stipend, feu duty, rent, toll, custom, or casualty heretofore payable for such grain, malt, or any other commodity or thing, due regard being had to the substitution of measure for weight, or of weight for measure, as the case may be; and such inquisitions, when taken, shall be transmitted by the respective sheriff clerks of such shire into his Majesty's court of exchequer at Edinburgh, and shall there be enrolled of record, and shall and may be given in evidence in any action at law; and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in regard to all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever in all time coming; and the costs and charges of such inquisitions and the enrolment thereof shall be assessed and levied, paid and defrayed, by the party on whose application such inquisition shall have been taken.

XVI. That in Scotland, from and after the passing of this act, the fair prices of all grain in every county shall be struck by the imperial quarter, and all other returns of the prices of grain shall be set forth by the same, without any reference to any other measure whatsoever; and that any sheriff clerk, clerk of a market, or other person who shall offend against this provision shall forfeit a sum not exceeding five pounds.

XVII. That in England, at the general or quarter sessions of the peace, next after the passing of this act, the justices of the peace of every county, riding, or division, or county of a city or county of a town, in general or quarter sessions assembled, and in Scotland the justices of the peace at a meeting to be called for the purpose by the sheriff of each county, and the magistrates of each royal burgh, within three months after the passing of this act, and so from time to time at any subsequent general or quarter sessions, or meeting so called as aforesaid, shall determine the number of copies of the imperial standard weights and measures which they shall deem requisite for the comparison of all weights and measures in use within their respective jurisdictions, and shall direct that such copies, verified and stamped at the exchequer, shall be provided for the use of the same, and shall fix the places at which such copies shall be deposited, and shall appoint a sufficient number of inspectors of weights and measures for the safe custody of such copies, and for the discharge of the other duties herein-after mentioned, and shall allot to each inspector a separate district, such district to be distinguished by a number or mark, and shall direct what reasonable remuneration shall be paid to such inspectors for the discharge of such duties as they shall have been ordered by such justices or magistrates as aforesaid to perform; and they are hereby empowered to suspend or dismiss any inspectors so appointed, or to appoint additional inspectors, as occasion may require: Provided always, that nothing herein contained shall extend to compel any royal burgh of Scotland (except such
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as are county towns) to provide copies of the imperial standard weights and measures, or to appoint an inspector or inspectors for the performance of the duties prescribed by this act; and that it shall be lawful for the justices of the peace in any county, and for the magistrates of any royal burgh within such county, where they shall agree, to unite the whole or a portion of the county with such royal burgh, and to appoint one inspector therefore, and to provide at their joint expense copies of the imperial standard weights and measures to be used within such united district.

XVIII. And whereas by reason of the difficulty of communication between the parts of the islands of Orkney and Zetland, it is expedient that further time should be allowed for bringing this act into operation in those islands; be it enacted, That this act shall not take effect in the islands of Orkney and Zetland before and until the first day of May one thousand eight hundred and thirty-six, any part of this or any other statute notwithstanding.

XIX. That in Ireland the grand jury of every county, county of a city, or county of a town shall, at the assizes, or, where no assizes are to be held, at the presenting term, next ensuing after the passing of this act, and so from time to time at any subsequent assizes or presenting term, determine the number of copies of the imperial standard weights and measures which they shall deem requisite for the comparison of all weights and measures in use within their counties, counties of cities, or counties of towns respectively, and shall direct that such copies, verified and stamped at the exchequer, shall be provided for the use of the same, and shall fix the places at which such copies shall be deposited; and shall appoint a sufficient number of inspectors of weights and measures for the safe custody of such copies, and for the discharge of the other duties herein-after mentioned, and shall allot to each inspector a separate district, and shall direct what reasonable remuneration shall be paid to such inspectors; and they are hereby empowered to suspend or dismiss any inspectors so appointed, or to appoint additional inspectors, from time to time as occasion may require.

XX. That in Ireland the senior judge shall, before the close of the assizes next ensuing after the passing of this act, inquire whether one complete set of such copies of the imperial standard weights, measures, and stamps has been provided in each county, county of a city, or county of a town; and in every case in which it shall not appear to him that one set at least of such copies has been provided such judge shall forthwith order the treasurer of the county, county of a city, or county of a town to provide one complete set of such copies; and every such order shall have the effect of a presentment on the county at large for such sum as may be necessary to procure a complete set of such copies; and such treasurer shall, within three calendar months next after he shall receive such order, fully execute the same, or failing so to do shall forfeit the sum of fifty pounds sterling.

XXI. That in England the justices of the peace in general or quarter sessions assembled, and in Scotland the justices of the peace and magistrates at a meeting called by the sheriff, and in Ireland the grand jury of each county, county of a city, or county of a town, shall provide for the use of the inspectors good and sufficient stamps for the stamping or sealing weights and measures used or to be used in each and every county, riding, or division, county of a city or county of a town, which stamps so provided shall be taken to be the stamps for such county, riding, or division, county of a city or county of a town; and that all weights and measures whatsoever, except as herein-after excepted, which shall be used for buying and selling, or for the collecting of any tolls or duties, or for the making of any charges on the conveyance of any goods or merchandise, shall be examined and compared with one or more of the copies of the imperial standard weights and measures provided under the authority of this act for the purpose of comparison by such inspectors, who shall stamp, in such manner as best to prevent fraud, such weights and inspectors provided by grand juries in Ireland; and inspectors appointed.

Extending time for operation of act in Orkney and Zetland.

Judges to order copies of standards in counties in Ireland when it has not been done by grand juries.

Magistrates in England and Scotland and grand juries in Ireland to procure stamps for inspectors, for stamping all weights, &c. under this act.
and measures, when so examined and compared, if found to correspond with the said copies; and the fees for such examination, comparison, and stamping shall be according to the scale contained in the schedule to this act annexed; and every person who shall use any weight or measure other than those authorized by this act, or some aliquot part thereof as herein-before described, or which has not been so stamped as aforesaid, except as herein-after excepted, or which shall be found light or otherwise unjust, shall, on conviction, forfeit a sum not exceeding five pounds; and any contract, bargain, or sale made by any such weights or measures shall be wholly null and void, and every such light or unjust weight and measure so used shall, on being discovered by any inspector so appointed aforesaid, be seized, and, on conviction of the person using or possessing the same, shall be forfeited: Provided always, that nothing herein contained shall extend to require any single weight above fifty-six pounds to be inspected and stamped, such weight of fifty-six pounds being the greatest of the imperial standard weights deposited in the exchequer; and that nothing herein contained shall extend to require any wooden or wicker measure used in the sale of lime, or other articles of the like nature, or any glass or earthenware jug or drinking cup, though represented as containing the amount of any imperial measure, or of any multiple thereof, to be stamped; but any person buying by any vessel represented as containing the amount of any imperial measure, or of any multiple thereof, is hereby authorized to require the contents of such vessel to be ascertained by a comparison with a stamped measure, such stamped measure to be found and provided by the person who shall use such wooden or wicker measure, glass jug or drinking cup as aforesaid; and in case the person who shall use such last-mentioned measure or vessel shall refuse to make such comparison, or if, upon such comparison being made, such wooden or wicker measure, glass jug or drinking cup, shall be found to be deficient in quantity, the person who shall use the same shall, on conviction, be subject to the forfeitures and penalties herein-before imposed on any person using light or unjust weights or measures.

XXII. That the expense of providing and transmitting such copies of the imperial standard weights and measures, and of the stamps to be used by the inspectors, and the remuneration to the inspectors, shall be paid in England out of the stock raised in such counties, ridings, divisions, or counties of cities; and in Scotland such expenses in the respective shires and stewartries, and cities or royal burghs, shall be assessed by the commissioners of supply upon such shires and stewartries, and upon cities or royal burghs by the magistrates thereof, and shall be paid, along with the land tax payable in such shires or stewartries and cities or royal burghs, to the collectors of the land tax in such shires or stewartries and cities or royal burghs respectively; and in Ireland such expenses in the respective counties, counties of cities, and counties of towns, shall be provided for and paid by presentments to be made by the grand juries on such counties, counties of cities, and counties of towns respectively; and the collectors of land tax in Scotland shall have such and the same powers of levying and recovering the assessments to be made under this act as are competent to them for levying and recovering the said land tax.

XXIII. That after the passing of this act no maker or seller of weights or measures, or person employed in the making or selling thereof, shall be appointed an inspector of weights and measures under the provisions of this act; and that every inspector shall forthwith enter into a bond or recognizance to the king, to be sued for in any court of record, in the sum of two hundred pounds, for the due and punctual performance of the duties of his office, and for the due and punctual payment, at such time or times as he may be directed by the justices, magistrates, or other persons by whom he may have been appointed, of all fees received by him under the authority of this act, and for the safety of the stamps and copies of the imperial standard weights and measures committed to his charge, and for their due restoration and surrender to such person.
or persons as may be appointed to receive them by the justices, magistrates, or other persons aforesaid, immediately on his removal or other cessation from office.

XXIV. That in England the justices in general or quarter sessions assembled, and in Scotland the justices or magistrates at a meeting called by the sheriff, and in Ireland the grand jury of each county, county of a city, or county of a town, shall determine and appoint on what day or days each and every such inspector shall attend with the stamps and copies of the imperial standard weights and measures in his custody at each of the several market towns, and at such other places within their respective jurisdictions as they shall deem expedient; and every such inspector so attending shall examine, compare, and stamp if found correct, all such weights and measures as shall be brought to him for that purpose, and shall also upon all measures and upon all weights of a quarter of a pound and upwards stamp a number or mark distinguishing the district in which he acts, and he shall keep a book, wherein he shall enter minutes of all such comparisons, and give, if required, a certificate under his hand of every such stamping; and every inspector shall, once in every quarter of a year, account to the treasurer of the county, riding, division, county of a city or county of a town, or to such other persons as shall be duly authorized by those by whom he may have been appointed, for all fees received by him under this act, and shall pay the amount thereof to such treasurer or other persons as aforesaid, who shall duly account for the same.

XXV. Provided always, That in the town of Berwick-upon-Tweed and any other place which has been or shall be hereafter under the provisions of any act of parliament, whether local or otherwise, to appoint inspectors or examiners of weights and measures, and in all other places which have been or shall be hereafter by charter, act of parliament, or otherwise, possessed of legal jurisdiction, and which have been or shall be hereafter provided with copies of the imperial standard weights and measures verified and stamped at the exchequer, it shall be lawful for the magistrates of such places, or for any other persons who may be so authorized as aforesaid, to appoint an inspector or inspectors of weights and measures within the limits of their respective jurisdictions; and such inspectors so appointed shall, within such limits exclusively, have the same powers and discharge the same duties as the inspectors of weights and measures appointed under this act by the county justices or grand juries for their respective counties, and shall account as aforesaid to such persons as shall be duly authorized by those by whom they may have been appointed for the amount of the fees received by them: Provided always, that nothing herein contained shall prevent inspectors appointed by county justices or grand juries from coming to any place within the limits of such other jurisdiction or authority as aforesaid, and there inspecting and stamping the weights and measures of any person residing within the district for which such inspectors may have been appointed; but that any inspector knowingly stamping any weight or measure of any person residing within the limits of any local jurisdiction for which another inspector may have been legally appointed as aforesaid shall forfeit a sum not exceeding twenty shillings for every weight or measure which he may so stamp.

XXVI. That in every city or town not being a county of itself, every individual or individuals or body corporate in Ireland exercising the privilege of appointing a weighmaster shall, on or before the first day of January one thousand eight hundred and thirty-six, or within three months after the set of copies of a weighmaster shall have been provided, supply such weighmaster with accurate beams and scales, and with a set of accurate copies, in respect of weight, capacity, and length, of the county set, under a penalty of twenty pounds; and the accuracy of such set of copies shall be certified under the hand of some inspector of weights and measures; and such set of copies

Weighmasters in Ireland to be supplied with beams and scales, and accurate copies.

Inspectors to attend at market towns, when ordered by justices, &c.

Powers of such inspectors.

Penalty on inspector knowing stamping weights, &c. of any person residing out of the district.

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shall, for the purpose of comparison and verification, be considered copies of the imperial standard weights and measures required by this act, and shall be used for no other purpose whatever, under a penalty of five pounds; and once at least in every five years, under the like penalty, the same shall be re-adjusted by some set of copies of the standard weights and measures which shall have been verified by the excise standard.

XXVIII. That no weight or measure duly stamped by any inspector appointed under the authority of the said act hereby repealed, or this act, or by any other person or persons legally authorized to examine and stamp any weights or measures, shall be liable to be re-stamped, although the same be used in any other place than that at which the same was originally stamped, but shall be considered as a legal weight or measure throughout the united kingdom, unless found to be defective or unjust.

XXVIII. That in England and Ireland it shall be lawful for every justice of the peace of any county, riding, or division, or of any city or town, and in Scotland for every sheriff, justice, or magistrate of any borough or town, or for any inspector authorized in writing under the hand of any justice of the peace in England and Ireland, or of any sheriff, justice, or magistrate in Scotland, at all reasonable times to enter any shop, store, warehouse, stall, yard, or place whatsoever within his jurisdiction, wherein goods shall be exposed or kept for sale, or shall be weighed for conveyance or carriage, and there to examine all weights, measures, steelyards, or other weighing machines, and to compare and try the same with the copies of the imperial standard weights and measures required or authorized to be provided under this act; and if upon such examination it shall appear that the said weights or measures are light or otherwise unjust, the same shall be liable to be seized and forfeited; and the person or persons in whose possession the same shall be found shall, on conviction, forfeit a sum not exceeding five pounds; and any person who shall have in his or her possession a steelyard or other weighing machine which shall on such examination be found incorrect or otherwise unjust, or who shall neglect or refuse to produce for such examination, when thereto required, all weights, measures, steelyards, or other weighing machines which shall be in his or her possession, or shall otherwise obstruct or hinder such examination, shall be liable to a like penalty.

XXIX. That in case any inspector of weights and measures, or any other person legally authorized to examine and stamp any weights or measures, shall stamp any weight or measure without duly verifying the same by comparison with a copy of the imperial standard, or shall be guilty of a breach of any duty imposed upon him by this act, or shall otherwise misconduct himself in the execution of his office, every such offender shall, upon conviction, forfeit a sum not exceeding five pounds for every such offence.

XXX. That if any person or persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, or counterfeiting, any stamp or mark now used or which may hereafter be used for the stamping or marking of any weights or measures under this act, shall for every such offence forfeit, on conviction, a sum not exceeding fifty pounds or less than ten pounds; and if any person shall knowingly sell, utter, dispose of, or expose to sale any weight or measure with such forged or counterfeit stamp or mark thereon, every person so offending shall for every such offence, forfeit, on conviction, a sum not exceeding ten pounds or less than forty shillings; and that all weights and measures with such forged or counterfeited stamps or marks shall be forfeited and broken up, and the proceeds thereof shall be disposed of in the manner hereinafter mentioned.

XXXI. That from and after the first day of January one thousand eight hundred and thirty-six, if any person or persons shall print, or if
the clerk of any market or other person shall make any return, price list, price current, or any journal or other paper containing price list or price current, in which the denomination of weights and measures quoted or referred to shall denote or imply a greater or less weight or measure than is denoted or implied by the same denomination of the imperial weights and measures under and according to the provisions of this act, such person or persons or clerk of the market shall forfeit and pay any sum not exceeding ten shillings for every copy of every such return, price list, price current, journal or other paper which he or they shall publish.

XXXII. That all penaltys and forfeitures which shall be incurred under any of the provisions of the said recited act of the fifth year aforesaid, or this act, after deducting so much thereof, not exceeding a moiety, to be paid to the party on whose information the conviction shall take place, as the justice before whom the party is convicted shall think fit, shall be paid to the treasurer of such county, riding, or division, county of a city, corporate town, or other place in which they shall be respectively recovered, or to such other person as shall be duly authorised to receive the same, and be applied to and make part of the county stock, or of such other funds as shall be liable, under the provisions of this or any other act, to the cost of providing and maintaining copies of the imperial standard weights and measures; any thing in the said recited act of the fifth year aforesaid to the contrary notwithstanding.

XXXIII. That in all counties, ridings, or divisions in England and Ireland, all penalties and forfeitures under this act shall be sued for before two or more justices of the peace at petty sessions, or before the mayor or other chief magistrate of any city, borough, town, or place within whose jurisdiction the offence shall have been committed; and that the conviction may be drawn up according to the following form, or in words to the like effect:

\[\text{BE it remembered, That on the day of}\]
\[\text{in the year of our Lord}\]
\[\text{A. B. is convicted before us,}\]
\[\text{two of his Majesty's justices of the peace [or before me}\]
\[\text{the mayor or chief magistrate of the city, borough, &c. of }\]
\[\text{for the [here specify the offence, and the time and place when and where}\]
\[\text{committed, as the case may be], contrary to an act passed in the}\]
\[\text{year of the reign of King William the fourth, &c. [as the}\]
\[\text{case may be]; and we [or I] do adjudge that the said A. B. hath for-}\]
\[\text{feited for his [or her] said offence the sum of [here insert the penalty].}\]
\[\text{Given under our hands and seals [or my hand and seal] the day and}\]
\[\text{year first above written.}\]

XXXIV. That in England and Ireland all penalties and forfeitures Recovery of inflicted or imposed by this act may, in case of nonpayment thereof, be penalties recovered in a summary way by the order and adjudication of two or more justices of the peace at petty sessions, or before the mayor or other chief magistrate of any borough, city, town or place within whose jurisdiction the offence shall have been committed, on complaint to them or him for that purpose made, and afterwards be levied, as well as the costs (if any) of such proceedings, on nonpayment, by distress and sale of the goods and chattels of the respective offenders, by warrant under the hands and seals of such justices, or hand and seal of such mayor or other chief magistrate, who is and are hereby authorized and required to summon and examine any witnesses of or concerning such offence, and to hear and determine the same; and the surplus (if any) of the money so raised or recovered, after discharging such penalties or forfeitures, and the costs and expenses as aforesaid, shall be returned, on demand, to the respective owners of the goods and chattels so seized and distrained; and in case any such penalty or forfeiture shall not be forthwith paid, it shall be lawful for the said justices, mayor, or other
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If not sufficient distress, offender to be committed to common gaol, &c.

If not sufficient distress, offender to be committed to common gaol, &c.

Persons aggrieved may appeal to quarter sessions.

XXXV. That in England and Ireland all persons who may think themselves aggrieved by any order, judgment, or determination of any justice of the peace, mayor, or chief magistrate, relating to any matter or thing in this act mentioned or contained, may, within fourteen days next after such order, judgment, or determination shall have been made or given, appeal to the justices of the peace at the then next ensuing general or quarter sessions to be held for the city, borough, or county within which the alleged cause of appeal shall arise, first giving seven days' notice in writing of such intention to appeal, and the grounds and nature thereof, to the party against whom such complaint is intended to be made, and forthwith after such notice entering into a recognisances before some justice of the peace, mayor, or other chief magistrate, with two sufficient sureties, conditioned to try such appeal, and abide the order and award of the said court thereon; and the said justices shall either hear and determine the said complaint at such general or quarter sessions, or, if they think proper, shall adjourn the hearing thereof to the following general or quarter sessions of the peace to be held for such city, borough, or county; and the said justices may, if they see cause, mitigate any penalty or forfeiture, and may order any money to be returned which may have been levied in pursuance of such order or determination, and may also order any such further satisfaction to be made to the party injured as they shall judge reasonable, and may also order such costs to be paid to the party aggrieved by the party aggrieved as they shall think reasonable.

XXXVI. That no proceeding to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or be removed by certiorari, or by any other writ or proceeding whatsoever, into any of his Majesty's courts of record at Westminster or elsewhere, any law or statute to the contrary notwithstanding.

XXXVII. That in Scotland all penalties incurred under the provisions of this act or of any of the before recited acts shall be recoverable, with expenses, either before the sheriff of the county or the magistrates of the burgh or town corporate wherein the same may be incurred or where the offender may reside, or before two or more justices of the
peace of such county, at the instance either of the procurator fiscal of court or any person who may prosecute for the same; and the whole penalties, after deducting all charges and such remuneration to the person prosecuting as the said justices shall think fit, shall be applied in aid of the funds liable under the provisions of this act to the cost of providing and maintaining copies of the imperial standard weights and measures in the place where such penalties shall be awarded; and it is hereby provided, that it shall be competent for the said courts respectively to proceed in a summary way, and to grant warrant for bringing the parties complained of before them, and upon proof on oath by one or more credible witnesses, or on the confession of the offender, or on other legal evidence, forthwith to give judgment on such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of such penalties and expenses decreed for, failing payment, within fourteen days after conviction, by poining, or by imprisonment for a period, at the discretion of the court, not exceeding sixty days, it being hereby provided that a record should be preserved of the charge and of the judgment pronounced.

XXXVIII. That in Scotland if any person or persons shall feel themselves aggrieved by the sentence of any sheriff, or magistrates of burghs or towns corporate, or justices of the peace, pronounced in any case commissioners arising under this act, it shall be lawful for such person or persons to appeal to the court of justiciary at the next circuit court, or where there is no circuit court, to the high court of justiciary at Edinburgh, in the manner, and under the rules, limitations, and conditions contained in an act passed in the twentieth year of the reign of his Majesty George the second, intituled An Act for taking away and abolishing Heritable Jurisdictions in Scotland, with this variation only, that such person or persons so appealing shall, in place of finding caution in the terms prescribed by the said act, be bound to find caution to pay the penalty or penalties and expenses awarded against him or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expenses which shall be awarded by the court in dismissing the said appeal; and it shall not be competent to appeal from or to bring the judgment of any sheriff or justices of the peace acting under this act under review by advocacy, suspension, or reduction, or in any other way other than as herein provided.

XXXIX. That in all actions brought against any person for any Limitation of thing done in pursuance of this act, or in the execution of the powers or actions, &c. authorities thereof, such action shall be laid and brought in the county within which the cause of action shall have arisen; and the defendant or defendants in such action may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the acts were done in pursuance or by the authority of this act; and if they shall appear to have been so done, or that such action shall have been brought otherwise than as herein-before directed, then and in every such case the jury shall find for the defendant or defendants; upon which verdict, or if the plaintiff or plaintiffs shall become nonsuited, or shall suffer a discontinuance of his, her, or their action, after the defendant or defendants shall have appeared thereto, or if a verdict shall pass against the plaintiff or plaintiffs therein, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have his, her, or their costs, and shall have such remedy for recovering the same as defendants have for recovering costs of suit by law in any other cases.

XL. That no plaintiff shall recover in any action for any irregularity. Plaintiff not to trespass, or other wrongful proceeding made or committed in the execution of this act, if tender of sufficient amends shall have been made tender of by or on behalf of the party or parties who shall commit such irre. amends. gularity, trespass, or other wrongful proceeding, before such action brought; and in case no tender shall have been made, it shall be lawful
Weights and Measures. [Part VI.

No. II. 5 & 6 W. 4, c. 63.

4 Anne (1.) and 5 G. 4, c. 110, repealed, except so far as relate to duties, &c. of weighmasters.

Powers of ward inquests in London, &c. not to be interfered with.

Rights of the Founders' company reserved.

Saving the rights of the universities of Oxford and Cambridge.

Not to abridge the power of the least jury, &c.

for the defendant or defendants in any such action, by leave of the court wherein such action shall depend, at any time before issue joined, to pay into court such sum or sums of money as he, she, or they shall think fit, whereupon proceedings, order, and adjudication shall be had and made in and by such court as in other actions where defendants are allowed to pay money into court.

XL. That an act passed in the parliament of Ireland in the fourth year of queen Anne, intituled An Act for regulating Weights used in this Kingdom, and that Salt and Meal shall be sold by Weight, and another act passed in the parliament of the united kingdom of Great Britain and Ireland in the fifth year of his late Majesty king George the fourth, intituled An Act for the Indemnity of Magistrates in Proceedings against Persons using unlawful Weights in Ireland, shall be and they are hereby repealed, except in so far as they relate to the appointment, duties, and remuneration of weighmasters.

XLII. Provided always, That nothing in this act contained shall interfere with the powers of the ward inquests in respect to weights and measures within the city of London and liberties thereof, and the borough of Southwark, nor prohibit, defeat, injure, or lessen the right of the mayor and commonalty and citizens of the city of London, or of the lord mayor of the said city for the time being, with respect to the stamping or sealing weights and measures, or concerning the office of gauger of wines, oils, honey, and other gaugeable liquors imported and landed within the city of London and liberties thereof.

XLIII. Provided always, That nothing in this act contained shall extend to prohibit, defeat, injure, or lessen the rights granted by charter to the master, wardens, and commonalty of the mystery of founders of the city of London.

XLIV. Provided always, That nothing in this act contained shall extend to prohibit, defeat, injure, or lessen the rights or privileges of either of the universities of Oxford or Cambridge, but that the custody of the assize, assay, and overlooking of weights and measures in the city of Oxford and its suburbs, and in the town of Cambridge, shall continue as heretofore and be in the chancellor, vice chancellor, or his deputy, of the said universities respectively; and that the chancellor, vice chancellor, or his deputy, of each of the said universities for the time being, and none other, shall have the power, and is or are hereby authorized, as occasion may require, to appoint in and for the said city and suburbs, and in and for the said town respectively, an inspector or inspectors of weights and measures, and shall have full power and authority to perform and execute all such matters and things as are required or are granted to justices of the peace of any county, city, town, or other jurisdiction in England and Wales, under the provisions of this act, or by any or either of the said recited acts; and every such inspector is hereby authorized and empowered to put in force and execute all such powers and provisions as are by this act, or by any or either of the said recited acts, granted to or required of any inspector or inspectors of weights and measures appointed as aforesaid by the justices of the peace in quarter sessions assembled.

XLV. Provided always, That nothing in this act contained shall extend or be construed to extend to supersede, limit, take away, lessen, or prevent the authority which any person or persons, bodies politic or corporate, or any person appointed at any court leet for any hundred or manor, or any jury or ward inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any weights, balances, or measures within their respective jurisdictions, or the power given by any act or acts now in force to justices or other authorities to appoint examiners for the inspection of weights and measures.


**SCHEDULE OF FEES**

To be taken by all Inspectors of Weights and Measures appointed under the authority of this act.

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For examining, comparing, and stamping all brass weights, within their respective jurisdictions:

<table>
<thead>
<tr>
<th>Item</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each half hundred weight</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Each quarter of a hundred weight</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Each stone</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Each weight under a stone to a pound inclusive</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Each weight under a pound</td>
<td>0</td>
<td>0 ½</td>
</tr>
<tr>
<td>Each set of weights of a pound and under</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

For examining, comparing, and stamping all iron weights, or weights of other descriptions not made of brass, within their respective jurisdictions:

<table>
<thead>
<tr>
<th>Item</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each half hundred weight</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Each quarter of a hundred weight</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Each stone</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Each weight under a stone</td>
<td>0</td>
<td>0 ½</td>
</tr>
<tr>
<td>Each set of weights of a pound and under</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

For examining, comparing, and stamping all wooden measures, within their respective jurisdictions:

<table>
<thead>
<tr>
<th>Item</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each bushel</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Each half bushel</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Each peck, and all under</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Each yard</td>
<td>0</td>
<td>0 ½</td>
</tr>
</tbody>
</table>

For examining, comparing, and stamping all measures of capacity of liquids, made of copper or other metal, within their respective jurisdictions:

<table>
<thead>
<tr>
<th>Item</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each five gallon</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Each four gallon</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Each three gallon</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Each two gallon</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Each gallon</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Each half gallon</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Each quart, and under</td>
<td>0</td>
<td>0 ½</td>
</tr>
</tbody>
</table>

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**PART VI.**

**CLASS XL.**

WOOD.

[The 7 and 8 G. 4, c. 29, is the last act relating to the stealing of trees or wood, (see Evans's Statutes, 6 vol. p. 49 s.) and the 7 and 8 G. 4, c. 30, is the most recent enactment relative to the malicious destroying of trees, &c., (see Evans's Statutes, 5 vol. p. 288.)]
PART VII.

MISCELLANEOUS.


[All of the above statutes have been regularly re-enacted every sessions of parliament down to the present period, with the exception of the last Billeting act, 10 Geo. IV. c. 9, the provisions of which have been incorporated with the Mutiny act.]

PART VIII.

THE UNION ACTS.

CLASS 1. Union between England and Scotland.
2. Union between Great Britain and Ireland.

[The number of representatives to be sent by Scotland to the united parliament, which by the Act of union between England and Scotland was fixed at forty-five, has been increased by the Reform Act to fifty-three.

An addition of five members has also been made by that act to the representatives which are to be returned by Ireland to the parliament of the united kingdom, and which by the Act of Union between Great Britain and that country were fixed at one hundred. See the statutes post Part IX. Class I.]
PART IX.

STATUTES RELATING TO THE REPRESENTATION.

[No. 1.] 2 W. 4, c. 45.—An Act to amend the Representation of the People in England and Wales (1).

[7th June 1832.]

WHEREAS it is expedient to take effectual measures for correcting divers abuses that have long prevailed in the choice of members to serve in the commons house of parliament, to deprive many inconsiderable places of the right of returning members, to grant such privilege to large, populous, and wealthy towns, to increase the number of knights of the shire, to extend the elective franchise to many of his Majesty’s subjects who have not heretofore enjoyed the same, and to diminish the expense of elections; be it therefore enacted by the king’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That each of the boroughs enumerated in the Schedule marked (A) to this act annexed, (that is to say,) Old Sarum, Newtown, St. Michael’s or Midshall, Gatton, Bramber, Bosiney, Dunwich, Ludgershall, St. Mawe’s Beeralston, West Looe, St. Germain’s, Newport, Blechingley, Aldborough, Camelford, Hindon, East Looe, Corfe Castle, Great Bedwin, Yarmouth, Queenborough, Castle Rising, East Grinstead, Higham Ferrers, Wendover, Weobly, Winchelsea, Tregony, Haslemere, Saltash, Orford, Callington, Newton, Ilchester, Boroughbridge, Stockbridge, New Romney, Hedon, Plympton, Seaford, Heytesbury, Steyning, Whitchurch, Wootton Bassett, Downton, Fowey, Milborne Port, Aldeburgh, Minehead, Bishop’s Castle, Okehampton, Appleby, Lostwithiel, Brackley, and Amersham, shall from and after the end of this present parliament cease to return any member or members to serve in parliament.

II. That each of the boroughs enumerated in the Schedule marked (B) to this act annexed, (that is to say,) Petersfield, Ashburton, Eye, ought to return Westbury, Wareham, Midhurst, Woodstock, Wilton, Malmsbury, one member Liskeard, Reigate, Hythe, Droitwich, Lymne Regis, Launceston, Shaftesbury, Thirsk, Christchurch, Horsham, Great Grimsby, Calne, Arundel, St. Ives, Rye, Clitheroe, Morpeth, Helston, North Allerton, Wallingford, and Dartmouth, shall from and after the end of this present parliament return one member and no more to serve in parliament.

III. That each of the places named in the Schedule marked (C) to this act annexed, (that is to say,) Manchester, Birmingham, Leeds, hereafter to Greenwich, Sheffield, Sunderland, Devonport, Wolverhampton, Tower return two Hamlets, Finsbury, Mary-le-bone, Lambeth, Bolton, Bradford, Blackburn, Brighton, Halifax, Macclesfield, Oldham, Stockport, Stoke-upon-Trent, and Stroud, shall for the purposes of this act be a borough, and shall as such borough include the place or places respectively which shall be comprehended within the boundaries of such borough, as such boundaries shall be settled and described by an act to be passed for that purpose in this present parliament, which act, when passed, shall be deemed and taken to be part of this act, as fully and effectually as if the same were incorporated herewith; and that each of the said boroughs named in the said Schedule (C) shall from and after the end of this present parliament return two members to serve in parliament.

(1) A bill is now before parliament altering the provisions of this act with regard to the registration of electors.
IV. That each of the places named in the Schedule marked (D.) to this act annexed, (that is to say,) Ashton-under-Lyne, Bury, Chatham, Cheltenham, Dudley, Frome, Gateshead, Huddersfield, Kidderminster, Kendal, Rochdale, Salford, South Shields, Tynemouth, Wakefield, Walsall, Warrington, Whitby, Whitehaven, and Merthyr Tydvil, shall for the purposes of this act be a borough, and shall as such borough include the place or places respectively which shall be comprehended within the boundaries of such borough, as such boundaries shall be settled and described by an act to be passed for that purpose in this present parliament, which act, when passed, shall be deemed and taken to be part of this act as fully and effectually as if the same were incorporated herewith; and that each of the said boroughs named in the said Schedule (D.) shall from and after the end of this present parliament return one member to serve in parliament.

V. That the borough of New Shoreham shall for the purposes of this act include the whole of the rape of Bramber in the county of Sussex, save and except such parts of the said rape as shall be included in the borough of Horsham by an act to be passed for that purpose in this present parliament; and that the borough of Cricklade shall for the purposes of this act include the hundreds and divisions of Highworth, Cricklade, Staple, Kingsbridge, and Malmesbury in the county of Wilts, save and except such parts of the said hundred of Malmesbury as shall be included in the borough of Malmesbury by an act to be passed for that purpose in this present parliament; and that the borough of Aylesbury shall for the purposes of this act include the hundreds of Aylesbury in the county of Buckingham; and that the borough of East Retford shall for the purposes of this act include the hundreds of Basestlaw in the county of Nottingham, and all places locally situate within the outside boundary or limit of the hundreds of Basestlaw, or surrounded by such boundary and by any part of the county of Lincoln or county of York.

VI. That the borough of Weymouth and Melcombe Regis shall from and after the end of this present parliament return two members, and no more, to serve in parliament; and that the borough of Penryn shall for the purposes of this act include the town of Falmouth; and that the borough of Sandwich shall for the purposes of this act include the parishes of Deal and Sandwich.

VII. That every city and borough in England which now returns a member or members to serve in parliament, and every place having in the election therewith, (except the several boroughs enumerated in the said schedule (A.), and except the several boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford,) shall, and each of the said boroughs of Penryn and Sandwich also shall, for the purposes of this act, include the place or places respectively which shall be comprehended within the boundaries of every such city, borough, or place, as such boundaries shall be settled and described by an act to be passed for that purpose in this present parliament, which act, when passed, shall be deemed and taken to be part of this act as fully and effectually as if the same were incorporated herewith.

VIII. That each of the places named in the first column of the said schedule (E.) to this act annexed shall have a share in the election of a member to serve in all future parliaments for the shire-town or borough which is mentioned in conjunction therewith, and named in the second column of the said schedule (E.)

IX. That each of the places named in the first column of the said schedule (E.), and each of the shire-towns or boroughs named in the second column of the said schedule (E.), and the borough of Brecon, shall for the purposes of this act include the place or places respectively which shall be comprehended within the boundaries of each of the said places, shire-towns, and boroughs respectively, as such boundaries shall be settled and described by an act to be passed for that purpose in this present parliament, which act, when passed, shall be deemed and taken
to be part of this act as fully and effectually as if the same were incorporated herewith.

X. That each of the towns of Swansea, Loughor, Neath, Aberavon, and Kenfig shall for the purposes of this act include the place or places respectively which shall be comprehended within the boundaries of each of the said towns, as such boundaries shall be settled and described by an act to be passed for that purpose in this present parliament, which act, when passed, shall be deemed and taken to be part of this act as fully and effectually as if the same were incorporated herewith; and that the said five towns, so including as aforesaid, shall for the purposes of this act be one borough, and shall as such borough, from and after the end of this present parliament, return one member to serve in parliament; and that the portreeve of Swansea shall be the returning officer for the said borough: and that no person, by reason of any right accruing in any of the said five towns, shall have any vote in the election of a member to serve in any future parliament for the borough of Cardiff.

XI. That the persons respectively described in the said Schedules (C.) and (D.) shall be the returning officers at all elections of a member for the boroughs in conjunction with which persons are respectively mentioned in the said Schedules (C.) and (D.); and that for those boroughs in the said schedules for which no persons are mentioned in such schedules as returning officers the sheriff for the time being of the county in which such boroughs are respectively situate shall, within two months after the passing of this act, and in every succeeding respective year in the month of March, by writing under his hand, to be delivered to the clerk of the peace of the county within one week, and to be by such clerk of the peace filed and preserved with the records of his office, nominate and appoint for each of such boroughs a fit person, being resident therein, to be, and such person so nominated and appointed shall accordingly be, the returning officer for each of such boroughs respectively until the nomination to be made in the succeeding March; and in the event of the death of any such person, or of his becoming incapable to act by reason of sickness or other sufficient impediment, the sheriff for the time being shall on notice thereof forthwith nominate and appoint in his stead a fit person, being so resident as aforesaid, to be, and such person so nominated and appointed shall accordingly be, the returning officer for such borough for the remainder of the then current year; and no person, having been so nominated and appointed as returning officer for any borough, shall after the expiration of his office be compellable at any time thereafter to serve again in the said office for the same borough: Provided always, that no person being in holy orders, nor any churchwarden or overseer of the poor within any such borough, shall be nominated or appointed as such returning officer for the same; and that no person nominated and appointed as returning officer for any borough now sending or hereafter to send members to parliament shall be appointed a churchwarden or overseer of the poor therein during the time for which he shall be such returning officer: Provided also, that no person qualified to be elected to serve as a member in parliament shall be compellable to serve as returning officer for any borough for which he shall have been nominated and appointed by the sheriff as aforesaid if within one week after he shall have received notice of his nomination and appointment as returning officer he shall make oath of such qualification before any justice of the peace, and shall forthwith notify the same to the sheriff: Provided also, that in case his Majesty shall be pleased to grant his royal charter of incorporation to any of the boroughs named in the said Schedules (C.) and (D.) which are not now incorporated, and shall by such charter give power to elect a mayor or other chief municipal officer for any such borough, then and in every such case such mayor or other chief municipal officer for the time being shall be the only returning officer for such borough; and the provisions herein-before contained...
with regard to the nomination and appointment of a returning officer for such borough shall thenceforth cease and determine.

XII. That in all future parliaments there shall be six knights of the shire, instead of four, to serve for the county of York, (that is to say,) two knights for each of the three ridings of the said county, to be elected in the same manner, and by the same classes and descriptions of voters, and in respect of the same several rights of voting, as if each of the three ridings were a separate county; and that the court for the election of knights of the shire for the north riding of the said county shall be holden at the city of York, and the court for the election of knights of the shire for the west riding of the said county shall be holden at Wakefield, and the court for the election of knights of the shire for the east riding of the said county shall be holden at Beverley.

XIII. That in all future parliaments there shall be four knights of the shire, instead of two, to serve for the county of Lincoln, (that is to say,) two for the parts of Lindsey in the said county, and two for the parts of Kesteven and Holland in the same county; and that such four knights shall be chosen in the same manner, and by the same classes and descriptions of voters, and in respect of the same several rights of voting, as if the said parts of Lindsey were a separate county, and the said parts of Kesteven and Holland together were also a separate county; and that the court for the election of knights of the shire for the parts of Lindsey in the said county shall be holden at the city of Lincoln, and the court for the election of knights of the shire for the parts of Kesteven and Holland in the said county shall be holden at Sleaford.

XIV. That each of the counties enumerated in the Schedule marked (F.) to this act annexed shall be divided into two divisions, which divisions shall be settled and described by an act to be passed for that purpose in this present parliament, which act, when passed, shall be deemed and taken to be part of this act as fully and effectually as if the same were incorporated herewith; and that in all future parliaments there shall be four knights of the shire, instead of two, to serve for each of the said counties, (that is to say,) two knights of the shire for each division of the said counties; and that such knights shall be chosen in the same manner, and by the same classes and descriptions of voters, and in respect of the same several rights of voting, as if each of the said divisions were a separate county; and that the court for the election of knights of the shire for each division of the said counties shall be holden at the place to be named for that purpose in the act so to be passed as aforesaid for settling and describing the divisions of the said counties.

XV. That in all future parliaments there shall be three knights of the shire, instead of two, to serve for each of the counties enumerated in the Schedule marked (F. 2.) to this act annexed, and two knights of the shire, instead of one, to serve for each of the counties of Carmarthen, Denbigh, and Glamorgan.

XVI. That the Isle of Wight in the county of Southampton shall for the purpose of this act be a county of itself, separate and apart from the county of Southampton, and shall return one knight of the shire to serve in every future parliament; and that such knight shall be chosen by the same classes and descriptions of voters, and in respect of the same several rights of voting, as any knight of the shire shall be chosen in any county in England; and that all elections for the said county of the Isle of Wight shall be holden at the town of Newport in the Isle of Wight, and the sheriff of the Isle of Wight, or his deputy, shall be the returning officer at such elections.

XVII. That for the purpose of electing a knight or knights of the shire to serve in any future parliament the east riding of the county of York, the north riding of the county of York, the parts of Lindsey in the county of Lincoln, and the several counties at large enumerated in
Part IX. Statutes relating to the Representation.

the second column of the Schedule marked (G.) to this act annexed, shall respectively include the several cities and towns, and counties of the same, which are respectively mentioned in conjunction with such ridings, parts, and counties at large, and named in the first column of the said Schedule (G.)

XVIII. That no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament, or in the election of a member or members to serve in any future parliament for any city or town being a county of itself, in respect of any freehold lands or tenements whereof such person may be seised for his own life, or for the life of another, or for any lives whatsoever, except such person shall be in the actual and bond fide occupation of such lands or tenements, or except the same shall have come to such person by marriage, marriage settlement, devise, or promotion to any benefice or to any office, or except the same shall be of the clear yearly value of not less than ten pounds above all rents and charges payable out of or in respect of the same: any statute or usage to the contrary notwithstanding: Provided always, That nothing in this act contained shall prevent any person now seised for his own life, or for the life of another, or for any lives whatsoever, of any freehold lands or tenements in respect of which he now has, or but for the passing of this act might acquire, the right of voting in such respective elections, from retaining or acquiring, so long as he shall be so seised of the same lands or tenements, such right of voting in respect thereof, if duly registered according to the respective provisions herein-after contained.

XIX. That every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any lands or tenements of copyhold or any other tenure whatever except freehold, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate.

XX. That every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives, or not), of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same, or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years (whether determinable on a life or lives, or not), of the clear yearly value of not less than fifty pounds over and above all rents and charges payable out of or in respect of the same, or who shall occupy as tenant any lands or tenements for which he shall be bond fide liable to a yearly rent of not less than fifty pounds, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate: Provided always, That no person, being only a sub-lessee, or the assignee of any underlease, shall have a right to vote in such election in respect of any such term of sixty years or twenty years as aforesaid, unless he shall be in the actual occupation of the premises.

XXI. That no public or parliamentary tax, nor any church rate, what not to county rate, or parochial rate, shall be deemed to be any charge payable be deemed out of or in respect of any lands or tenements within the meaning of charges of this act.

XXII. That in order to entitle any person to vote in any election of County voters a knight of the shire or other member to serve in any future parliament, need not be assessed to the land tax.
in respect of any messuages, lands, or tenements, whether freehold or otherwise, it shall not be necessary that the same shall be assessed to the land tax; any statute to the contrary notwithstanding.

XXIII. That no person shall be allowed to have any vote in the election of a knight or knights of the shire for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate, but that the mortgagor or cestui que trust in possession shall and may vote for the same estate notwithstanding such mortgage or trust.

XXIV. That notwithstanding anything herein-before contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament in respect of his estate or interest as a freeholder in any house, warehouse, counting-house, shop, or other building occupied by himself, or in any land occupied by himself together with any house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately or jointly with the land so occupied therewith, of such value as would, according to the provisions herein-after contained, confer on him the right of voting for any city or borough, whether he shall or shall not have actually acquired the right to vote for such city or borough in respect thereof.

XXV. That notwithstanding anything herein-before contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament in respect of his estate or interest as a copyholder or customary tenant, or tenant in ancient demesne, holding by copy of court roll, or as such lessee or assignee, or as such tenant and occupier as aforesaid, in any house, warehouse, counting-house, shop, or other building, or in any land occupied together with a house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately or jointly with the land so occupied therewith, of such value as would according to the provisions herein-after contained confer on him or on any other person the right of voting for any city or borough, whether he or any other person shall or shall not have actually acquired the right to vote for such city or borough in respect thereof.

XXVI. That notwithstanding anything herein-before contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament unless he shall have been duly registered according to the provisions herein-after contained; and that no person shall be so registered in any year in respect of his estate or interest in any lands or tenements, as a freeholder, copyholder, customary tenant, or tenant in ancient demesne, unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, for six calendar months at least next previous to the last day of July in such year, which said period of six calendar months shall be sufficient, any statute to the contrary notwithstanding; and that no person shall be so registered in any year, in respect of any lands or tenements held by him as such lessee or assignee, or as such occupier and tenant as aforesaid unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, as the case may require, for twelve calendar months next previous to the last day of July in such year: Provided always, that where any lands or tenements, which would otherwise entitle the owner, holder, or occupier thereof to vote in any such election, shall come to any person, at any time within such respective periods of six or twelve calendar months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office, such person shall be entitled in respect thereof to have his name inserted as a voter in the election of a knight or knights of the shire in the lists then next to be made by virtue of this act as herein-after mentioned, and, upon his being duly registered according to the provisions herein-after contained, to vote in such election.
XXVII. That in every city or borough which shall return a member or members to serve in any future parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy, within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being, either separately, or jointly with any land within such city, borough, or place occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions herein-after contained, be entitled to vote in the election of a member or members to serve in any future parliament for such city or borough: Provided always, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such person shall have paid, on or before the twentieth day of July in such year, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises previously to the sixth day of April then next preceding: Provided also, that no such person shall be so registered in any year unless he shall have resided for six calendar months next previous to the last day of July in such year within the city or borough, or within the place sharing in the election for the city or borough, in respect of which city, borough, or place respectively he shall be entitled to vote, or within seven statute miles thereof or of any part thereof.

XXVIII. That the premises in respect of the occupation of which any person shall be entitled to be registered in any year, and to vote in the election for any city or borough as aforesaid, shall not be required to be the same premises, but may be different premises occupied in immediate succession by such person during the twelve calendar months next previous to the last day of July in such year, such person having paid, on or before the twentieth day of July in such year, all the poor's rates and assessed taxes which shall previously to the sixth day of April then next preceding have become payable from him in respect of all such premises so occupied by him in succession.

XXX. That where any premises as aforesaid, in any such city or borough, or in any place sharing in the election therewith, shall be jointly occupied by more persons than one as owners or tenants, each of such joint occupiers shall, subject to the conditions herein-before contained as to persons occupying premises in any such city, borough, or place, be entitled to vote in the election for such city or borough, in respect of the premises so jointly occupied, in case the clear yearly value of such premises shall be of an amount which, when divided by the number of such occupiers, shall give a sum of not less than ten pounds for each and every such occupier, but not otherwise.

XXXI. That in every city or borough which shall return a member or members to serve in any future parliament, and in every place sharing in the election therefor, it shall be lawful for any person rated occupying any house, warehouse, counting-house, shop, or other building, either separately, or jointly with any land occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, in any parish or township in which there shall be a rate for the relief of the poor, to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming and actually paying or tendering the full amount of the rate or rates, if any, then due in respect of such premises, the overseers of the parish or township in which such premises are situate are hereby re-
Statutes relating to the Representation. [Part IX.

No. 1. 2 W. 4, c. 45. required to put the name of such occupier upon the rate for the time being; and in case such overseers shall neglect or refuse so to do such occupier shall nevertheless for the purposes of this act be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any act of parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord; but that in case the tenant who shall have been rated for such premises in consequence of any such claim as aforesaid shall make default in the payment of the poor's rate due in respect thereof, such landlord shall be and remain liable for the payment thereof in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.

Provision as to freeholders voting for cities and towns being counties of themselves.

XXXI. That in every city or town being a county of itself, in the election for which freeholders or burgage tenants, either with or without any superadded qualification, now have a right to vote, every such freeholder or burgage tenant shall be entitled to vote in the election of a member or members to serve in all future parliaments for such city or town, provided he shall be duly registered according to the provisions herein-after contained; but that no such person shall be so registered in any year in respect of any freehold or burgage tenement, unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof, for his own use, for twelve calendar months next previous to the last day of July in such year, (except where the same shall have come to him, at any time within such twelve months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or to any office,) nor unless he shall have resided for six calendar months next previous to the last day of July in such year within such city or town, or within seven statute miles thereof or of any part thereof: Provided always, that nothing in this enactment contained shall be deemed to vary or abridge the provisions herein-before made relative to the right of voting for any city or town being a county of itself, in respect of any freehold for life or lives: Provided also, that every freehold or burgage tenement which may be situate without the present limits of any such city or town being a county of itself, but within the limits of such city or town as the same shall be settled and described by the act to be passed for that purpose as herein-before mentioned, shall confer the right of voting in the election of a member or members to serve in any future parliament for such city or town in the same manner as if such freehold or burgage tenement were situate within the present limits thereof.

To extend to freeholds within the new boundaries.

XXXII. That every person who would have been entitled to vote in the election of a member or members to serve in any future parliament for any city or borough not included in the Schedule marked (A.) to this act annexed, either as a burgess or freeman, or in the city of London as a freeman and liveryman, if this act had not been passed, shall be entitled to vote in such election, provided such person shall be duly registered according to the provisions herein-after contained; but that no such person shall be so registered in any year, unless he shall, on the last day of July in such year, be qualified in such manner as would entitle him then to vote if such day were the day of election, and this act had not been passed, nor unless, where he shall be a burgess or freeman or freeman and liveryman of any city or borough, he shall have resided for six calendar months next previous to the last day of July in such year within such city or borough, or within seven statute miles from the place where the poll for such city or borough shall heretofore have been taken, nor unless, where he shall be a burgess or freeman of any place sharing in the election for any city or borough, he shall have resided for six calendar months next previous to the last day of July in such year within such respective place so sharing as aforesaid, or within seven statute miles of

Freemen not to vote in boroughs, unless resident, &c.
the place mentioned in conjunction with such respective place so sharing as aforesaid and named in the second column of the Schedule marked (E. 2.) to this act annexed: Provided always, that no person who shall have been elected, made, or admitted a burgess or freeman since the first day of March one thousand eight hundred and thirty-one, otherwise than men created in respect of birth or servitude, or who shall hereafter be elected, made, or admitted a burgess or freeman, otherwise than in respect of birth or servitude, shall be entitled to vote as such in any such election for any city or borough as aforesaid, or to be so registered as aforesaid; Provided also, that no person shall be so entitled as a burgess or freeman in respect of birth unless his right be originally derived from or through some person who was a burgess or freeman, or entitled to be admitted a burgess or freeman, previously to the first day of March in the year one thousand eight hundred and thirty-one, or from or through some person who since that time shall have become or shall hereafter become a burgess or freeman in respect of servitude: Provided also, that every person who would have been entitled, if this act had not been passed, to vote as a burgess or freeman of Swansea, Loughor, Neath, Aberavon, or Kenfig, in the election of a member to serve in any future parliament for the borough of Cardiff, shall cease to vote in such election, and shall instead thereof be entitled to vote as such burgess or freeman in the election of a member to serve in all future parliaments for the borough composed of the towns of Swansea, Loughor, Neath, Aberavon and Kenfig, subject always to the provisions herein-before contained with regard to a burgess or freeman of any place sharing in the election for any city or borough.

XXXIII. That no person shall be entitled to vote in the election of a member or members to serve in any future parliament for any city or borough, save and except in respect of some right conferred by this act, or as a burgess or freeman, or as a freeman and liveryman, or, in the case of a city or town being a county of itself, as a freeholder or burgage tenant, as herein-before mentioned: Provided always, that every person now having a right to vote in the election for any city or borough (except those enumerated in the said Schedule (A.) in virtue of any other qualification than as a burgess or freeman, or as a freeman and liveryman, or, in the case of a city or town being a county of itself, as a freeholder or burgage tenant, as herein-before mentioned, shall retain such right of voting so long as he shall be qualified as an elector according to the usages and customs of such city or borough or any law now in force, and such person shall be entitled to vote in the election of a member or members to serve in any future parliament for such city or borough, if duly registered according to the provisions herein-after contained; but that no such person shall be so registered in any year unless he shall, on the last day of July in such year, be qualified as such elector in such manner as would entitle him then to vote if such day were the day of election and this act had not been passed, nor unless such person, where required, his qualification shall be in any city or borough, shall have resided for six calendar months next previous to the last day of July in such year within such city or borough, or within seven statute miles from the place where the poll for such city or borough shall heretofore have been taken, nor unless such person, where his qualification shall be within any place sharing in the election for any city or borough, shall have resided for six calendar months next previous to the last day of July in such year within such respective place so sharing as aforesaid, or within seven statute miles of the place mentioned in conjunction with such respective place so sharing as aforesaid, and named in the second column of the Schedule marked (E. 2.) to this act annexed: Provided nevertheless, that every such person shall for ever cease to enjoy such right of voting for any such city, or borough as aforesaid if his name shall have been omitted for two successive years from the register of such voters for such city or borough herein-after directed to be made, unless he shall have been so omitted in consequence of his having received parochial relief within twelve calendar months next previous to the last day of July in any year,
No. I.
2 W. 4, c. 45.

Provision as to persons now entitled to vote for New Shoreham, Cricklade, Aylesbury, or East Retford respectively, in respect of freeholds.

or in consequence of his absence on the naval or military service of his Majesty.

XXXIV. That every person now having a right to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, in respect of any freehold, wheresoever the same may be situate, shall retain such right of voting, subject always to the same provisions as are herein-before mentioned with regard to persons whose right of voting for any borough is saved and reserved by this act, save and except that such persons now having a right to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, shall not be registered in any year unless they shall have resided for six calendar months next previous to the last day of July in such year within the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, as defined by this act, or within seven statute miles of such respective borough or of any part thereof; and that for the purpose of the registration herein-after required all persons now having a right to vote for the borough of New Shoreham, in respect of any freeholds which may be situate in the borough of Horsham, or for the borough of Cricklade in respect of any freeholds which may be situate in the borough of Malmsbury, as such boroughs of Horsham or Malmsbury may respectively be defined by the act to be passed for that purpose as herein-before mentioned, shall be inserted in the list of voters herein-after directed to be made by the overseers of that parish or township within the borough of New Shoreham or the borough of Cricklade respectively, as defined by this act, which shall be next adjoining to the parish or township in which such freeholds shall respectively be situate; and if the parish or township in which any such freeholds shall be situate shall adjoin two or more parishes or townsships within either of the said boroughs of New Shoreham or Cricklade, the persons so having a right to vote in respect of such freeholds shall be inserted in the list of voters to be made by the overseers of the least populous of such adjoining parishes or townsships, according to the last census for the time being.

XXXV. Provided nevertheless, That notwithstanding any thing herein-before contained no person shall be entitled to vote in the election of a member or members to serve in any future parliament for any city or borough (other than a city or town being a county of itself, in the election for which freeholders or Burgess tenants have a right to vote as herein-before mentioned,) in respect of any estate or interest in any Burgess tenement or freehold which shall have been acquired by such person since the first day of March one thousand eight hundred and thirty-one, unless the same shall have come to or been acquired by such person, since that day, and previously to the passing of this act, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office.

XXXVI. That no person shall be entitled to be registered in any year as a voter in the election of a member or members to serve in any future parliament for any city or borough who shall within twelve calendar months next previous to the last day of July in such year have received parochial relief or other alms which by the law of parliament now disqualify from voting in the election of members to serve in parliament.

XXXVII. And whereas it is expedient to form a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in any future parliament, and that for the purpose of forming such register the overseers of every parish and township should annually make out lists in the manner herein-after mentioned; be it therefore enacted, That the overseers of the poor of every parish and township shall on the twentieth day of June in the present and in every succeeding year cause to be fixed on or near the doors of all the churches and chapels within such parish or township, or if there be no church or chapel therein, then to be fixed in some public and conspicuous situation...
tion within the same respectively, a notice according to the form numbered 1. in the Schedule (H.) to this act annexed, requiring all persons who may be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament, in respect of any property situate wholly or in part in such parish or township, to deliver or transmit to the said overseers on or before the twentieth day of July in the present and in every succeeding year a notice of their claim as such voters according to the form numbered 2. in the said Schedule (H.), or to the like effect: Provided always, That after the formation of the register to be made in each year, as herein-after mentioned, no person whose name shall be upon such register for the time being shall be required thereafter to make any such claim as aforesaid, so long as he shall retain the same qualification, and continue in the same place of abode described in such register.

XXXVIII. That the overseer of the poor of every parish and township shall on or before the last day of July in the present year make out or cause to be made out, according to the form numbered 3. in the said Schedule (H.), an alphabetical list of all persons who shall claim as aforesaid to be inserted in such list as voters in the election of a knight or knights of the shire to serve for the county, or for the riding, parts, or division of the county wherein such parish or township lies, in respect of any lands or tenements situate wholly or in part within such parish or township; and that the said overseers shall on or before the last day of July in every succeeding year make out or cause to be made out a like list, containing the names of all persons who shall be upon the register for the time being as such voters, and also the names of all persons who shall claim as aforesaid to be inserted in such last-mentioned list as such voters; and in every list so to be made by the overseers as aforesaid the christian name and surname of every person shall be written at full length, together with the place of his abode, the nature of his qualification, and the local or other description of such lands or tenements, as the same are respectfully set forth in his claim to vote, and the name of the occupying tenant, if stated in such claim; and the said overseers, if they shall have reasonable cause to believe that any person so claiming as aforesaid, or whose name shall appear in the register for the time being, is not entitled to vote in the election of a knight or knights of the shire for the county, or for the riding, parts, or division of the county in which their parish or township is situate, shall have power to add the words “objected to” opposite the name of every such person on the margin of such list; and the said overseers shall sign such list; and shall cause a sufficient number of copies of such list to be written or printed, and to be fixed on or near the doors of all the churches and chapels within their parish or township, or if there be no church or chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively, on the two Sundays next after such list shall have been made; and the said overseers shall likewise keep a true copy of such list, to be perused by any person, without payment of any fee, at all reasonable hours during the two first weeks after such list shall have been made; Provided always, That every precinct or place, whether extra-parochial or otherwise, which shall have no overseers of the poor, shall for the purpose of making out such list as aforesaid be deemed to be within the parish or township adjoining thereto, such parish or township being situate within the same county, or the same riding, parts, or division of a county, as such precinct or place; and if such precinct or place shall adjoin two or more parishes or townships so situate as aforesaid, it shall be deemed to be within the least populous of such parishes or townships according to the last census for the time being: and the overseers of the poor of every such parish or township shall insert in the list for their respective parish or township the names of all persons who shall claim as aforesaid to be inserted therein as voters in the election of a knight or knights of the shire to serve for the county, or for the riding, parts, or division of the county in which such precinct

Overseers to prepare lists of county voters, and to publish them every year.

Overseers to have power of objecting to any name in the list; to keep copies of lists for inspection.

Provision as to places having no overseers.
or place as aforesaid lies, in respect of any lands or tenements situate wholly or in part within such precinct or place.

XXXIX. That every person who shall be upon the register for the time being of voters for any county, or for any riding, parts, or division of a county, or who shall have claimed to be inserted in any list for the then current year of voters for any county, or any riding, parts, or division of a county, may object to any person as not having been entitled on the last day of July then next preceding to have his name inserted in any list of voters for such county, riding, parts, or division so to be made out as aforesaid; and every person so objecting (save and except overseers objecting in the manner herein-before mentioned) shall, or before the twenty-fifth day of August in the present and in every succeeding year, give or cause to be given a notice in writing according to the form numbered 4. in the said Schedule (H.), or to the like effect, to the overseers who shall have made out the list in which the name of the person so objected to shall have been inserted; and the person so objecting shall also, on or before the twenty-fifth day of August in the present and in every succeeding year, give to the person objected to, or leave at his place of abode as described in such list, or personally deliver to his tenant in occupation of the premises described in such list, a notice in writing according to the form numbered 5. in the said schedule (H.), or to the like effect; and the overseers shall include the names of all persons so objected to in a list according to the form numbered 6. in the said schedule (H.), and shall cause copies of such list to be fixed on or near the doors of all the churches and chapels within their parish or township, or if there be no church or chapel therein, then to be fixed in some public and conspicuous situation within the same respectively, on the two Sundays next preceding the fifteenth day of September, in the present and in every succeeding year; and the overseers shall likewise keep a copy of the names of all the persons so objected to, to be perused by any person, without payment of any fee, at all reasonable hours during the ten days next preceding the said fifteenth day of September in the present and in every succeeding year.

XL. That on the twenty-ninth day of August in the present and in every succeeding year the overseers of every parish and township shall deliver the list of voters so made out as aforesaid, together with a written statement of the number of persons objected to by the overseers and by other persons, to the high constable or high constables of the hundred or other like district in which such parish or township is situate; and such high constable or high constables shall forthwith deliver all such lists, together with such statements as aforesaid, to the clerk of the peace of the county, riding, or parts, who shall forthwith make out an abstract of the number of persons objected to by the overseers and by other persons in each parish and township, and transmit the same to the barrister or barristers appointed as herein-after mentioned to revise such lists, in order that the said barrister or barristers may fix proper times and places for holding his or their courts for the revision of the said lists.

XLI. That the lord chief justice of the court of king's bench for the time being shall, in the month of July or August in the present and in every succeeding year, nominate and appoint for Middlesex, and the senior judge for the time being in the commission of assize for every other county shall, when travelling the summer circuit, in the present and in every succeeding year, nominate and appoint for every such county, or for each of the ridings, parts, or divisions of such county, a barrister or barristers to revise the lists of voters in the election of a knight or knights of the shire; and such barrister or barristers so appointed as aforesaid shall give public notice, as well by advertisement in some of the newspapers circulating within the county, riding, parts, or division, as also by a notice to be fixed in some public and conspicuous situation at the principal place of election for the county, riding, parts, or division, (such last-mentioned notice to be given three days at the least
Part IX.] Statutes relating to the Representation.

before the commencement of his or their circuit,) that he or they will make a circuit of the county, riding, parts, or division for which he or they shall be so appointed, and of the several times and places at which he or they will hold courts for that purpose, such times being between the fifteenth day of September inclusive and the twenty-fifth day of October inclusive in the present and in every succeeding year, and he or vision. they shall hold open courts for that purpose at the times and places so to be announced; and where two or more barristers shall be appointed for the same county, riding, parts, or division, they shall attend at the same places together, but shall sit apart from each other, and hold separate courts at the same time for the dispatch of business: Provided always, that no member of parliament, nor any person holding any office or place of profit under the crown, shall be appointed such barris- ter, and that no barrister so appointed as aforesaid shall be eligible to serve in parliament for eighteen months from the time of such his appointment for the county, riding, parts, or division for which he shall be so appointed.

XLII. That the clerk of the peace shall at the opening of the first court to be held by every such barrister for any county, or for any riding, parts, or division of a county, produce or cause to be produced before him the several lists of voters for such county, riding, parts, or division which shall have been delivered to such clerk of the peace by the high constables as aforesaid; and the overseers of every parish and township who shall have made out the lists of voters shall attend the court to be held by every such barrister at the place appointed for revising the lists relating to such parish or township respectively, and shall also deliver to such barrister a copy of the list of the persons objected to, so made out by them as aforesaid; and the said overseers shall answer upon oath all such questions as such barrister may put to them or any of them touching any matter necessary for revising the lists of voters; and every such barrister shall retain on the lists of voters the names of all persons to whom no objection shall have been made by the overseers, or by any other person, in the manner herein-before mentioned; and he shall also retain on the list of voters the name of every person who shall have been objected to by any person other than the overseers, unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection; and where the name of any person inserted in the list of voters shall have been objected to by the overseers, or by any other person, in the manner herein-before mentioned, and such person so objecting shall appear by himself or by some one on his behalf in support of such objection, every such barrister shall require it to be proved that the person so objected to was entitled on the last day of July then next preceding to have his name inserted in the list of voters in respect of the qualification described in such list; and in case the same shall not be proved to the satisfaction of such barrister, or in case it shall be proved that such person was then incapacitated by any law or statute from voting in the election of members to serve in parliament, such barrister shall expunge the name of every such person from the said lists; and he shall also expunge from the said lists the name of every person who shall be proved to him to be dead; and shall correct any mistake which shall be proved to him to have been made in any of the said lists as to any of the particulars by this act required to be inserted in such lists; and where the christian name of any person, or his place of abode, or the nature of his qualifica- tion, or the local or other description of his property, or the name of the tenant in the occupation thereof, as the same respectively are required to be inserted in any such list, shall be wholly omitted therefrom, such barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted be supplied to the satisfaction of such barrister before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list: Pro-

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list, except in case of his death or of his being objected to on the margin of the list by the overseers as aforesaid, or except in case of any such omission or omissions as herein-before last mentioned, unless such notice as is herein-before required in that behalf shall have been given to the overseers, nor unless such notice as is herein-before required in that behalf shall have been given to such person, or left at his place of abode, or delivered to his tenant as herein-before mentioned.

XLIII. Provided also, That if it shall happen that any person who shall have given to the overseers of any parish or township due notice of his claim to have his name inserted in the list of voters in the election of a knight or knights of the shire shall have been omitted by such overseers from such list, it shall be lawful for the barrister, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such barrister that such person gave due notice of such his claim to the said overseers, and that he was entitled on the last day of July then next preceding to be inserted in the list of voters in the election of a knight or knights of the shire for the county, or for the riding, parts, or division of the county, wherein the parish or township of such overseers may be situate, in respect of any lands or tenements within such parish or township.

XLIV. That the overseers of the poor of every parish and township either wholly or in part situate within any city or borough, or place sharing in the election for any city or borough, which shall return a member or members to serve in any future parliament, shall, on or before the last day of July in the present and in each succeeding year, make out or cause to be made out, according to the form numbered 1 in the Schedule annexed, an alphabetical list of all persons who may be entitled by virtue of this act to vote in the election of a member or members to serve in any future parliament for such city or borough in respect of the occupation of premises of the clear yearly value of not less than ten pounds as herein-before mentioned, situate wholly or in part within such parish or township, and another alphabetical list, according to the form numbered 2, in the said Schedule (1), of all other persons (except freemen) who may be entitled to vote in the election for such city or borough by virtue of any other right whatsoever; and in each of the said lists the christian name and surname of every person shall be written at full length, together with the nature of his qualification; and where any person shall be entitled to vote in respect of any property, then the name of the street, lane, or other description of the place where such property may be situate shall be specified in the list; and where any person shall be entitled to vote otherwise than in respect of any property, then the name of the street, lane, or other description of the place of such person's abode shall be specified in the list; and the overseers shall sign each of such lists, and shall cause a sufficient number of copies of such lists to be printed, and to be fixed on or near the doors of all the churches and chapels in their several parishes and townships, or if there be no church or chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively, on the two Sundays next after such lists shall have been made; and the said overseers shall likewise keep true copies of such lists, to be perused by any person, without payment of any fee, at all reasonable hours during the two first weeks after such lists shall have been made.

XLV. That every precinct or place, whether extra-parochial or otherwise, having no overseers of the poor, which now is or hereafter may be within any city or borough, or within any place sharing in the election for any city or borough, shall, for the purpose of making out the list of voters for such city or borough, be deemed to be within the parish or township adjoining thereto, and situate wholly or in part within such city or borough, or within such place sharing in the election therewith; and if such precinct or place shall adjoin two or more parishes or townships so situate as aforesaid, it shall be deemed to be within the least
populous of such parishes or townships according to the last census for the time being; and the overseers of every such parish or township shall insert in the list for their respective parish or township the names of all persons who may be entitled to vote in the election of a member or members to serve in any future parliament for any such city or borough in respect of any property occupied by such persons within such city or borough, or within any place sharing in the election there-with, such property being situate wholly or in part within such precinct or place as aforesaid.

XLVI. That the town clerk of every city or borough shall, on or before the last day of July in the present and in each succeeding year, make out or cause to be made out, according to the form numbered 3, in the said Schedule (I.), an alphabetical list of all the freemen of such city or borough who may be entitled to vote in the election of a member or members to serve in any future parliament for such city or borough, together with the respective places of their abode; and the town clerk of every place sharing in the election for any city or borough shall, at the respective times aforesaid, make out or cause to be made out a like list of all the freemen of such place who may be entitled to vote in the election of a member or members to serve in any future parliament for such city or borough; and every such town clerk shall cause a copy of every such list to be fixed on or near the door of the town hall, or in some public and conspicuous situation within such respective city, borough, or place as aforesaid, on the two Sundays next after such list shall have been made, and shall likewise keep a true copy of such list, to be perused by any person, without payment of any fee, at all reasonable hours during the two first weeks after such list shall have been made: Provided always, That where there shall be no town clerk for such city, borough, or place as aforesaid, or where the town clerk shall be dead or incapable of acting, all matters by this act required to be done by and with regard to the town clerk shall be done by and with regard to the person executing duties similar to those of the town clerk, and if there be no such person, then by and with regard to the chief civil officer of such city, borough, or place.

XLVII. That every person whose name shall have been omitted in any such list of voters for any city or borough so to be made out as herein-before mentioned, and who shall claim to have his name inserted therein as having been entitled on the last day of July then next preceding, shall, on or before the twenty-fifth day of August in the present and in every succeeding year, give or cause to be given a notice in writing, according to the form numbered 4, in the said Schedule (I.), or to the like effect, to the overseers of that parish or township in the list whereof he shall claim to have his name inserted, or if he shall claim as a freeman of any city or borough, or place sharing in the election therewith, then to the town clerk of such city, borough, or place; and every person whose name shall have been inserted in any list of voters for any city or borough may object to any other person as not having been entitled on the last day of July then next preceding to have his name inserted in any list of voters for the same city or borough, and every person so objecting shall, on or before the twenty-fifth day of August in the present and in every succeeding year, give or cause to be given a notice in writing according to the form numbered 5, in the said Schedule (I.), or to the like effect, to the overseers who shall have made out the list in which the name of the person so objected to shall have been inserted, or if the person objected to shall have been inserted in the list of freemen of any city, borough, or place as aforesaid, then to the town clerk of such city, borough, or place; and the overseers shall include Lists of claim- the names of all persons so claiming as aforesaid in a list according to names as aforesaid persons, and of the form numbered 6, in the said Schedule (I.), and the names of all persons ob- persons so objected to as aforesaid in a list according to the form num- persons as aforesaid to be bered 7, in the said Schedule (I.), and shall cause copies of such two lists to be fixed on or near the doors of all the churches and chapels within.
their parish or township, or if there be no church or chapel therein then to be fixed in some public and conspicuous situation within the same respectively, on the two Sundays next preceding the fifteenth day of September in the present and in every succeeding year; and every town clerk shall include the names of all persons so claiming as freemen in a list according to the form numbered 8, in the said Schedule (I.) and the names of all persons so objected to as freemen in a list according to the form numbered 9, in the said Schedule (I.), and shall cause copies of such two lists to be fixed on or near the door of the town hall, or in some public and conspicuous situation, within his respective city, borough, or place as aforesaid, on the two Sundays herein-before last mentioned in the present and in every succeeding year; and the overseers and town clerks shall likewise keep a copy of the names of all the persons so claiming as aforesaid and also a copy of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the ten days next preceding the said fifteenth day of September in the present and in every succeeding year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of one shilling for each copy.

XLVIII. That for providing a list of such of the freemen of the city of London as are livermen of the several companies entitled to vote in the election of a member or members to serve in any future parliament for the city of London, the returning officer or officers of the said city shall, on or before the last day of July in the present and in each succeeding year, issue precepts to the clerks of the said livery companies, requiring them forthwith to make out or cause to be made out, at the expense of the respective companies, an alphabetical list, according to the form in the Schedule (K.) to this act annexed, of the freemen of London being livermen of the said respective companies and entitled to vote in such election; and every such clerk shall sign such list, and transmit the same, with two printed copies thereof, to such returning officer or officers, who shall forthwith fix one such copy in the guildhall and one in the royal exchange of the said city, there to remain fourteen days in the present and in every subsequent year; and the clerks of the said livery companies shall cause a sufficient number of such lists of freemen and livermen of their respective companies to be printed at the expense of the respective companies, and shall keep the same, to be perused by any person, without payment of any fee, at all reasonable hours during the two first weeks after such lists shall have been printed; and every person whose name shall have been omitted in any such list of freemen and livermen, and who shall claim to have his name inserted therein as having been entitled on the last day of July then next preceding, shall, on or before the twenty-fifth day of August in the present and in every succeeding year, give or cause to be given a notice in writing according to the form numbered 1, in the said Schedule (K.) or to the like effect, to the returning officer or officers, and to the clerk of that company in the list whereof he shall claim to have his name inserted; and the returning officer or officers shall include the names of all persons so claiming as aforesaid in a list according to the form numbered 2, in the said Schedule (K.), and shall cause such last-mentioned list to be fixed in the guildhall and royal exchange of the said city, on the two Mondays next preceding the fifteenth day of September in the present and in every succeeding year; and the said returning officer or officers, and clerks of the said companies, shall likewise keep a copy of the names of all the persons so claiming as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the ten days next preceding the said fifteenth day of September in the present and in every succeeding year; and every person who shall object to any other person as not having been entitled on the last day of July then next preceding to have his name inserted in any such livery list shall, on or before the twenty-fifth day of August in the present and
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in every succeeding year, give to such other person, or leave at his usual place of abode, a notice in writing according to the form numbered 3, in the said Schedule (K.), or to the like effect; and in the city of London the returning officer or officers shall take the poll or votes of such Freeman of the said city being liverymen of the several companies as are entitled to vote at such election in the guildhall of the said city, and the said returning officer or officers shall not be required to provide any booth or compartments, but shall appoint or take one poll for the whole number of such liverymen at the same place.

XLIX. That the lord chief justice of the court of king’s bench for the time being shall, in the month of July or August in the present and in every succeeding year, nominate and appoint so many barristers as the said lord chief justice shall deem necessary to revise the respective lists of voters for the city of London and for the city of Westminster, and for the several boroughs in the county of Middlesex; and that the senior judge for the time being in the commission of assess for every other county shall, when travelling the summer circuit, in the present and in every succeeding year, nominate and appoint so many barristers as the said judge shall deem necessary, to revise the respective lists of voters, as well for the several cities and boroughs in every such county, as for every city and town, and county of a city and town, next adjoining to any such county; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the county of York, and the town and county of the town of Newcastle-upon-Tyne as next adjoining to the county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset; and the said lord chief justice and judge respectively shall have power to nominate and appoint one or more barristers to revise the lists for the same city or borough or other place as aforesaid, or one barrister only, to revise the lists for several cities, boroughs, and other places as aforesaid: Provided always, That no member of parliament, nor any person holding any office or place of profit under the crown, shall be appointed as such barrister as aforesaid, and that no barrister so appointed as aforesaid shall be eligible to serve in parliament for eighteen months from the time of his appointment for any city, borough, or other place as aforesaid for which he shall be so appointed: Provided also, That nothing herein contained shall prevent the same barrister from being appointed to revise the lists for two or more counties, ridings, parts, or divisions, or for any county, riding, parts, or division, and any one or more of the cities or boroughs therein.

I. That the barrister or barristers so appointed to revise the lists of voters for any city or borough shall hold an open court or courts for that purpose within such city or borough, and also within every place sharing in the election for such city or borough, at some time between the fifteenth day of September inclusive and the twenty-fifth day of October inclusive in the present and in every succeeding year, having first given three clear days’ notice of the holding of such court or courts, to be fixed on the doors of all the churches and chapels within such city, borough, or place respectively, or if there be no church or chapel therein then to be fixed in some public and conspicuous situation within the same respectively; and the overseers and town clerks who shall have made out the lists of voters as aforesaid, and in the case of the city of London the returning officer or officers of the said city shall, at the opening of the first court to be held by every such barrister for revising such lists, produce their respective lists before him; and the said overseers and town clerks shall also deliver to such barrister a copy of the list of the persons objected to, so made out by them as aforesaid; and the clerks of the several livery companies of the city of London, and the town clerk of every other city or borough, or place sharing in the election therewith, and the several overseers within every city, borough, or place as aforesaid, shall attend the court to be held by Judges of assess to name barristers, who shall revise the lists of borough voters.

No. I. 2 W. 4, c. 45. Poll of liverymen to be taken at Guildhall.

Barrister to revise lists of borough voters, and upon due proof to insert and expunge names.
Statutes relating to the Representation. [Part IX.

No. 1.
2 W. 4, c. 45.

every such barrister for any such city, borough, or place as aforesaid, and shall answer upon oath all such questions as such barrister may put to them or any of them touching any matter necessary for revising the lists of voters; and every such barrister shall insert in such lists the name of every person who shall be proved to his satisfaction to have been entitled on the last day of July then next preceding to have his name inserted in any such list of voters for such city or borough; and such barrister shall retain on the lists of voters for such city or borough the names of all persons to whom no objection shall have been made in the manner herein-before mentioned, and he shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself, or by some one on his behalf, in support of such objection; and where the name of any person inserted in the list of voters for such city or borough shall have been objected to in the manner herein-before mentioned, and the person so objecting shall appear by himself, or by some one on his behalf, in support of such objection, every such barrister shall require it to be proved that the person so objected to was entitled on the last day of July then next preceding to have his name inserted in the list of voters for such city or borough in respect of the qualification described in such list, and in case the same shall not be proved to the satisfaction of such barrister, or in case it shall be proved that such person was then incapacitated by any law or statute from voting in the election of members to serve in parliament, such barrister shall expunge the name of every such person from the said lists, and he shall also expunge from the said lists the name of every person who shall be proved to him to be dead, and shall correct any mistake which shall be proved to him to have been made in any of the said lists, as to any of the particulars by this act required to be inserted in such lists; and where the Christian name, or the place of abode, or the nature of the qualification, or the local description of the property of any person who shall be included in any such list, shall be wholly omitted in such list in any case where the same is by this act directed to be specified therein, such barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted be supplied to the satisfaction of such barrister before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list: Provided always, That no person's name shall be inserted by such barrister in any such list, for any city or borough, or shall be expunged therefrom, except in the case of death, or of such omission or omissions as herein-before last-mentioned, unless such notice shall have been given as is herein-before required in each of the said cases.

LI. That the overseers of every parish or township shall, for their assistance in making out the lists in pursuance of this act (upon request made by them or any of them at any reasonable time between the first day of June and the last day of July in the present and in any succeeding year, to any assessor or collector of taxes, or to any other officer having the custody of any duplicate or tax assessment for such parish or township), have free liberty to inspect any such duplicate or tax assessment, and to extract from thence such particulars as may appear to such overseer or overseers to be necessary; and every barrister appointed under this act shall have power to require any assessor, collector of taxes, or other officer having the custody of any duplicate or tax assessment, or any overseer or overseers having the custody of any poor rate, to produce the same respectively before him at any court to be held by him, for the purpose of assisting him in revising the lists to be by him revised in pursuance of this act.

LII. That every barrister holding any court under this act as aforesaid shall have power to adjourn the same from time to time, and from any one place to any other place or places within the same county, riding, parts, or division, or within the same city or borough, or within any place sharing in the election for such city or borough, but so as
that no such adjourned court shall be held after the twenty-fifth day of October in any year; and every such barrister shall have power to administer an oath (or, in the case of a Quaker or Moravian, an affirmation), to all persons making objection to the insertion or omission of any name in any of such lists as aforesaid, and to all persons objecting to or claiming to be inserted in any of such lists, or claiming to have any mistake corrected or any omission supplied in any of such lists, and to all witnesses who may be tendered on either side; and that if any person taking any oath or making any affirmation under this act shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly; and that at the holding of such respective courts the parties shall not be attended by counsel; and that every such barrister shall, upon the hearing in open court, finally determine upon the validity of such claims and objections, and shall for that purpose have the same powers and proceed in the same manner (except where otherwise directed by this act) as the returning officer of any county, city, or borough according to the laws and usages now observed at elections; and such barrister shall in open court write his initials against the names respectively struck out or inserted, and against any part of the said lists in which any mistake shall have been corrected or any omission supplied, and shall sign his name to every page of the several lists so settled.

LIII. That notwithstanding any thing herein-before contained, if it judges to appear shall be made to appear to the lord chief justice or judge who shall have appointed any barrister or barristers under this act, to revise the list of voters, that by reason of the death, illness, or absence of any such barrister or barristers, or by reason of the insufficiency of the number of such barristers, or from any other cause, such lists cannot be revised within the period directed by this act, it shall be lawful for such lord chief justice or judge, and he is hereby required, to appoint one or more barrister or barristers to act in the place of or in addition to the barrister or barristers originally appointed; and such barrister or barristers so subsequently appointed shall have the same powers and authorities in every respect as if they had been originally appointed by such lord chief justice or judge.

LIV. That the lists of voters for each county, or for the riding, parts, or division of each county, so signed as aforesaid by any such barrister, shall be forthwith transmitted by him to the clerk of the peace of the county, riding, or parts for which such barrister shall have been appointed; and the clerk of the peace shall keep the said lists among the records of the sessions, arranged with every hundred in alphabetical order, and with every parish and township within such hundred likewise in alphabetical order, and shall forthwith cause the said lists to be fairly and truly copied in the same order in a book to be by him provided for that purpose, and shall prefix to every name so copied out its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name, and shall complete and deliver such book on or before the last day of October in the present and in every succeeding year to the sheriff of the county, or his under sheriff, who shall safely keep the same, and shall at the expiration of his office deliver over the same to the succeeding sheriff or his under sheriff; and the lists of voters for each city or borough, so signed as aforesaid by any such barrister, shall be forthwith delivered by him to the returning officer for such city or borough, who shall safely keep the same, and shall cause the said lists to be fairly and truly copied in a book to be by him provided for that purpose, with every name therein numbered according to the directions aforesaid, and shall cause such book to be completed on or before the last day of October in the present and in every succeeding year, and shall deliver over such book, together with the lists, at the expiration of his office, to the person succeeding him in such office; and every such book, to be so completed on or before the last day of October in the present year, shall be deemed the

No. 1. 2 W. 4, c. 45.
Statutes relating to the Representation. [Part IX.

No. I. 2 W. 4, c. 45.

Register how long to be in force.

Copies of the lists and of the registers to be printed for sale.

Expenses of overseers, clerks of the peace, &c. how to be defrayed.

register of the electors to vote, after the end of this present parliament, in the choice of a member or members to serve in parliament, for the county, riding, parts, or division of a county, city, or borough to which such register shall relate, at any election which may take place after the said last day of October in the present year and before the first day of November in the year one thousand eight hundred and thirty-three; and every such book to be so completed on or before the last day of October in the year one thousand eight hundred and thirty-three, and in every succeeding year, shall be the register of electors to vote at any election which shall take place between the first day of November inclusive in the year wherein such respective register shall have been made and the first day of November in the succeeding year.

LV. That the overseers of every parish and township shall cause to be written or printed copies of the lists so by them to be made in the present and in every succeeding year, and shall deliver such copies to all persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale thereof shall be accounted for by the said overseers, and applied to the same purposes as monies collected for the relief of the poor; and the clerks of the peace shall cause to be written or printed copies of the registers of the electors for their respective counties, ridings, or parts, or for the divisions of their respective counties; and the returning officer of every city or borough shall cause to be written or printed copies of the register of the electors for such city or borough; and every such clerk of the peace, and every such returning officer, shall deliver such respective copies to all persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale of all such copies shall be accounted for to the treasurer of the county, riding, or parts.

LVI. That for the purpose of defraying the expenses to be incurred by the overseers of the poor and by the clerk of the peace in carrying into effect the several provisions of this act, so far as relates to the electors for any county, or for any riding, parts, or division of a county, every person, upon giving notice of his claim as such elector to the overseers, as herein-before mentioned, shall pay or cause to be paid to the said overseers the sum of one shilling; and such notice of claim shall not be deemed valid until such sum shall have been paid; and the overseers of each parish or township shall add all monies so received by them to the money collected or to be collected for the relief of the poor in such parish or township, and such monies so added shall be applicable to the same purposes as monies collected for the relief of the poor; and that for the purpose of defraying the expenses to be incurred by the returning officer of every city and borough, and by the overseers of the several parishes and townships in every city and borough, and place sharing in the election therewith, in carrying into effect the provisions of this act, so far as relates to the electors for such city or borough, every such elector whose name shall be upon the register of voters for such city or borough for the time being shall be liable to the payment of one shilling annually, which sum shall be levied and collected from each elector in addition to and as a part of the money payable by him as his contribution to the rate for the relief of the poor, and such sum shall be applicable to the same purposes as money collected for the relief of the poor; and that the expenses incurred by the overseers of any parish or township in making out, printing, and publishing the several lists and notices directed by this act, and all other expenses incurred by them in carrying into effect the provisions of this act, shall be defrayed out of the money collected or to be collected for the relief of the poor in such parish or township; and that all expenses incurred by the returning officer of any city or borough in causing the lists of the electors for such city or borough to be copied out and made into a register, and in causing copies of such register to be written or printed, shall be defrayed by the overseers of the poor of the several parishes and townships within such city or borough, or place sharing in the election therewith,
Part IX.] Statutes relating to the Representation.

out of the money collected or to be collected for the relief of the poor in such parishes and townships, in proportion to the number of persons placed on the register of voters for each parish or township; and that all expenses incurred by the clerk of the peace of any county, riding, or parts in causing the lists of the electors for such county, riding, or parts, or for any division of such county, to be copied out and made into a register, and in causing copies of such register to be written or printed, and in otherwise carrying into effect the provisions of this act, shall be defrayed by the treasurer of such county, riding, or parts out of any public money in his hands, and he shall be allowed all such payments in his accounts: Provided always, that no expenses incurred by any clerk of the peace under this act shall be so defrayed unless the account shall be laid before the justices of the peace at the next quarter sessions after such expenses shall have been incurred, and allowed by the court.

LVII. That every barrister appointed to revise any lists of voters under this act shall be paid at the rate of five guineas for every day that he shall be so employed, over and above his travelling and other expenses; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the lords commissioners of his Majesty’s treasury for the time being a statement of the number of days during which he shall have been so employed, and an account of the travelling and other expenses incurred by him in respect of such employment; and the said lords commissioners shall make an order for the amount to be paid to such barrister.

LVIII. That in all elections whatever of members to serve in any future parliament no inquiry shall be permitted at the time of polling, as to the right of any person to vote, except only as follows: that is to say, that the returning officer or his respective deputy shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or any of them, and no other:

1. Are you the same person whose name appears as A. B. on the register of voters now in force for the county of [or for the riding, parts, or division, &c. or for the city, &c. as the case may be]?

2. Have you already voted, either here or elsewhere, at this election for the county of [or for the riding, parts, or division of the county of or for the city or borough of as the case may be]?

3. Have you the same qualification for which your name was originally inserted in the register of voters now in force for the county of, &c. [or for the riding, &c., or for the city, &c., as the case may be, specifying in each case the particular of the qualification as described in the register]? And if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be deemed guilty of an indictable misdemeanor, and shall be punished accordingly; and the returning officer Oath to be ad- or his deputy, or a commissioner or commissioners to be for that pur- minis- tered, shall (if required on behalf of any can- didate at the time aforesaid) administer an oath (or, in case of a quaker or Moravian, an affirmation) to any voter in the following form; (that is to say.)

'YOU do swear, [or, being a quaker or Moravian, do affirm.] That you Form of oath.

are the same person whose name appears as A. B. on the register of voters now in force for the county of [or for the riding, parts, or division of the county of or for the city or borough of as the case may be], and that you have not before voted, either here or elsewhere, at the present election for the said county [or for the said riding, parts, or division of the said county, or for the said city or borough, as the case may be]. So help you GOD.'
And no elector shall hereafter at any such election be required to take any oath or affirmation, except as aforesaid, either in proof of his freehold or of his residence, age, or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; and no person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the returning officer or his respective deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was originally inserted in such register, or except by reason of such person refusing to take the said oath or make the said affirmation, or to take or make the oath or affirmation against bribery, or any other oath or affirmation now required by law, and not hereby dispensed with; and no scrutiny shall hereafter be allowed by or before any returning officer with regard to any votes given or tendered at any election of a member or members to serve in any future parliament; any law, statute, or usage to the contrary notwithstanding.

LIX. Provided always, That any person whose name shall have been omitted from any register of voters in consequence of the decision of the barrister who shall have revised the lists from which such register shall have been formed may tender his vote at any election at which such register shall be in force, stating at the time the name or names of the candidate or candidates for whom he tenders such vote, and the returning officer or his deputy shall enter upon the poll book every vote so tendered, distinguishing the same from the votes admitted and allowed at such election.

LX. Provided also, That, upon petition to the house of commons, complaining of an undue election or return of any member or members to serve in parliament, any petitioner, or any person defending such election or return, shall be at liberty to impeach the correctness of the register of voters in force at the time of such election, by proving that in consequence of the decision of the barrister who shall have revised the lists of voters from which such register shall have been formed the name of any person who voted at such election was improperly inserted or retained in such register, or the name of any person who tendered his vote at such election improperly omitted from such register; and the select committee appointed for the trial of such petition shall alter the poll taken at such election according to the truth of the case, and shall report their determination thereupon to the house, and the house shall thereupon carry such determination into effect, and the return shall be amended, or the election declared void, as the case may be, and the register corrected accordingly, or such other order shall be made as to the house shall seem proper.

LXI. That the sheriffs of Yorkshire and Lincolnshire, and the sheriffs of the counties divided by this act, shall duly cause proclamation to be made of the several days fixed for the election of a knight or knights of the shire for the several ridings, parts, and divisions of their respective counties, and shall preside at the election by themselves or their lawful deputies.

LXII. That at every contested election of a knight or knights to serve in any future parliament for any county, or for any riding, parts, or division of a county, the polling shall commence at nine o'clock in the forenoon of the next day but two after the day fixed for the election, unless such next day but two shall be Saturday or Sunday, and then on the Monday following, at the principal place of election, and also at the several places to be appointed as herein-after directed for taking polls; and such polling shall continue for two days only, such two days being successive days; (that is to say,) for seven hours on the first day of polling, and for eight hours on the second day of polling; and no poll shall be kept open later than four o'clock in the afternoon of the second day; any statute to the contrary notwithstanding.
Part IX.] Statutes relating to the Representation.

LXIII. That the respective counties in England and Wales, and the respective ridings, parts, and divisions of counties, shall be divided into convenient districts for polling, and in each district shall be appointed a convenient place for taking the poll at all elections of a knight or knights of the shire to serve in any future parliament, and such districts and places for taking the poll shall be settled and appointed by the act to be passed in this present parliament for the purpose of settling and describing the divisions of the counties enumerated in the Schedule marked (F.) to this act annexed; provided that no county, nor any riding, parts, or division of a county, shall have more than fifteen districts and respective places appointed for taking the poll for such county, riding, parts, or division.

LXIV. That at every contested election for any county, or riding, parts, or division of a county, the sheriff, under sheriff, or sheriff's deputy shall, if required thereto, by or on behalf of any candidate, on the day fixed for the election, and if not so required may if it shall appear to him expedient, cause to be erected a reasonable number of booths for taking the poll at the principal place of election, and also at each of the polling places so to be appointed as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, townships, and places for which such booth is respectively allotted; and no person shall be admitted to vote at any such election in respect of any property situate in any parish, township, or place, except at the booth so allotted for such parish, township, or place, and if no booth shall be so allotted for the same, then at any of the booths for the same district; and in case any parish, township, or place shall happen not to be included in any of the districts to be appointed, the votes in respect of property situate in any parish, township, or place so omitted shall be taken at the principal place of election for the county, or riding, parts, or division of the county, as the case may be.

LXV. That the sheriff shall have power to appoint deputies to preside and clerks to take the poll at the principal place of election, and also at the several places appointed for taking the poll for any county, or any riding, parts, or division of a county; and that the poll clerks employed at those several places shall at the close of each day's poll enclose and seal their several books, and shall publicly deliver them, so enclosed and sealed, to the sheriff, under sheriff, or sheriff's deputy presiding at such poll, who shall give a receipt for the same, and shall, on the commencement of the poll on the second day, deliver them back so enclosed and sealed, to the persons from whom he shall have received them; and on the final close of the poll every such deputy who shall have received any such poll books shall forthwith deliver or transmit the same, so enclosed and sealed, to the sheriff or his under sheriff, who shall receive and keep all the poll books unopened until the re-assembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall openly break the seals thereon, and cast up the number of votes as they appear on the said several books, and shall openly declare the state of the poll, and shall make proclamation of the members chosen, not later than two o'clock in the afternoon of the said day.

LXVI. That in all matters relative to the election of knights or a knight of the shire to serve in any future parliament for any county, or for any riding, parts, or division of a county, the sheriff of the county, his under sheriff, or any lawful deputy of such sheriff, shall have power to act in all places having any exclusive jurisdiction or privilege whatsoever, in the same manner as such sheriff, under sheriff, or deputy may act within any part of such sheriff's ordinary jurisdiction.

LXVII. That at every contested election of a member or members to serve in any future parliament for any city or borough in England, except the borough of Monmouth, the poll shall commence on the day
fixed for the election, or on the day next following, or at the latest on the third day, unless any of the said days shall be Saturday or Sunday, and then on the Monday following, the particular day for the commencement of the poll to be fixed by the returning officer; and such polling shall continue for two days only, such two days being successive days, (that is to say,) for seven hours on the first day of polling, and for eight hours on the second day of polling; and that the poll shall on no account be kept open later than four o'clock in the afternoon of such second day; any statute to the contrary notwithstanding.

LXVIII. That at every contested election of a member or members to serve in any future parliament for any city or borough in England, except the borough of Monmouth, the returning officer shall, if required thereto by or on behalf of any candidate, on the day fixed for the election, and if not so required may if it shall appear to him expedient, cause to be erected for taking the poll at such election different booths for different parishes, districts, or parts of such city or borough, which booths may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to the returning officer seem most convenient, so that no greater number than six hundred shall be required to poll at any one compartment; and the returning officer shall appoint a clerk to take the poll at each compartment, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, districts, and parts for which such booth is respectively allotted; and no person shall be admitted to vote at any such election, except at the booth allotted for the parish, district, or part wherein the property may be situate in respect of which he claims to vote, or in case he does not claim to vote in respect of property, then wherein his place of abode as described in the register may be; but in case no booth shall happen to be provided for any particular parish, district, or part as aforesaid, the votes of persons voting in respect of property situate in any parish, district, or part so omitted, or having their place of abode therein, may be taken at any of the said booths, and the votes of freemen residing out of the limits of the city or borough may be taken at any of the said booths; and public notice of the situation, division, and allotment of the different booths shall be given two days before the commencement of the poll by the returning officer; and in case the booths shall be situated in different places, the returning officer may appoint a deputy to preside at each place; and at every such election the poll clerks at the close of each day’s poll shall enclose and seal their several poll books, and shall publicly deliver them, so enclosed and sealed, to the returning officer or his deputy, who shall give a receipt for the same, and shall, on the commencement of the poll on the second day, deliver them back, so enclosed and sealed, to the persons from whom he shall have received the same; and every deputy so receiving any such poll books, on the final close of the poll shall forthwith deliver or transmit the same, so enclosed and sealed, to the returning officer, who shall receive and keep all the poll books unopened until the following day, unless such day be Sunday, and then till the Monday following, when he shall openly break the seals thereon, and cast up the number of votes as they appear on the said several books, and shall openly declare the state of the poll, and make proclamation of the member or members chosen, not later than two o’clock in the afternoon of the said day: Provided always, That the returning officer, or his lawful deputy, may, if he think fit, declare the final state of the poll, and proceed to make the return immediately after the poll shall have been lawfully closed: Provided also, That no nomination shall be made or election holden of any member for any city or borough in any church, chapel, or other place of public worship.

LXIX. Provided always, That so far as relates to the several boroughs districts to be ap- of New Shoreham, Cricklade, Aylesbury, and East Retford, as defined

(1) See the 5 & 6 W. 4, c. 36, post, limiting the time for taking the poll in boroughs to one day.
Part IX.  Statutes relating to the Representation.

by this act, the said several boroughs shall be divided into convenient districts for polling, and there shall be appointed in each district a convenient place for taking the poll at all elections of members to serve in any future parliament for each of the said boroughs, which districts and places for taking the poll shall be settled and appointed by an act to be passed in this present parliament.

LXX. That nothing in this act contained shall prevent any sheriff or other returning officer, or the lawful deputy of any returning officer, from closing the poll previous to the expiration of the time fixed by this act, in any case where the same might have been lawfully closed before the passing of this act; and that where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, the sheriff or other returning officer, or the lawful deputy of any returning officer, shall not for such cause finally close the poll, but, in case the proceedings shall be so interrupted or obstructed at any particular polling place or places, shall adjourn the poll at such place or places only until the following day, and if necessary shall further adjourn the same until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed to take the poll at such place or places; and any day whereon the poll shall have been so adjourned shall not, as to such place or places, be reckoned one of the two days of polling at such election within the meaning of this act; and wherever the poll shall have been so adjourned by any deputy of any sheriff or other returning officer, such deputy shall forthwith give notice of such adjournment to the sheriff or returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed, and delivered or transmitted to such sheriff or other returning officer; any thing hereinbefore contained to the contrary notwithstanding.

LXXI. That from and after the end of this present parliament all booths erected for the convenience of taking polls shall be erected at the joint and equal expense of the several candidates, and the same shall be erected by contract with the candidates, if they shall think fit to make such contract, or if they shall not make such contract, then the same shall be erected by the sheriff or other returning officer at the expense of the several candidates as aforesaid, subject to such limitation as is herein-after next mentioned; (that is to say,) that the expense to be incurred for the booth or booths to be erected at the principal place of election for any county, riding, parts, or division of a county, or at any of the polling places so to be appointed as aforesaid shall not exceed the sum of forty pounds in respect of any one such principal place of election or any one such polling place; and that the expense to be incurred for any booth or booths to be erected for any parish, district, or part of any city or borough shall not exceed the sum of twenty-five pounds in respect of any one such parish, district, or part; and that all deputys appointed by the sheriff or other returning officer shall be paid each two guineas by the day, and all clerks employed in taking the poll shall be paid each one guinea by the day, at the expense of the candidates at such election; provided always, that if any person shall be proposed without his consent, then the person so proposing him shall be liable to defray his share of the said expenses in like manner as if he had been a candidate: Provided also, That the sheriff or returning officer may, if he shall think fit, instead of erecting such booth or booths as aforesaid, hired for poll-procure or hire and use any houses or other buildings for the purpose of taking the poll therein, subject always to the same regulations, provisions, liabilities, and limitations of expense as are herein-before mentioned with regard to booths for taking the poll.

LXXII. That the sheriff or other returning officer shall, before the day fixed for the election, cause to be made, for the use of each booth or other polling place at such election, a true copy of the register of voters, and shall under his hand certify every such copy to be true.
LXXIII. That every deputy of a sheriff or other returning officer shall have the same power of administering the oaths and affirmations required by law, and of appointing commissioners for administering such oaths and affirmations as may by law be administered by commissioners, as the sheriff or other returning officer has by virtue of this or any other act, and subject to the same regulations and provisions in every respect as such sheriff or other returning officer.

LXXIV. That from and after the end of this present parliament, every person who shall have a right to vote in the election of a member for the borough of Monmouth, in respect of the towns of Newport or Usk, shall give his vote at Newport or Usk respectively before the deputy for each of such towns, whom the returning officer of the borough of Monmouth is hereby authorized and required to appoint; and every person who shall have a right to vote in the election of a member for any shire town or borough, in respect of any place named in the first column of the schedule annexed, shall give his vote at such place before the deputy for such place whom the returning officer of the shire town or borough is hereby authorized and required to appoint; and every person who shall have a right to vote in the election of a member for the borough composed of the towns of Swansea, Loughor, Neath, Aberavon, and Kenfig shall give his vote at the town in respect of which he shall be entitled to vote (that is to say), at Swansea before the portreeve of Swansea, and at each of the other towns before the deputy of such town whom the said portreeve is hereby authorized and required to appoint; and at every contested election for the borough of Monmouth, or for any shire town or borough named in the second column of the said Schedule (E.), or for the borough composed of the said five towns, or for the borough of Brecon, the polling shall commence on the day next after the day fixed for the respective election, unless such next day be Saturday or Sunday, and then on the Monday following, as well at Monmouth as at Newport and Usk respectively, and as well at the shire town or borough as at each of the places sharing in the election therewith respectively, and as well at Swansea as at each of the four other towns respectively; and such polling shall continue for two days only, such two days being successive days (that is to say), for seven hours on the first day of polling, and for eight hours on the second day of polling; and that the poll shall on no account be kept open later than four o'clock in the afternoon of such second day; and the returning officer of the borough of Monmouth shall give to the deputies for Newport and Usk respectively, and the returning officer of every shire town or borough named in the second column of the said Schedule (E.) shall give to the deputy for each of the places sharing in the election for such shire town or borough, notice of the day fixed for such respective election, and shall before the day fixed for such respective election cause to be made, and to be delivered to every such deputy, a true copy of the register of voters for the borough of Monmouth, or for such shire town or borough, as the case may be, and shall under his hand certify every such copy to be true; and the portreeve of the town of Swansea shall give notice of the day of election to the deputy for each of the towns of Loughor, Neath, Aberavon, and Kenfig, and shall in like manner cause to be made, and to be delivered to every such deputy, a true and certified copy of the register of voters for the borough composed of the said five towns; and the respective deputies for Newport and Usk, and for the respective places named in the first column of the said Schedule (E.), as well as for the towns of Loughor, Neath, Aberavon, and Kenfig, shall respectively take and conduct the poll, and deliver or transmit the poll books, in the same manner as the deputies of the returning officers of the cities and boroughs in England are herein-before directed to do, and shall have the same powers and perform the same duties in every respect as are respectively conferred and imposed on the said deputies by this act: Provided always, That where there shall be a mayor, portreeve, or other chief municipal officer
in any town or place for which the returning officer or the portreeve of Swansea is required to appoint a deputy as aforesaid, such returning officer or the portreeve of Swansea, as the case may be, is hereby required to appoint such chief municipal officer for the time being to be such deputy for such town or place.

LXXV. That all laws, statutes, and usages now in force respecting the election of members to serve in parliament for that part of the united kingdom called England and Wales shall be and remain, and are in force, except hereby declared to be and remain, in full force, and shall apply to the election of members to serve in parliament for all the counties, ridings, parts, and divisions of counties, cities, and boroughs, hereby empowered to return members, as fully and effectually as if the same respectively had heretofore returned members, except so far as any of the said laws, statutes, or usages are repealed or altered by this act, or are inconsistent with the provisions thereof.

LXXVI. That if any sheriff, returning officer, barrister, overseer, or any person whatever shall wilfully contravene or disobey the provisions of this act or any of them, with respect to any matter or thing which such sheriff, returning officer, barrister, overseer, or other person is hereby required to do, he shall for such his offence be liable to be sued in an action of debt in any of his Majesty's courts of record at Westminster for the penal sum of five hundred pounds, and the jury before whom such action shall be tried may find their verdict for the full sum of five hundred pounds, or for any less sum which the said jury shall think it just that he should pay for such his offence; and the defendant in such action, being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same: Provided always, That no such action shall be brought except by a person being an elector or claiming to be an elector, or a candidate, or a member actually returned, or other party aggrieved: Provided also, That the remedy hereby given against the returning officer shall not be construed to supersede any remedy or action against him according to the law now in force.

LXXVII. That all writs to be issued for the election of members to serve in all future parliaments, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, shall be and the same are hereby authorized to be framed and expressed in such manner and form as may be necessary for the carrying the provisions of this act into effect.

LXXVIII. Provided always, That nothing in this act contained shall extend to or in anywise affect the election of members to serve in parliament for the universities of Oxford or Cambridge, or shall entitle any person to vote in the election of members to serve in parliament for the city of Oxford or town of Cambridge in respect of the occupation of any chambers or premises in any of the colleges or halls of the universities of Oxford or Cambridge.

LXXIX. That throughout this act, wherever the words "City or Borough," "Cities or Boroughs," may occur, those words shall be construed to include, except there be something in the subject or context manifestly repugnant to such construction, all towns corporate, cinqueports, districts, or places within England and Wales, which shall be entitled after this act shall have passed to return a member or members to serve in parliament, other than counties at large, and ridings, parts, and divisions of counties at large, and shall also include the town of Berwick-upon-Tweed; and the words "Returning Officer" shall apply to every person or persons to whom, by virtue of his or their office, either under the present act, or under any former law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in parliament, by whatever name or title such person or persons may be called; and the words "Parish or Township" shall extend to every parish, township, vill, "Parish or hamlet, district, or place maintaining its own poor; and the words townships:"
"Overseers of the Poor" shall extend to all persons who by virtue of any office or appointment shall execute the duties of overseers of the poor, by whatever name or title such persons may be called, and in whatsoever manner they may be appointed, and that all matters by this act directed to be done by the overseers of a parish or township may be lawfully done by the major part of such overseers, and that wherever any notice is by this act required to be given to the overseers of any parish or township, it shall be sufficient if such notice shall be delivered to any one of such overseers, or shall be left at his place of abode, or at his office or other place for transacting parochial business, or shall be sent by the post, addressed by a sufficient direction, to the overseers of the particular parish or township, or to any one of them, either by their or his Christian name and surname, or by their or his name of office; and that all provisions in this act relative to any matters to be done by or with regard to justices of the peace for counties, or sessions of the peace for counties, or clerks of the peace for counties, or treasurers of the several ridings of Yorkshire and parts of Lincolnshire, and that the clerk of the peace for the time being for the borough of Newport in the Isle of Wight shall for the purposes of this act be deemed and taken to be the clerk of the peace for the county of the Isle of Wight, and that all the said respective justices, sessions, and clerks of the peace shall have power to do the several matters required by this act, as well within places of exclusive jurisdiction as without; and that no misnomer or inaccurate description of any person or place named or described in any schedule to this act annexed, or in any list or register of voters, or in any notice required by this act, shall in anywise prevent or abridge the operation of this act with respect to such person or place, provided that such person or place shall be so designated in such schedule, list, register, or notice as to be commonly understood.

LXXX. And whereas it may happen that the act or acts for settling the boundaries of cities, boroughs, and other places, and the divisions of counties, as herein-before mentioned, may not be passed within such time as will allow the several provisions of this act relative to the lists of voters within such respective boundaries and divisions, and the various notices and proceedings preparatory to and connected with such lists, to be carried into effect within the several periods in the present year herein-before specified and limited in that behalf; and it is therefore expedient in such event as aforesaid to appoint other periods for the purposes aforesaid; be it therefore enacted, That if the act or acts for settling the boundaries and divisions herein-before mentioned shall not be passed before the twentieth day of June in the present year, then and in such case the notice herein-before required to be given on the said twentieth day of June shall not be given on that day, and the lists of voters, and the notices and other proceedings preparatory to and connected with such lists, shall not be made out, given, or had upon or within the several days or times in the present year herein-before specified in that behalf; but if the act or acts for settling the boundaries of cities, boroughs, and other places, and the divisions of counties, as herein-before mentioned, shall be passed in the present year subsequently to the twentieth day of June, then and in such case his Majesty shall, by an order made with the advice of his most honourable privy council, appoint, in lieu of the day for the present year herein-before specified in that behalf, a certain other day, before or upon which the respective lists of voters shall be made out, and shall also appoint, in lieu of the several days and times for the present year herein-before specified or limited in that behalf, certain other days and times upon or within which all notices, claims, objections, and other matters whatsoever by this act required to be given, delivered, transmitted, done, or performed in relation to such lists, either before or after the making out of such lists, shall be respectively given, delivered, transmitted, done, and performed; and his Majesty shall also by such order appoint, in lieu of the
period for the present year herein-before limited in that behalf, a certain other period for the revision of the respective lists of voters by the bar-
riesters, and shall also appoint within what time, in lieu of the time for
the present year herein-before limited in that behalf, such respective
lists shall be copied out into books, and where necessary, delivered to
the sheriff or under sheriff, and from what day in lieu of the day for
the present year herein-before specified in that behalf, such respective
books shall begin to be in force as the registers of voters; and his Majesty
may also by such order in council appoint any days and times for doing
the several other matters required or authorized by this act, in lieu of
the several days and times for the present year herein-before specified;
and all days and times so appointed by his Majesty as aforesaid shall
be deemed to be of the same force and effect as if they had in every
instance been mentioned in this act in lieu of the days and times for
the present year herein-before specified in that behalf: Provided always,
That nothing herein contained shall authorize his Majesty to appoint
any days or times in lieu of the days and times mentioned in this act,
except for the purpose of carrying into effect the first registration of
voters under this act: Provided also, That no persons shall be entitled
to be included in such first registration of voters unless he would have
been entitled on the last day of July in the present year to have his
name inserted in some list of voters if such list had been made out on
the said last day of July.

LXXXI. Provided always, That if a dissolution of the present parlia-
ment shall take place after the passing of this act, and after the passing
of the act or acts for settling the boundaries of cities, boroughs, and
other places, and the divisions of counties, as herein-before mentioned,
but before the day at and from which the registers of voters to be first
made by virtue of this act shall begin to be in force, in such case such
persons only shall be entitled to vote in the election of members to
serve in a new parliament for any county, or for any riding, parts, or
division of a county, or for any city or borough, as would be entitled to
be inserted in the respective lists of voters for the same directed to be
made under this act if the day of election had been the day for making
out such respective lists; and such persons shall be entitled to vote in
such election although they may not be registered according to the pro-
visions of this act, any thing herein contained notwithstanding; and the
polling at such election for any county, or for any riding, parts, or divi-
sion of a county, may be continued for fifteen days, and the polling at
such election for any city or borough may be continued for eight days,
any thing herein contained notwithstanding.

LXXXII. Provided also, That if a dissolution of the present parliament
shall take place, after the passing of this act, and before the passing of dissolution
of the act or acts for settling respectively the boundaries of cities, boroughs,
and other places, and the divisions of counties, as herein-before men-
tioned, then and in such case the election of members to serve in a new
parliament shall, both as to the persons entitled to vote, and otherwise,
be regulated according to the provisions of this act, save and except as
herein-after mentioned; (that is to say,) that as to the several counties
enumerated in the Schedule (F.) to this act annexed, all persons entitled
by virtue of this act in respect of property therein to vote in the election
of knights of the shire shall be entitled to vote for four knights of the
shire to serve in such new parliament for each of the said counties, and
not for two knights to serve for any division of the said counties; and
that as to the several boroughs enumerated in the Schedules (C.) and (D.)
Boundaries of
to this act annexed, each of the said boroughs, shall, for the purpose of
electing a member or members to serve in such new parliament, be
deemed to include such places as are specified and described in conjunction
with the name of each of the said boroughs in the Schedule marked (L.)
to this act annexed; and that as to the several cities and boroughs in
England and Wales not included in the Schedule (A.) to this act an-
Statutes relating to the Representation. [Part X.]  

No. 1.  
2 W. 4., c. 45.  

Boundaries of old boroughs to remain; annexed, and now returning a member or members to serve in parliament, and the places sharing in the election for such cities and boroughs of such cities, boroughs, and places respectively shall for the purpose of electing a member or members to serve in such new parliament as aforesaid, be deemed to be comprehended within the same limits as before the passing of this act, and not otherwise; and that no place named in the first column of the Schedule (E.) to this act annexed, which before the passing of this act did not share in the election of a member for any shire-town or borough named in the second column of the said Schedule (E.), shall share in the election of a member for any shire-town or borough to serve in such new parliament, any thing herein-before contained to the contrary notwithstanding; and that the borough composed of the towns of Swansea, Loughor, Neath, Aberavon, and Kenfig shall return a member to serve in such new parliament, but shall stand thereof share in the election of a member to serve in such parliament, for the borough of Cardiff, any thing herein-before contained to the contrary notwithstanding; and that in the event of such dissolution of parliament so taking place as last aforesaid, such persons as shall be entitled to vote in the election of members to serve in such parliament as aforesaid for the counties, ridings, parts, cities, and boroughs which in such event shall return members to serve in such new parliament, as would be entitled to be inserted in the respective lists of voters directed to be made under this act if the day of election had been the day for making out such respective lists; and such persons shall be entitled to vote in such election, although they may not be registered according to the provisions of this act, any thing herein-before contained to the contrary notwithstanding; and the polling at such election for any county, or for any riding of Yorkshire or parts of Lincolnshire, may be continued for fifteen days, and the polling at such election for any city or borough may be continued for eight days, any thing herein-before contained to the contrary notwithstanding.
### SCHEDULE (A.)

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<td>Haslemere</td>
<td>Cornwall</td>
</tr>
<tr>
<td>Gatton</td>
<td>Surrey</td>
<td>Saltash</td>
<td>Surrey</td>
</tr>
<tr>
<td>Bramber</td>
<td>Sussex</td>
<td>Orford</td>
<td>Cornwall</td>
</tr>
<tr>
<td>Bossiney</td>
<td>Cornwall</td>
<td>Callington</td>
<td>Cornwall</td>
</tr>
<tr>
<td>Dunwich</td>
<td>Suffolk</td>
<td>Newton</td>
<td>Lancashire</td>
</tr>
<tr>
<td>Ludgershall</td>
<td>Wiltshire</td>
<td>Ilchester</td>
<td>Somersetshire</td>
</tr>
<tr>
<td>St. Mawe's</td>
<td>Cornwall</td>
<td>Boroughbridge</td>
<td>Hampshire</td>
</tr>
<tr>
<td>Beeralston</td>
<td>Devonshire</td>
<td>Stockbridge</td>
<td>Hampshire</td>
</tr>
<tr>
<td>West Looe</td>
<td>Cornwall</td>
<td>Romney (New)</td>
<td>Kent</td>
</tr>
<tr>
<td>St. Germain's</td>
<td>Cornwall</td>
<td>Hedon</td>
<td>Yorkshire</td>
</tr>
<tr>
<td>Newport</td>
<td>Cornwall</td>
<td>Plympton</td>
<td>Devonshire</td>
</tr>
<tr>
<td>Blechingley</td>
<td>Surrey</td>
<td>Seaford</td>
<td>Sussex</td>
</tr>
<tr>
<td>Aldborough</td>
<td>Yorkshire</td>
<td>Heytesbury</td>
<td>Wiltshire</td>
</tr>
<tr>
<td>Camelford</td>
<td>Cornwall</td>
<td>Steyning</td>
<td>Sussex</td>
</tr>
<tr>
<td>Hindon</td>
<td>Wiltshire</td>
<td>Whitchurch</td>
<td>Wiltshire</td>
</tr>
<tr>
<td>East Looe</td>
<td>Cornwall</td>
<td>Woottton Bassett</td>
<td>Wiltshire</td>
</tr>
<tr>
<td>Corfe Castle</td>
<td>Dorsetshire</td>
<td>Downton</td>
<td>Wiltshire</td>
</tr>
<tr>
<td>Bedwin (Great)</td>
<td>Wiltshire</td>
<td>Fowey</td>
<td>Cornwall</td>
</tr>
<tr>
<td>Yarmouth</td>
<td>Isle of Wight</td>
<td>Milborne Port</td>
<td>Somersetshire</td>
</tr>
<tr>
<td>Queenborough</td>
<td>Kent</td>
<td>Aldeburgh</td>
<td>Suffolk</td>
</tr>
<tr>
<td>Castle Rising</td>
<td>Norfolk</td>
<td>Minehead</td>
<td>Shropshire</td>
</tr>
<tr>
<td>East Grinstead</td>
<td>Sussex</td>
<td>Bishop's Castle</td>
<td>Devonshire</td>
</tr>
<tr>
<td>Higham Ferrers</td>
<td>Northamptonshire</td>
<td>Okehampton</td>
<td>Devonshire</td>
</tr>
<tr>
<td>Wendover</td>
<td>Buckinghamshire</td>
<td>Appleby</td>
<td>Westmoreland</td>
</tr>
<tr>
<td>Weobly</td>
<td>Herefordshire</td>
<td>Lostwithiel</td>
<td>Cornwall</td>
</tr>
</tbody>
</table>

### SCHEDULE (B.)

<table>
<thead>
<tr>
<th>Boroughs</th>
<th>County</th>
<th>Boroughs</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petersfield</td>
<td>Hampshire</td>
<td>Shaftesbury</td>
<td>Dorsetshire</td>
</tr>
<tr>
<td>Ashburton</td>
<td>Devonshire</td>
<td>Thirsk</td>
<td>Yorkshire</td>
</tr>
<tr>
<td>Eye</td>
<td>Suffolk</td>
<td>Christchurch</td>
<td>Hampshire</td>
</tr>
<tr>
<td>Westbury</td>
<td>Wiltshire</td>
<td>Horsham</td>
<td>Sussex</td>
</tr>
<tr>
<td>Wareham</td>
<td>Dorsetshire</td>
<td>Great Grimsby</td>
<td>Lincolnshire</td>
</tr>
<tr>
<td>Midhurst</td>
<td>Sussex</td>
<td>Calne</td>
<td>Wiltshire</td>
</tr>
<tr>
<td>Woodstock</td>
<td>Oxfordshire</td>
<td>Arundel</td>
<td>Sussex</td>
</tr>
<tr>
<td>Wilton</td>
<td>Wiltshire</td>
<td>St. Ives</td>
<td>Cornwall</td>
</tr>
<tr>
<td>Malmesbury</td>
<td>Wiltshire</td>
<td>Rye</td>
<td>Sussex</td>
</tr>
<tr>
<td>Liskeard</td>
<td>Cornwall</td>
<td>Clitheroe</td>
<td>Lancashire</td>
</tr>
<tr>
<td>Reigate</td>
<td>Surrey</td>
<td>Morpeth</td>
<td>Northumberland</td>
</tr>
<tr>
<td>Hythe</td>
<td>Kent</td>
<td>Helston</td>
<td>Cornwall</td>
</tr>
<tr>
<td>Droitwich</td>
<td>Worcestershire</td>
<td>North Allerton</td>
<td>Yorkshire</td>
</tr>
<tr>
<td>Lyme Regis</td>
<td>Dorsetshire</td>
<td>Wallingford</td>
<td>Berkshire</td>
</tr>
<tr>
<td>Launceston</td>
<td>Cornwall</td>
<td>Dartmouth</td>
<td>Devonshire</td>
</tr>
</tbody>
</table>
### SCHEDULE (C.)

<table>
<thead>
<tr>
<th>Principal Places to be Boroughs</th>
<th>Returning Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manchester (Lancashire)</td>
<td>The boroughreeve and constable of Manchester</td>
</tr>
<tr>
<td>Birmingham (Warwickshire)</td>
<td>The two bailiffs of Birmingham</td>
</tr>
<tr>
<td>Leeds (Yorkshire)</td>
<td>The mayor of Leeds.</td>
</tr>
<tr>
<td>Greenwich (Kent)</td>
<td>The master cutler.</td>
</tr>
<tr>
<td>Sheffield (Yorkshire)</td>
<td></td>
</tr>
<tr>
<td>Sunderland (Durham)</td>
<td>Constable of the manor of the deanery of Wolverhampton.</td>
</tr>
<tr>
<td>Devonport (Devonshire)</td>
<td></td>
</tr>
<tr>
<td>Wolverhampton (Staffordshire)</td>
<td></td>
</tr>
<tr>
<td>Tower Hamlets (Middlesex)</td>
<td></td>
</tr>
<tr>
<td>Finsbury (Middlesex)</td>
<td></td>
</tr>
<tr>
<td>Mary-le-bone (Middlesex)</td>
<td></td>
</tr>
<tr>
<td>Lambeth (Surrey)</td>
<td></td>
</tr>
<tr>
<td>Bolton (Lancashire)</td>
<td>The boroughreeves of Great and Little Bolton.</td>
</tr>
<tr>
<td>Bradford (Yorkshire)</td>
<td>The mayor of Macclesfield.</td>
</tr>
<tr>
<td>Blackburn (Lancashire)</td>
<td>The mayor of Stockport.</td>
</tr>
<tr>
<td>Brighton (Sussex)</td>
<td></td>
</tr>
<tr>
<td>Halifax (Yorkshire)</td>
<td></td>
</tr>
<tr>
<td>Macclesfield (Cheshire)</td>
<td></td>
</tr>
<tr>
<td>Oldham (Lancashire)</td>
<td></td>
</tr>
<tr>
<td>Stockport (Cheshire)</td>
<td></td>
</tr>
<tr>
<td>Stoke-upon-Trent (Staffordshire)</td>
<td></td>
</tr>
<tr>
<td>Stroud (Gloucestershire)</td>
<td></td>
</tr>
</tbody>
</table>

### SCHEDULE (D.)

<table>
<thead>
<tr>
<th>Principal Places to be Boroughs</th>
<th>Returning Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bury (Lancashire)</td>
<td></td>
</tr>
<tr>
<td>Chatham (Kent)</td>
<td></td>
</tr>
<tr>
<td>Cheltenham (Gloucestershire)</td>
<td></td>
</tr>
<tr>
<td>Dudley (Worcestershire)</td>
<td></td>
</tr>
<tr>
<td>Frome (Somersetshire)</td>
<td></td>
</tr>
<tr>
<td>Gateshead (Durham)</td>
<td></td>
</tr>
<tr>
<td>Huddersfield (Yorkshire)</td>
<td></td>
</tr>
<tr>
<td>Kidderminster (Worcestershire)</td>
<td></td>
</tr>
<tr>
<td>Kendal (Westmoreland)</td>
<td></td>
</tr>
<tr>
<td>Rochdale (Lancashire)</td>
<td>The high bailiff of Kidderminster.</td>
</tr>
<tr>
<td>Salford (Lancashire)</td>
<td>The mayor of Kendal.</td>
</tr>
<tr>
<td>South Shields (Durham)</td>
<td>The boroughreeve of Salford.</td>
</tr>
<tr>
<td>Tynemouth (Northumberland)</td>
<td>The mayor of Walsall.</td>
</tr>
<tr>
<td>Wakefield (Yorkshire)</td>
<td></td>
</tr>
<tr>
<td>Walsall (Staffordshire)</td>
<td></td>
</tr>
<tr>
<td>Warrington (Lancashire)</td>
<td></td>
</tr>
<tr>
<td>Whitby (Yorkshire)</td>
<td></td>
</tr>
<tr>
<td>Whitehaven (Cumberland)</td>
<td></td>
</tr>
<tr>
<td>Merthyr Tydvil, (Glamorganshire)</td>
<td></td>
</tr>
<tr>
<td>Places sharing in the Election of Members</td>
<td>Shire-Towns or Principal Boroughs</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Amlwch, Holyhead, and Llangeffni</td>
<td>Beaumaris</td>
</tr>
<tr>
<td>Aberystwith, Lampeter, and Adpar</td>
<td>Cardigan</td>
</tr>
<tr>
<td>Llanelly</td>
<td>sharing with Caernarvon</td>
</tr>
<tr>
<td>Pwllheli, Nevin, Conway, Bangor, Criccieth</td>
<td>sharing with Caernarvon</td>
</tr>
<tr>
<td>Ruthin, Holt, Town of Wrexham</td>
<td>sharing with Denbigh</td>
</tr>
<tr>
<td>Rhyddlan, Overton, Caerwis, Caergwrley, St. Asaph, Holywell, Mold</td>
<td>sharing with Flint</td>
</tr>
<tr>
<td>Cowbridge, Llantrissent</td>
<td>sharing with Cardiff</td>
</tr>
<tr>
<td>Llanidloes, Welsh Pool, Machynlleth, Llanfyllin, Newtown</td>
<td>sharing with Montgomery</td>
</tr>
<tr>
<td>Narberth, Fishguard</td>
<td>sharing with Haverfordwest</td>
</tr>
<tr>
<td>Tenby, Wiston, Town of Milford</td>
<td>sharing with Pembroke</td>
</tr>
<tr>
<td>Knighton, Rhayder, Kevinleece, Knucklas, Town of Presteigne</td>
<td>sharing with Radnor</td>
</tr>
</tbody>
</table>
SCHEDULE (E. 2.)

<table>
<thead>
<tr>
<th>Places sharing in the Election of Members</th>
<th>Places therein from which the Seven Miles are to be calculated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newport</td>
<td>The Market Place.</td>
</tr>
<tr>
<td>Usk</td>
<td>The Town Hall.</td>
</tr>
<tr>
<td>Aberystwith</td>
<td>The Bridge over the Rheidal.</td>
</tr>
<tr>
<td>Lampeter</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Adpar</td>
<td>The Bridge over the Teivi.</td>
</tr>
<tr>
<td>Pwllheli</td>
<td>The Guildhall.</td>
</tr>
<tr>
<td>Nevin</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Conway</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Crissiath</td>
<td>The Castle.</td>
</tr>
<tr>
<td>Ruthin</td>
<td>The Parish Church called St. Peter's.</td>
</tr>
<tr>
<td>Holt</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Rhyddlan</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Overton</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Caerwys</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Caerphwley</td>
<td>The Parish Church of Hope.</td>
</tr>
<tr>
<td>Cowbridge</td>
<td>The Town Hall.</td>
</tr>
<tr>
<td>Llantrisant</td>
<td>The Town Hall.</td>
</tr>
<tr>
<td>Tenby</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Wiston</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Knighton</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Rhayder</td>
<td>The Market Place.</td>
</tr>
<tr>
<td>Kevinleck</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Knucklas</td>
<td>The site of the ancient Castle of Cwweglas.</td>
</tr>
<tr>
<td>Swansea</td>
<td>The Town Hall.</td>
</tr>
<tr>
<td>Loughor</td>
<td>The Parish Church.</td>
</tr>
<tr>
<td>Neath</td>
<td>The Town Hall.</td>
</tr>
<tr>
<td>Aberavon</td>
<td>The Bridge over the Avon.</td>
</tr>
<tr>
<td>Ken-fig</td>
<td>The Parish Church of Lower Ken-fig.</td>
</tr>
</tbody>
</table>

SCHEDULE (F.)

COUNTIES to be DIVIDED.

<table>
<thead>
<tr>
<th>Cheshire</th>
<th>Hampshire</th>
<th>Somersetshire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cornwall</td>
<td>Lancashire</td>
<td>Staffordshire</td>
</tr>
<tr>
<td>Cumberland</td>
<td>Leicestershire</td>
<td>Suffolk</td>
</tr>
<tr>
<td>Derbyshire</td>
<td>Norfolk</td>
<td>Surrey</td>
</tr>
<tr>
<td>Devonshire</td>
<td>Northumberland</td>
<td>Sussex</td>
</tr>
<tr>
<td>Durham</td>
<td>Northamptonshire</td>
<td>Warwickshire</td>
</tr>
<tr>
<td>Essex</td>
<td>Nottinghamshire</td>
<td>Wiltshire</td>
</tr>
<tr>
<td>Gloucestershire</td>
<td>Shropshire</td>
<td>Worcestershire</td>
</tr>
<tr>
<td>Kent</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SCHEDULE (F. 2.)

COUNTIES to return THREE Members each.

<table>
<thead>
<tr>
<th>Berkshire</th>
<th>Dorsetshire</th>
<th>Hertfordshire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buckinghamshire</td>
<td>Herefordshire</td>
<td>Oxfordshire</td>
</tr>
<tr>
<td>Cities and Towns and Counties thereof.</td>
<td>Counties at large in which Cities and Towns and Counties thereof are to be included.</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Caermarthen</td>
<td>Caermarthenshire.</td>
<td></td>
</tr>
<tr>
<td>Canterbury</td>
<td>Kent.</td>
<td></td>
</tr>
<tr>
<td>Chester</td>
<td>Cheshire.</td>
<td></td>
</tr>
<tr>
<td>Coventry</td>
<td>Warwickshire.</td>
<td></td>
</tr>
<tr>
<td>Gloucester</td>
<td>Gloucestershire.</td>
<td></td>
</tr>
<tr>
<td>Kingston-upon-Hull</td>
<td>East Riding of Yorkshire.</td>
<td></td>
</tr>
<tr>
<td>Lincoln</td>
<td>The Parts of Lindsey, Lincolnshire.</td>
<td></td>
</tr>
<tr>
<td>London</td>
<td>Middlesex.</td>
<td></td>
</tr>
<tr>
<td>Newcastle-upon-Tyne</td>
<td>Northumberland.</td>
<td></td>
</tr>
<tr>
<td>Poole</td>
<td>Dorsetshire.</td>
<td></td>
</tr>
<tr>
<td>Worcester</td>
<td>Worcestershire.</td>
<td></td>
</tr>
<tr>
<td>York and Ainsty</td>
<td>North Riding of Yorkshire.</td>
<td></td>
</tr>
<tr>
<td>Southampton</td>
<td>Hampshire.</td>
<td></td>
</tr>
</tbody>
</table>

---

**SCHEDULE (H.)**

**FORMS of LISTS and NOTICES applicable to COUNTIES.**

---

**NOTICE of the making out of the LISTS to be given by the OVERSEERS.**

WE hereby give notice, That we shall, on or before the last day of July in this year, make out a list of all persons entitled to vote in the election of a knight or knights of the shire for the county of [or for the riding, parts, or division of the county of as the case may be,] in respect of property situate wholly or in part within this parish [or township]; and all persons so entitled are hereby required to deliver or transmit to us, on or before the twentieth day of July in this year, a claim in writing, containing their Christian name and surname, their place of abode, the nature of their qualification, and the name of the street, lane, or other like place, wherein the property in respect of which they claim to vote is situated; and if the property be not situated in any street, lane, or other like place, then such claim must describe the property by the name by which it is usually known, or by the name of the tenant occupying the same; and each of such persons so claiming must also at the same time pay to us the sum of one shilling. Persons omitting to deliver or transmit such claim or to make such payment will be excluded from the register of voters for this county [or riding, parts, or division, as the case may be]. [In subsequent years after one thousand eight hundred and thirty-two, add the following words, “but persons whose names are now on the register are not required to make a fresh claim so long as they retain the same qualification and continue in the same place of abode as described in the register.”]

(Signed) A. B. Overseers of the Parish

C. D. [or Township] of

E. F.
No. 2.

NOTICE of CLAIM to be given to the OVERSEERS.

I hereby give you notice, That I claim to be inserted in the list of voters for the county of [or for the riding, parish or district of the county as the case may be], and that the particulars of my place of abode and qualification are stated below.

Dated the day of in the year.

(Signed) John Adams.

Place of abode, Cheapside, London.
Nature of qualification, freehold house, [or warehouse, stable, land, field, annuity, rent-charge, &c. as the case may be, giving such a description of the property as may serve to identify it.]
Where situate in this parish [or township], King-street. [if the property be not situate in any street, lane, or other like place, then say "Name of the Property, Highfield Farm," or, "Name of the occupying Tenant, John Edwards."

No. 3.

The LIST of PERSONS entitled to vote in the election of a knight [or knights] of the shire for the county of [or for the riding, parish or district of the county as the case may be], in respect of property situate within the parish of [or township as the case may be].

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Voter at full Length.</th>
<th>Place of Abode.</th>
<th>Nature of Qualification.</th>
<th>Street, Lane, or other like Place in this Parish [or Township] where the Property is situate, or Name of the Property, or Name of the Tenant.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alley, James</td>
<td>Long Lane, in this parish</td>
<td>Copyhold field</td>
<td>Duke Street.</td>
</tr>
<tr>
<td>Ball, William</td>
<td>Market Street, Lancaster</td>
<td>Lease of warehouse for years</td>
<td></td>
</tr>
<tr>
<td>Boyce, Henry</td>
<td>Church Street, in this parish</td>
<td>50 acres of land as occupier</td>
<td>Highfield Farm.</td>
</tr>
</tbody>
</table>

(Signed) A. B. | Overseers of the said Parish [or Township].

C. D. | E. F.

No. 4.

NOTICE of OBJECTION to be given to the OVERSEERS.

To the Overseers of the Parish of [or Township, as the case may be].

I hereby give you notice, That I object to the name of William Ball being retained in the list of voters for the county of [or for the riding, parish or division of the county as the case may be].

Dated the day of in the year.

(Signed) A. B. of [place of abode.]
PART IX. Statutes relating to the Representation.

No. 5.

NOTICE of Objection to Parties inserted in the List.

To Mr. William Ball.

I hereby give you notice, That I object to your name being retained in the list of voters for the county of [or for the riding, parts, or division of the county of ], and that you will be required to prove your qualification at the time of the revising of the said list. Dated the day of in the year

(Signed) A. B. of [place of abode.]

No. 6.

LIST of Persons objected to, to be published by the Overseers.

The following Persons have been objected to as not being entitled to have their names retained in the list of voters for the county of [or for the riding, parts, or division of the county of ].

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Person objected to.</th>
<th>Place of Abode.</th>
<th>Nature of the supposed Qualification.</th>
<th>Street, Lane, or other like Place in this Parish [or Township] where the Property is situate, or name of the Property, or Name of the Tenant.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ball, William</td>
<td>Market Street, Lancaster</td>
<td>Lease of warehouse for years</td>
<td>Duke Street.</td>
</tr>
</tbody>
</table>

(Signed) A. B. Overseers of the Parish of [or Township, as the case may be].

FORMS of Lists and Notices applicable to Cities and Boroughs.

No. 1.

The LIST of Persons entitled to vote in the Election of a Member [or Members for the City [or Borough] of ] in respect of Property occupied within the Parish [or Township] of by virtue of an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People in England and Wales."

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Voter at full Length.</th>
<th>Nature of Qualification.</th>
<th>Street, Lane, or other Place in this Parish where the Property is situate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashton, John</td>
<td>House</td>
<td>Church Street.</td>
</tr>
<tr>
<td>Atkinson, William</td>
<td>Warehouse</td>
<td>Bolt Court, Fleet Street.</td>
</tr>
<tr>
<td>Bates, Thomas</td>
<td>Shop</td>
<td>Castle Street.</td>
</tr>
<tr>
<td>Bull, Thomas</td>
<td>Counting-house</td>
<td>Lord Street.</td>
</tr>
</tbody>
</table>

(Signed) A. B. Overseers of the said Parish [or E. F. Township.}
Statutes relating to the Representation. [Part IX.]

No. 2.

The List of all persons (not being Freemen) entitled to vote in the Election of a Member [or Members] for the City [or Borough] of

in respect of any Rights other than those conferred by an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People in England and Wales."

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Voter at full Length.</th>
<th>Nature of Qualification.</th>
<th>Street, Lane, or other Place in this Parish where the Property is situate.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>If the Right of voting does not depend on Property, then state the Place of Abode.</td>
</tr>
</tbody>
</table>

(Signed) A. B. C. D. E. F. Overseers of the Parish of [or Township] within the said City [or Borough].

No. 3.

The List of the Freemen of the City [or Borough] of [or of] being a Place sharing in the Election with the City [or Borough] of [or of] entitled to vote in the Election of a Member [or Members] for the said City [or Borough].

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Freeman at full Length.</th>
<th>Place of his Abode.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Signed) A. B. Town Clerk of the said City [or Borough or Place].

No. 4.

Notice of Claim.

To the Overseers of the Parish [or Township] of [or to the Town Clerk of the City [or Borough] of [or otherwise, [as the case may be]].

I hereby give you notice, that I claim to have my name inserted in the List made by you of persons entitled to vote in the election of a member [or members] for the city [or borough] of [or otherwise [as the case may be]]; and that my qualification consists of a house in Duke-street in your parish, or otherwise [as the case may be]; [and in the case of a freeman, say, and that my qualification is as a freeman of [or otherwise [as the case may be]];] and that I reside in Lord-street in this city or borough. Dated the day of one thousand eight hundred and thirty

(Signed) John Allen of [Place of Abode].
Part IX.] Statutes relating to the Representation.

No. 5.

NOTICE of Objection.

To the Overseers of the Parish [or Township] of [or to the Town Clerk of the City or Borough] of [or otherwise, as the case may be].

I hereby give you notice, That I object to the name of Thomas Bates, being retained in the list of persons entitled to vote in the election of a member [or members] for the city [or borough] of [or otherwise, as the case may be]. And that I shall bring forward such objection at the time of the revising of such list. Dated the day of in the year.

(Signed) A. B. of [Place of Abode].

No. 6.

LIST of Claimants, to be published by the Overseers.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [or Members] for the City [or Borough] of

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Claimant at full Length.</th>
<th>Nature of Qualification.</th>
<th>Street, Lane, or other Place in this Parish where the Property is situate. If the Right does not depend on Property, state the Place of Abode.</th>
</tr>
</thead>
</table>

(Signed) A. B. C. D. E. F. Overseers of, &c.

No. 7.

LIST of Persons objected to, to be published by the Overseers.

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member [or Members] for the City [or Borough] of

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Person objected to.</th>
<th>Nature of the supposed Qualification.</th>
<th>Street, Lane, or other Place in this Parish where the Property is situate. If the Right does not depend on Property, state the Place of Abode.</th>
</tr>
</thead>
</table>

(Signed) A. B. C. D. E. F. Overseers of, &c.
LIST of CLAIMANTS to be published by the TOWN CLERKS.
The following Persons claim to have their Names inserted in the List of
the Freemen of the City [or Borough] of [or of
being a Place sharing in the Election with the City [or Borough] of
], entitled to vote in the Election of a Member [or Members]
for the said City [or Borough].

<table>
<thead>
<tr>
<th>Christian Name and Surname of each Claimant at full Length.</th>
<th>Place of his Abode.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Signed) A. B. { Town Clerk of the said City [or Borough or Place].

No. 9.

THE LIST of PERSONS objected to, to be published by the TOWN
CLERKS.
The following Persons have been objected to as having no Right to be
retained on the List of the Freemen of the City [or Borough] of [or of
being a Place sharing in the Election with the City [or Borough] of
], entitled to vote in the Election of a Member [or Members] for the said City [or Borough].

<table>
<thead>
<tr>
<th>Christian and Surname of each Person objected to.</th>
<th>Place of his Abode.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Signed) A. B. { Town Clerk of the said City [or Borough or Place].

SCHEDULE (K.)

A LIST of such of the FREEMEN of LONDON as are Liverymen of the
Company of [entitled to vote in the Election of Members
for the City of London.

<table>
<thead>
<tr>
<th>Christian Name and Surname of the Voter, at full Length.</th>
<th>Street, Lane, or other Description of his Place of Abode.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Signed) A. B. Clerk.
Part IX.] Statutes relating to the Representation.

No. 1.

NOTICE of Claim to be given to the Returning Officer or Officers of the City of London, and to the Clerks of the respective Livery Companies.

To the Returning Officer or Officers of the City of London [or to the Clerk of the Company of ]

I hereby give you notice, That I claim to have my name inserted in the list made by the clerk of the company of [or, in case of notice to the clerk, say, made by you] of the liverymen of the said company [or, in case of notice to the clerk, say, of the liverymen of the company of ] entitled to vote in the election of members for the city of London. Dated the day of

(Signed) A. B. [Place of Abode. Name of Company.]

No. 2.

LIST of Claimants to be published by the Returning Officer or Officers of the City of London.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote as Freemen of the City of London and Liverymen of the several Companies herein specified, in the Election of Members for the City of London.

<table>
<thead>
<tr>
<th>Christian Name and Surname of Claimants at full Length.</th>
<th>Place of Abode.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

No. 3.

NOTICE of Objection to Parties inserted in the List of the Livery.

To Mr. William Baker.

I hereby give you notice, That I object to your name being retained in the list of persons entitled to vote as freemen of the city of London and liverymen of the company of in the election of members for the said city, and that I shall bring forward such objection at the time of revising the said list. Dated the day of

(Signed) A. B. [Place of Abode.]
<table>
<thead>
<tr>
<th>Boroughs</th>
<th>Temporary Contents and Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashton-under-Lyne</td>
<td>The division of the parish of Ashton-under-Lyne, called the Town's Division.</td>
</tr>
<tr>
<td>Birmingham</td>
<td>Parishes of Birmingham and Edgbaston, and townships of Bordesley, Deritend, and Duddleston with Nechels.</td>
</tr>
<tr>
<td>Blackburn</td>
<td>Township of Blackburn.</td>
</tr>
<tr>
<td>Bolton</td>
<td>Townships of Great Bolton, Haulgh, and Little Bolton, except the detached part of the township of Little Bolton, which lies to the north of the town of Bolton.</td>
</tr>
<tr>
<td>Bradford</td>
<td>Township of Bradford.</td>
</tr>
<tr>
<td>Brighthelmstone</td>
<td>Parishes of Brighthelmstone and Hove.</td>
</tr>
<tr>
<td>Bury</td>
<td>Township of Bury.</td>
</tr>
<tr>
<td>Chatham</td>
<td>From the easternmost point at which the boundary of the city of Rochester meets the right bank of the river Medway, southward along the boundary of the city of Rochester, to the boundary stone of the said city marked 5; thence in a straight line to the windmill in the parish of Chatham on the top of Chatham Hill; thence in a straight line to the Oil Windmill in the parish of Gillingham, between the village of Gillingham and the fortifications; thence in a straight line through Gillingham Fort to the right bank of the river Medway; thence along the right bank of the river Medway to the point first described.</td>
</tr>
<tr>
<td>Cheltenham</td>
<td>Parish of Cheltenham.</td>
</tr>
<tr>
<td>Devonport</td>
<td>Parish of Stoke Damerill and township of East Stonehouse.</td>
</tr>
<tr>
<td>Dudley</td>
<td>Parish of Dudley.</td>
</tr>
<tr>
<td>Finsbury</td>
<td>Parishes of Saint Giles in the Fields; Saint George Bloombury; Saint George the Martyr; Saint Andrew above Bars; Saint Luke; Saint Sepulchre, except so much as is in the city of London; Saint James Clerkenwell, except so much as is locally in the parish of Hornsey; Ecclesiastical districts of Trinity, Saint Paul, and Saint Mary in the parish of Saint Mary Islington; Liberties of Saffron Hill, Hatton Garden, and Ely Rents; Ely Place; the Rolls; Glass-house Yard; Precinct of the Charter House; Lincoln's Inn; Gray's Inn; so much of Furnival's Inn and Staple's Inn as is not within the city of London.</td>
</tr>
<tr>
<td>Frome</td>
<td>Town of Frome as within the limits now assigned to the town of Frome by the trustees under the provisions of an act passed in the first and second year of his present Majesty, intituled &quot;An Act for better repairing and improving several Roads leading to and from the town of Frome in the county of Somerset.&quot;</td>
</tr>
<tr>
<td>Gateshead</td>
<td>Parish of Gateshead.</td>
</tr>
<tr>
<td>Greenwich</td>
<td>Parishes of Saint Paul and Saint Nicholas, Deptford, and so much of the parishes of Greenwich, Charlton, and Woolwich as lie between the Thames and the Dovor Road.</td>
</tr>
<tr>
<td>Halifax</td>
<td>Township of Halifax.</td>
</tr>
<tr>
<td>Boroughs</td>
<td>Temporary Contents and Boundary</td>
</tr>
<tr>
<td>--------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Huddersfield</td>
<td>Township of Huddersfield.</td>
</tr>
<tr>
<td>Kendal</td>
<td>Townships of Kendal and Kirkland, and all such parts of the township of Netherga, as adjoin the township of Kendal.</td>
</tr>
<tr>
<td>Kidderminster</td>
<td>Borough of Kidderminster.</td>
</tr>
<tr>
<td>Lambeth</td>
<td>Parishes of Saint Mary Newington; St. Giles Camberwell, except the manor and hamlet of Dulwich; Precinct of the Palace; and so much of the parish of Lambeth as is north of the Ecclesiastical division of Brixton.</td>
</tr>
<tr>
<td>Leeds</td>
<td>Borough of Leeds.</td>
</tr>
<tr>
<td>Macclesfield</td>
<td>Borough of Macclesfield.</td>
</tr>
<tr>
<td>Manchester</td>
<td>Townships of Manchester, Chariton Row, Ardwick, Hulme, Beswick, Cheetham, Bradford, Newton, and Harpur Hey.</td>
</tr>
<tr>
<td>Marylebone</td>
<td>Parishes of Saint Marylebone and Paddington, and so much of the parish of Saint Pancras as is south of the Regent's Canal.</td>
</tr>
<tr>
<td>Merthyr Tydvil</td>
<td>Parishes of Merthyr Tydvil and Aberdare.</td>
</tr>
<tr>
<td>Oldham</td>
<td>Township of Oldham.</td>
</tr>
<tr>
<td>Rochdale</td>
<td>Town of Rochdale, as within the provisions of an act passed in the sixth year of his late Majesty, intitled “An Act for lighting, cleansing, watching, and regulating the town of Rochdale in the County Palatine of Lancaster.”</td>
</tr>
<tr>
<td>Salford</td>
<td>Townships of Salford, Pendleton, and Broughton.</td>
</tr>
<tr>
<td>Sheffield</td>
<td>Townships of Sheffield, Attercliffe-cum-Darnall, Brightside Bierlow, and Nether Hallam.</td>
</tr>
<tr>
<td>South Shields</td>
<td>Townships of South Shields and Westoe.</td>
</tr>
<tr>
<td>Stockport</td>
<td>Borough of Stockport; Hamlets of Brinksway and Edgeley.</td>
</tr>
<tr>
<td>Stoke-upon-Trent</td>
<td>Townships of Tunstall, Burslem, Hanley, Shelton, Penkhull with Boothen, Lane End, Longton, Fenton Vivian, Fenton Culvert; Hamlet of Sneyd; and Vill of Rushton Grange.</td>
</tr>
<tr>
<td>Stroud</td>
<td>Parishes of Stroud, Bisley, Painswick, Pitchcomb, Randwick, Stonehouse, Eastington, Leonard Stanley, except Lorridge’s Farm; King’s Stanley, Rodborough, Minchinhampton, Woodchester, Avening, Horley.</td>
</tr>
<tr>
<td>Sunderland</td>
<td>Parish of Sunderland; Townships of Bishop Wearmouth, Bishop Wearmouth Panns, Monk Wearmouth, Monk Wearmouth Shore, and Southwick.</td>
</tr>
<tr>
<td>Tower Hamlets</td>
<td>Liberties of the Tower, and Tower Division of Osulton Hundred, except the parishes of Saint John Hackney, Saint Mary Strathford-le-Bow, and Saint Leonard Bromley.</td>
</tr>
<tr>
<td>Tynemouth</td>
<td>Townships of Tynemouth, North Shields, Chirton, Preston, and Cullercoats.</td>
</tr>
<tr>
<td>Wakefield</td>
<td>Township of Wakefield.</td>
</tr>
<tr>
<td>Walsall</td>
<td>Borough of Walsall, except the parts detached from the Borough of Walsall.</td>
</tr>
<tr>
<td>Warrington</td>
<td>Township of Warrington.</td>
</tr>
<tr>
<td>Whitehaven</td>
<td>Township of Whitehaven.</td>
</tr>
<tr>
<td>Whitby</td>
<td>Township of Whitby.</td>
</tr>
<tr>
<td>Wolverhampton</td>
<td>Townships of Wolverhampton, Bilston, Wednesfield, and Willenhall; and parish of Sedgeley.</td>
</tr>
</tbody>
</table>
[No. II.]—An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament.  [11th July 1832.]

[No. III.] 5 & 6 W. IV. c. 36.—An Act to limit the time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day.  [25th August 1835.]

WHEREAS it would tend to promote the purity of elections and the diminution of expense if the poll at all contested elections of members to serve in parliament for cities, boroughs, and towns, or for counties of cities or counties of towns, were taken in one day: And whereas by an act passed in the second year of the reign of his present Majesty King William the fourth, intituled An Act to amend the Representation of the People in England and Wales, it is among other things enacted, That such poll may remain open during the space of two days: And whereas it is expedient to repeal that part of the said recited act which allows the poll so to continue open during the space of two days: be it therefore enacted, &c., That from and after the passing of this act such part of the said recited act as allows the poll to continue open during two days in cities, boroughs, and towns, or in counties of cities or counties of towns, be repealed, and the same is hereby repealed.

II. That at every contested election of a member or members to serve in parliament for any city, borough, or town, or county of a city or county of a town, the polling shall commence at eight of the clock in the forenoon of the day next following the day fixed for the election; and the polling shall continue during such one day only; and no poll shall be kept open later than four of the clock in the afternoon: Provided always, That when such day next following the day fixed for the election shall be Sunday, Good Friday, or Christmas Day, then in the case it be Sunday the poll shall be on the Monday next following; and in the case it be Good Friday, then on the Saturday next following; and in the case it be Christmas Day, then on the next following day, if the same shall not be Sunday, and if it be Sunday, on the next following Monday.

III. That the polling booths or compartments at each polling place shall be so divided and arranged by the sheriff or other returning officer that not more than three hundred electors shall be allotted to poll in each such booth or compartment.

IV. That on the requisition of any candidate, or of any elector being the proposer or seconder of any candidate, the booths or compartments of each polling place shall be so divided and arranged by the sheriff or other returning officer that not more than one hundred electors shall be allotted to poll in each such booth or compartment: Provided always, That such candidate or elector making such requisition shall pay all expenses incident upon such division or arrangement.

V. That in case any requisition as aforesaid shall be made on or before the day fixed for the election, the sheriff or other returning officer shall forthwith give public notice of the situation of such booths, which shall be deemed to be sufficient notice, any law or statute to the contrary notwithstanding.

VI. That no elector at any election shall be required to take the oaths commonly called the oaths of allegiance, abjuration, and supremacy, nor any oath or oaths required to be taken by any act of parliament in lieu thereof; any law or statute to the contrary notwithstanding.
Part IX. Statutes relating to the Representation.

VII. That such of the freemen of the city of London, being liverymen, as are or shall be entitled to vote in the election of members to serve in any future parliament for the city of London in the Guildhall, and who are or shall be also entitled to vote in such election as owner or tenant of premises in such city, shall be entitled to vote at any such election at the booth or place appointed for the parish, district, or part wherein the property may be situate in respect of which he is so entitled to vote as aforesaid; and that such vote shall be entered in the poll books either as the vote of a liveryman, or as owner or tenant, as the person so voting shall direct. Vote at the booth for the district where such premises are situate.

VIII. That where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of candidates or of the taking the poll, or the sheriff or other returning officer, or the lawful deputy of any returning officer, shall not for such cause terminate the business of such nomination, nor finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places at which such interruption or obstruction shall have happened until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the poll shall be regulated accordingly; and any day whereon the poll shall have been so adjourned shall not as to such place or places be reckoned the day of polling at such election, within the meaning of this act: and whenever the poll shall have been so adjourned by any deputy of any sheriff or other returning officer, such deputy shall forthwith give notice of such adjournment to the sheriff or returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed, and the poll books delivered or transmitted to such sheriff or other returning officer, any thing herein-before or in any other statute to the contrary notwithstanding: Provided always, That this act shall not be taken to authorize an adjournment to a Sunday; but that in every case in which the day to which the adjournment would otherwise be made shall happen to be a Sunday, Good Friday, or Christmas Day, that day or days shall be passed over, and the following shall be the day to which the adjournment shall be made.

IX. That nothing in this act shall be construed to apply to Ireland or to extend to Scotland.
[No. IV.] 2 & 3 W. 4, c. 65.—An Act to amend the Representation of the People in Scotland. [17th July 1832.]

[No. V.] 4 & 5 W. IV. c. 88.—An Act for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament in Scotland. [15th August 1834.]

[No. VI.] 5 & 6 W. IV. c. 78.—An Act to explain and amend an Act passed in the Second and Third Year of the Reign of King William the Fourth, for amending the Representation of the People in Scotland and to diminish the Expences there. [9th September 1835.]

[No. VII.] 2 & 3 W. IV. c. 88.—An Act to amend the Representation of the People of Ireland. [7th August 1832.]
PART X.

SUPPLEMENTARY MISCELLANEOUS STATUTES.

[No. 1.] 2 & 3 W. IV. c. 75.—An Act for regulating Schools of Anatomy. [1st August 1832.]

WHEREAS a knowledge of the causes and nature of sundry diseases which affect the body, and of the best methods of treating and curing such diseases, and of healing and repairing divers wounds and injuries to which the human frame is liable, cannot be acquired without the aid of anatomical examination: And whereas the legal supply of human bodies for such anatomical examination is insufficient fully to provide the means of such knowledge: And whereas, in order further to supply human bodies for such purposes, divers great and grievous crimes have been committed, and lately murder, for the single object of selling for such purposes the bodies of the persons so murdered: And whereas therefore it is highly expedient to give protection, under certain regulations, to the study and practice of anatomy, and to prevent, as far as may be, such great and grievous crimes and murder as aforesaid; be it therefore enacted, &c., That it shall be lawful for his Majesty's principal secretary of state for the time being for the home department in that part of the united kingdom called Great Britain, and for the chief secretary for Ireland in that part of the united kingdom called Ireland, immediately on the passing of this act, or so soon thereafter as may be required, to grant a licence to practise anatomy to any fellow or member of any college of physicians or surgeons, or to any graduate or licentiate in medicine, or to any person lawfully qualified to practise medicine in any part of the united kingdom, or to any professor or teacher of anatomy, medicine, or surgery, or to any student attending any school of anatomy, on application from such party for such purpose, countersigned by two of his Majesty's justices of the peace acting for the county, city, borough, or place wherein such party resides, certifying that, to their knowledge or belief, such party so applying is about to carry on the practice of anatomy.

II. That it shall be lawful for his Majesty's said principal secretary of state or chief secretary, as the case may be, immediately on the passing of this act, or as soon thereafter as may be necessary, to appoint respectively not fewer than three persons to be inspectors of places where anatomy is carried on, and at any time after such first appointment to appoint, if they shall see fit, one or more other person or persons to be an inspector or inspectors as aforesaid; and every such inspector shall continue in office for one year, or until he be removed by the said secretary of state or chief secretary, as the case may be, or until some other person shall be appointed in his place; and as often as any inspector appointed as aforesaid shall die, or shall be removed from his said office, or shall refuse or become unable to act, it shall be lawful for the said secretary of state or chief secretary, as the case may be, to appoint another person to be inspector in his room.

III. That it shall be lawful for the said secretary of state or chief secretary, as the case may be, to direct what district of town or country, or of both, and what places where anatomy is carried on, situate within such district, every such inspector shall be appointed to superintend, and in what manner every such inspector shall transact the duties of his office.

IV. That every inspector to be appointed by virtue of this act shall make a quarterly return to the said secretary of state or chief secretary, as the case may be, of every deceased person's body that during the preceding quarter has been removed for anatomical examination to every moved for anatomical examination;
Supplementary Miscellaneous Statutes. [Part X

No. I.

2 & 3 W. 4, c. 75.

and to inspect places where anatomy is practised.

Salaries to inspectors.

Persons having lawful custody of bodies may permit them to undergo anatomical examination in certain cases.

Provision in case of persons directing anatomical examinations after their death.

The body not to be removed from the place where such person may have died without a certificate.

Professors, surgeons, and others may receive bodies for anatomical examination.

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separate place in his district where anatomy is carried on, distinguishing the sex, and, as far as is known at the time, the name and age of each person whose body was so removed as aforesaid.

V. That it shall be lawful for every such inspector to visit and inspect, at any time, any place within his district, notice of which place has been given, as is herein-after directed, that it is intended there to practise anatomy.

VI. That it shall be lawful for his Majesty to grant to every such inspector such an annual salary, not exceeding one hundred pounds, for his trouble, and to allow such a sum of money for the expenses of his office, as may appear reasonable; such salaries and allowances to be charged on the consolidated fund of the united kingdom, and to be payable quarterly; and that an annual return of all such salaries and allowances shall be made to parliament.

VII. That it shall be lawful for any executor or other party having lawful possession of the body of any deceased person, and not being an undertaker or other party intrusted with the body for the purpose only of interment, to permit the body of such deceased person to undergo anatomical examination, unless, to the knowledge of such executor or other party, such person shall have expressed his desire, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife, or any known relative of the deceased person, shall require the body to be interred without such examination.

VIII. That if any person, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, shall direct that his body after death be examined anatomically, or shall nominate any party by this act authorized to examine bodies anatomically to make such examination, and if, before the burial of the body of such person, such direction or nomination shall be made known to the party having lawful possession of the dead body, then such last-mentioned party shall direct such examination to be made, and, in case of any such nomination as aforesaid, shall request and permit any party so authorized and nominated as aforesaid to make such examination, unless the deceased person’s surviving husband or wife, or nearest known relative, or any one or more of such person’s nearest known relatives, being of kin in the same degree, shall require the body to be interred without such examination.

IX. Provided always, That in no case shall the body of any person be removed for anatomical examination from any place where such person may have died, until after forty-eight hours from the time of such person’s decease, nor until after twenty-four hours’ notice, to be reckoned from the time of such decease, to the inspector of the district, of the intended removal of the body, or, if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place of death, nor unless a certificate stating in what manner such person came by his death shall previously to the removal of the body have been signed by the physician, surgeon, or apothecary who attended such person during the illness whereof he died, or if no such medical man attended such person during such illness, then by some physician, surgeon, or apothecary who shall be called in after the death of such person to view his body, and who shall state the manner or cause of death according to the best of his knowledge and belief, but who shall not be concerned in examining the body after removal; and that in case of such removal, such certificate shall be delivered, together with the body, to the party receiving the same for anatomical examination.

X. That it shall be lawful for any member or fellow of any college of physicians or surgeons, or any graduate or licentiate in medicine, or any person lawfully qualified to practise medicine in any part of the united kingdom, or any professor, teacher, or student of anatomy, me-
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dicine, or surgery, having a licence from his Majesty's principal secretary of state or chief secretary as aforesaid, to receive or possess for anatomical examination, or to examine anatomically, the body of any person deceased, if permitted or directed so to do by a party who had at the time of giving such permission or direction lawful possession of the body, and who had power, in pursuance of the provisions of this act, to permit or cause the body to be so examined, and provided such certificate as aforesaid were delivered by such party together with the body.

XI. That every party so receiving a body for anatomical examination after removal shall demand and receive, together with the body, a certificate as aforesaid, and shall, within twenty-four hours next after such removal, transmit to the inspector of the district such certificate, and also a return stating at what day and hour and from whom the body was received, the date and place of death, the sex, and (as far as is known at the time) the Christian and surname, age, and last place of abode of such person, or, if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place to which the body is removed, and shall enter or cause to be entered the aforesaid particulars relating thereto, and a copy of the certificate he received therewith, in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by any inspector so appointed as aforesaid.

XII. That it shall not be lawful for any party to carry on or teach anatomy at any place, or at any place to receive or possess for anatomical examination, or examine anatomically, any deceased person's body after removal of the same, unless such party, or the owner or occupier of such place, or some party by this act authorized to examine bodies anatomically, shall, at least one week before the first receipt or possession of a body for such purpose at such place, have given notice to the said secretary of state or chief secretary, as the case may be, of the place where it is intended to practise anatomy.

XIII. Provided always, That every such body so removed as aforesaid for the purpose of examination shall, before such removal, be placed in a decent coffin or shell; and be removed therein; and that the party removing the same, or causing the same to be removed as aforesaid, shall make provision that such body, after undergoing anatomical examination, be decently interred in consecrated ground, or in some public interment burial ground in use for persons of that religious persuasion to which the person whose body was so removed belonged; and that a certificate of the interment of such body shall be transmitted to the inspector of the district within six weeks after the day on which such body was received as aforesaid.

XIV. That no member or fellow of any college of physicians or surgeons, nor any graduate or licentiate in medicine, nor any person lawfully qualified to practise medicine in any part of the United Kingdom, nor any professor, teacher, or student of anatomy, medicine, or surgery, having a licence from his Majesty's principal secretary of state or chief secretary as aforesaid, shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having in his possession for anatomical examination, or for examining anatomically, any dead human body, according to the provisions of this act.

XV. That nothing in this act contained shall be construed to extend to or to prohibit any post-mortem examination of any human body required or directed to be made by any competent legal authority.

XVI. And whereas an act was passed in the ninth year of the reign of his late Majesty, for consolidating and amending the statutes in England relative to offences against the person, by which latter act it is enacted, that the body of every person convicted of murder shall, after execution, either be dissected or hung in chains, as to the court which tried the offender shall seem meet; and that the sentence to be pronounced by the court shall express that the body of the offender shall

Such persons to receive with the body a certificate as aforesaid, which shall be transmitted to the inspector.

Notice to be given to secretary of state of places where anatomy is about to be practised.

How bodies are to be removed for examination.

Provision for interment.

Persons described in this fully qualified to practise medicine in any part of the United Kingdom, nor any professor, teacher, or student of anatomy, medicine, or surgery, having a licence from his Majesty's principal secretary of state or chief secretary as aforesaid, shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having in his possession for anatomical examination, or for examining anatomically, any dead human body, according to the provisions of this act.

Act not to prohibit post mortem examination.

So much of 9 G. 4, c. 31 as directs that the bodies of murderers may be dissected, may be repealed.
be dissected or hung in chains, whichever of the two the court shall order; be it enacted, That so much of the said last-recited act as authorizes the court, if it shall see fit, to direct that the body of a person convicted of murder shall, after execution, be dissected, be and the same is hereby repealed; and that in every case of conviction of any prisoner for murder the court before which such prisoner shall have been tried shall direct such prisoner either to be hung in chains, or to be buried within the precincts of the prison in which such prisoner shall have been confined after conviction, as to such court shall seem meet; and that the sentence to be pronounced by the court shall express that the body of such prisoner shall be hung in chains, or buried within the precincts of the prison, whichever of the two the court shall order.

XVII. 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 cause of action accrued; and the defendant in every such action or suit may, at his election, plead the matter specially, or the general issue not guilty, and give this act and the special matter in evidence at any trial to be had thereupon.

XVIII. That any person offending against the provisions of this act in England or Ireland shall be deemed and taken to be guilty of a misdemeanor, and, being duly convicted thereof, shall be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried; and any person offending against the provisions of this act in Scotland shall, upon being duly convicted of such offence, be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried.

XIX. And in order to remove doubts as to the meaning of certain words in this act, be it enacted, That the words "Person and Party" shall be respectively deemed to include any number of persons, or any society, whether by charter or otherwise; and that the meaning of the aforesaid words shall not be restricted although the same may be subsequently referred to in the singular number and masculine gender only.

XX. That this act shall commence and take effect from and after the first day of August in the present year.

[No. II.] 3 & 4 W. IV. c. 70.—An Act to alter and amend an Act of the Forty-first Year of His Majesty King George the Third, for the better Regulation of Public Notaries in England.

WHEREOF by an act passed in the forty-first year of the reign of his late Majesty King George the third, intituled An Act for the better Regulation of Public Notaries in England, it is enacted, That after the first day of August one thousand eight hundred and one no person shall be sworn, admitted, and inrolled as a public notary unless such person shall have been bound by contract in writing or by indenture of apprenticeship to serve as a clerk or apprentice for the term of not less than seven years to a public notary, or a person using the art and mystery of a scrivener (according to the privilege and custom of the city of London, such scrivener being also a public notary,) duly sworn, admitted, and inrolled, and shall have continued in such service for the said term of seven years; and certain other enactments are contained in the said act, regulating the admission and practice of notaries public; And whereas the provisions of the said act are in their operation found to be extremely inconvenient in some places distant from the city of London: Be it therefore enacted, &c., That from and after the passing of this act
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so much of the said recited act as requires that persons to be admitted as notaries public shall have served a clerkship or apprenticeship for seven years, as herein-before mentioned, shall, so far as the same affects persons being attorneys, solicitors, or proctors admitted as herein-after mentioned, be limited and confined to the city of London and liberties of Westminster, the borough of Southwark, and the circuit of ten miles from the Royal Exchange in the said city of London.

II. That from and after the passing of this act it shall and may be lawful for the master of the court of faculties of his grace the lord archbishop of Canterbury in London from time to time, upon being satisfied as well of the fitness of the person as of the expediency of the appointment, to appoint, admit, and cause to be sworn and inrolled in the said court of faculties any person or persons residing at any place distant more than ten miles from the Royal Exchange in the said city of London who shall have been previously admitted, sworn, and inrolled an attorney or solicitor in any of the courts at Westminster, or who shall be a proctor practising in any ecclesiastical court, to be a notary public or notaries public to practise within any district in which it shall have been made to appear to the said master of the court of faculties that there is not (or shall not hereafter be) a sufficient number of such notaries public admitted or to be admitted under the provisions of the said recited act for the due convenience and accommodation of such district, as the said master of the court of faculties shall think fit, and not elsewhere; any law or usage to the contrary notwithstanding.

III. Provided always, That nothing herein contained shall extend to authorize any notary who shall be admitted by virtue of this act to practise as a notary, or to perform or certify any notarial act whatsoever, within the said city of London, the liberties of Westminster, the borough of Southwark, or within the circuit of ten miles from the Royal Exchange in the said city of London.

IV. Provided always, That if any notary admitted by virtue of this act shall practise as a notary, or perform or certify any notarial act whatsoever, out of the district specified and limited in and by the faculty to be granted to him by virtue of this act, or within the city of London, the liberties of Westminster, the borough of Southwark, or the circuit of ten miles from the Royal Exchange in London aforesaid, then and in every such case it shall be lawful for the said court of faculties, on complaint made in a summary way, and duly verified on oath, to cause every such notary so offending to be struck off the roll of faculties, and every person so struck off shall thenceforth for ever after be wholly disabled from practising as a notary or performing or certifying any notarial act whatsoever, any thing herein contained to the contrary notwithstanding.

[No. III.] 3 & 4 W. IV. c. 90.—An Act to repeal an Act of the Eleventh Year of His late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other Provisions in lieu thereof.

WHEREAS an act was passed in the eleventh year of the reign of his late Majesty King George the fourth, intituled An Act to make Provision for the lighting and watching of Parishes in England and Wales: And whereas doubts have arisen as to the construction of some of the provisions of the said act, and it is expedient that the said act should be repealed, and that other provisions should be substituted in lieu thereof: Be it therefore enacted, &c. That from and after the passing of this act the said act passed in the eleventh year of the reign of his said late repealed.
No. III. 3 & 4 W. 4, c. 90.

Such repeal not to affect the proceedings under that act previous to the passing of this act.

Inspectors under former act to continue to act until others appointed.

Act applicable to all parishes.

On application of three rated inhabitants, churchwardens to convene a meeting in vestry to determine whether the provisions of this act shall be adopted.

Chairman to be elected, who shall determine any controversies.

Chairman to read requisition and require persons to determine whether act shall be adopted.

If meeting determine to proceed, the provisions of this act shall thenceforth have effect.

II. Provided always, That nothing herein contained shall extend or be deemed or construed to interfere with any rates made, acts done, or contracts or agreements heretofore made under the authority of the said recited act previous to the repeal of the said act, or to prevent or defeat any prosecution commenced or to be brought for any offence against the said act; but all rates made, and penalties and forfeitures incurred, may be raised, levied, sued for, and recovered, and all contracts and agreements may be enforced, and all nuisances and other offences made or committed previously to the repeal of the said recited act against the provisions of the said act may be abated or prosecuted by the inspectors appointed under the said recited act or this act, in the same manner to all intents and purposes as if this act had not been passed.

III. Provided always, That the inspectors appointed under the authority of the said recited act shall continue to act, and shall have the same powers, authorities, and be subject to the discharge of the same duties as the inspectors to be appointed under the authority of this act.

IV. And whereas it is desirable to make provision for the lighting and watching of the several parishes in England and Wales; be it enacted, That this act and the several provisions thereof shall apply to and may be adopted, under and subject to the regulations herein contained, by all or any or either of the parishes in England and Wales.

V. That from and after the passing of this act upon the application in writing of three or more of the rate-payers of any parish, it shall be lawful for the churchwardens thereof, and they are hereby required, within ten days after the receipt of such application as aforesaid, to appoint and notify a time and place for a public meeting of the rate-payers of the said parish for the purpose of determining whether the provisions in this act contained shall be adopted and carried into execution in the said parish: Provided always, 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 said application so being delivered to them as aforesaid, and that notification of the time and place of meeting shall be made by forthwith affixing a notice on the principal outer door of every parish church or chapel situate within such parish, or on the usual place of affixing notices relating to the parochial affairs of any such parish, and also by publication of the same in the parish church or chapel, on the Sunday previous to the day appointed for holding such meeting, during or immediately after Divine service.

VI. That such person as may be elected by the rate-payers present shall preside as chairman at such meetings; and 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 as to the qualification or eligibility of any candidate, such controversy shall be determined by the chairman presiding at such meeting.

VII. That the chairman who shall preside at any meeting assembled as herein directed shall read or cause to be read the requisition whereupon the meeting shall have been summoned, and shall require the persons assembled thereat to determine by majority of votes, as herein mentioned, whether the provisions of this act, as herein set forth, shall or shall not be adopted and acted upon within such parish: Provided nevertheless, That it shall be lawful for the majority of the rate-payers present to adjourn such meeting from time to time.

VIII. That if at any such meeting it shall be determined by a majority consisting of two thirds of the votes of the rate-payers present at such meeting that the provisions of this act shall be adopted, then and in such case such provisions shall from thenceforth take effect and come into operation in such parish; and it shall forthwith be determined that a certain number not being more than twelve nor less than three inspectors shall be elected to carry such purposes into effect; and the
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number of inspectors so determined upon shall be elected in manner herein mentioned.

IX. That the rate-payers of such parish shall at their first meeting, or at some adjournment thereof, and so on from time to time in every succeeding year at a meeting to be called for that purpose in manner herein directed, fix and determine the total amount of money which the inspectors shall have power to call for in any one year, in order to carry into effect the provisions of this act, such sum to be raised in the manner herein directed, upon the full and fair annual value of all property rateable for the relief of the poor within such parish, such full and fair annual value to be computed according to the last valuation for the time being acted upon in assessing the poor's rate for the said parish: Provided nevertheless, That any five rated inhabitants, qualified to vote as herein mentioned, may, at such meeting or adjournment thereof, in writing given to the chairman of the said meeting, demand a poll to be taken of the rate-payers qualified to vote upon the question as to whether this act and the provisions thereof, or any part thereof, shall be adopted in such parish, and also as to the amount of money to be raised in the succeeding year for the purposes thereof, and the number of inspectors to be elected as determined at such meeting, and which said demand of a poll the said chairman is required forthwith to deliver to the churchwardens of the said parish.

X. That the said churchwardens of the said parish shall, on the first Sunday next after the receipt of such demand of a poll, affix or cause to be affixed a notice on the principal outer door of every parish church or chapel situate within such parish, or on the usual place of affixing notices relating to parochial affairs of any such parish, specifying some day, not earlier than ten days and not later than twenty-one days after such Sunday, and at what place or places within the said parish, the rate-payers are required to signify their votes for or against the adoption of this act, or such part thereof as may have been agreed upon at the said meeting, as well as with respect to the annual amount of money to be raised in the succeeding year for the purposes thereof, and the number of inspectors to be elected as determined at such meeting, which votes shall be received on two successive days, commencing at eight of the clock in the forenoon and ending at four of the clock in the afternoon of each day; and the said notice shall be to the following effect:

'THE churchwardens of this parish [insert the name of the parish] having received a demand for a poll, duly signed according to the provisions of an act of the fourth year of the reign of king William the fourth, intituled An Act, &c. [setting out the title of the act], the rate-payers of this parish of [insert the name of the parish] are hereby required, all and each of them, on the day of next, and the following day, to signify to the said churchwardens, by a declaration, either printed or written, or partly printed or partly written, addressed and delivered to one of the churchwardens at [insert here the place], their votes for or against the adoption of the aforesaid act, or so much thereof as relates to watching or lighting [as the case may be], the amount of the money to be raised in the succeeding year for the purposes thereof, being [here insert the sum agreed on at the meeting], and the number of inspectors to be elected [insert the number also agreed on], such sum and such number of inspectors being fixed and determined upon at a meeting of the rate-payers called pursuant to the said act.

(Signed)
Churchwardens.'

XI. That the said declaration shall be to the following effect:

'I A. B. of street [or place or house] in this parish of vote [for or against, as the case may be],
XII. That the said churchwardens shall carefully examine the votes to them delivered as aforesaid, and shall compare them with the last rate made for the relief of the poor of the said parish, and shall be empowered to call before them and examine any parish officer touching the said votes, or any rate-payer so giving his vote, and after a full and fair summing-up of the said votes shall, by public notice according to the form and manner hereafter prescribed, declare whether or not two thirds of the votes given have been given in favour of the adoption of the said act (or so much thereof as relates to watching or lighting, as in the notice), and also as to the sum of money to be raised in the succeeding year, and the number of inspectors to be elected to be (as in the notice): Provided always, That the whole number of persons voting shall be a clear majority of the rate-payers of the parish: Provided also, That in case of a poll being demanded as aforesaid the adoption or non-adoption of this act, with the sum to be raised, and the number of inspectors to be elected as aforesaid, shall be decided by such number of votes as aforesaid: Provided also, That the expenses incurred by the churchwardens in calling such meeting, giving the notices as aforesaid, and in taking such poll, shall be paid out of the rate collected for the relief of the poor in the said parish.

XIII. Provided always, That any of the rate-payers of the aforesaid parish, not exceeding five together, may inspect, at or in the vestry room or in some convenient place within the same parish, and they are hereby empowered to inspect, the votes so given for and against the adoption of this act, with the sum to be raised, and number of inspectors to be elected as aforesaid, at all seasonable times within one month after such notice shall have been given; and the churchwardens of the said parish are hereby required carefully to preserve the said votes, and freely to permit and allow the examination thereof by the aforesaid rate-payers of the said parish at all seasonable times within the period aforesaid.

XIV. That no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of this act, unless he or she shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid all the parochial rates, taxes, and assessments due from him or her at the time of so voting or acting, except such as have been made or become due within the six months immediately preceding such voting.

XV. That notice of the adoption of this act, (or any part thereof, specifying it,) with the amount of the sum to be raised in the succeeding year, and the number of inspectors to be elected by any parish, shall be forthwith given by the churchwardens for the time being of the said parish by affixing a notice of the same to the principal door of every church and chapel within the said parish, or on the usual place of affixing notices relating to the parochial affairs of such parish; and in such case the provisions of this act shall from thenceforth take effect and come into operation in such parish: Provided always, that it shall be lawful for the inhabitants present at any meeting called in manner herein directed, at any time after the expiration of three years from the time when the provisions of this act shall have been adopted, to determine that the provisions of this act shall, from and after a day to be fixed upon at such meeting, cease to be acted upon; in which case, from and after such last-mentioned day, the provisions of this act shall no longer be in force in such parish: Provided nevertheless, that the provisions in this act contained shall remain and continue in force for the purpose of collecting
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and recovering any rate which may have been previously made; and if on the abandonment and ceasing to act upon the provisions of this act there shall be any balance in the hands of the said inspectors, after defraying the expenses incurred in carrying into effect the provisions of this act, the said balance shall be paid over to the overseers of the poor of the said parish, to be applied in aid of the poor rates of the said parish.

XVI. That in case any such meeting convened as aforesaid, or, in case of a poll having been demanded as aforesaid, a majority of two thirds of the votes as aforesaid, shall not have determined to adopt the provisions of this act, it shall not be lawful for the inhabitants to meet again in less than one year from the period at which such meeting shall have been so convened as aforesaid.

XVII. That the inspectors herein mentioned shall be elected in manner following; (that is to say,) the churchwardens of any parish adopting the provisions of this act shall, in the manner herein first directed, forthwith call a meeting of the rate-payers of such parish, and each candidate, being a person who shall reside within such parish, and who shall have been assessed or charged by the last rate made for the relief of the poor in respect of a dwelling house or other tenement or premises of the annual value, according to the said rate, of fifteen pounds or more, shall be eligible to be elected an inspector for the purposes of this act, and 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 inspectors authorized to be elected shall be proposed, and a poll shall be demanded by any ten persons qualified to vote on behalf of any such candidates, then the chairman shall open and proceed with such poll, and in a book or books prepared for that purpose, which book or books the churchwardens are hereby required to cause to be prepared, shall enter or cause to be entered the name 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 poll shall have been commenced, then the chairman shall at that hour adjourn such poll to the day next succeeding, unless such day shall be a Sunday, Christmas Day, or Good Friday, and in that case to the day following, and then proceed to collect and register the votes of all persons duly qualified and applying to vote; provided nevertheless, that the poll shall finally close at four of the clock on the day to which it shall have been adjourned, or sooner, provided all persons duly qualified and desirous to vote shall have voted, and after the lapse of one hour without any person offering to vote; and as soon after the close of the poll as may be possible the result thereof shall be declared at the place where the election may have been held, and certified by the chairman to the overseers of the poor; and the said churchwardens shall be reimbursed all such reasonable charges and expenses as may be incurred in providing clerks and books, and otherwise in the performance of the duties hereby required of them by the candidates at the said election for the said office: Provided nevertheless, that if the provisions of this act are adopted at the meeting first called for that purpose, the said inspectors may be appointed at the same time by the rate-payers of such parish then present, unless a poll should be demanded, and if such poll should be demanded it shall be proceeded with as herein directed.

XVIII. That in every parish adopting the provisions of this act the inspectors shall, within one month next after the expiration of twelve calendar months from the day of such adoption, give notice to the churchwardens of the said parish that they are ready to produce their accounts and vouchers for the previous year, and thereupon the said churchwardens shall give due notice, in the manner required with regard to the churchwardens, that they are ready to produce their accounts, and churchwardens to call a meeting for that purpose.
said, and that the said sum shall be assessed upon the full and fair annual value to which lands, houses, buildings, and other property within the said parish shall be rated or shall be rateable according to the last valuation made and acted upon for the rate for the relief of the poor within the said parish.

XXXIV. Provided always, That it shall be lawful for the overseers of the poor of any such parish, and they are hereby required, whenever, according to the rate made for the relief of the poor, one and the same person shall be rated in one sum in respect of land, and also of houses, buildings, and other property, to cause such land, and also such houses, buildings, and other property, to be separately assessed, and the sum hereby authorized to be levied shall be assessed accordingly: Provided always, That every court-yard, yard, or garden (such gardens not being a market garden or nursery ground) shall be included in and make part of the assessment to be made on the house, buildings, or other property to which they may be respectively attached: Provided also, That such land, houses, buildings, and other property shall not in the whole be assessed at a higher amount than they were in the last rate made for the relief of the poor within the said parish.

XXXV. That if the overseers of the poor of any parish adopting the provisions of this act shall go out of office before they shall have collected or levied the amount mentioned in the order issued under the hands of the said inspectors in pursuance of this act, they shall deliver to the succeeding overseers, within seven days from the time they go out of office, a full and particular account in writing of the names of the parties from whom any money may be due on account of the rate made in pursuance of this act, as well as the last order issued to them by the said inspectors; and in such case the succeeding overseers shall have the like powers and remedies under this act for the collecting and recovery thereof, and shall be liable to the same penalties and forfeitures in case of the non-payment to the said inspectors, as their predecessors had or were liable to.

XXXVI. That the overseers of the poor of every parish adopting the provisions of this act, to whom any such order as aforesaid shall be issued, shall pay over the amount mentioned in such order to the treasurer to be appointed in the said parish under this act within three calendar months from the delivery of such order to one of the overseers, and shall keep the accounts of the said rate levied for the purposes of this act separate and distinct from the accounts of the rates levied in the same parish for the relief of the poor; and at the time of making any payment to the said treasurer the said overseers shall deliver to him a note in writing signed by them, specifying the amount so paid, which note shall be kept by the treasurer as a voucher for his receipt of that particular amount; and the receipt of the said treasurer, specifying the amount paid to him by the overseers, shall be a sufficient discharge to the overseers for such amount, and shall be allowed as such in passing their accounts with their respective parishes.

XXXVII. That where any persons other than the overseers of the poor shall by virtue of any office or appointment be authorized and required to make and collect or cause to be collected the rate for the relief of the poor in any parish to which all or any of the provisions of this act shall be extended, such persons, by whatsoever title they may be called, shall be deemed to be overseers of the poor within the meaning of this act, and to be included under and denoted by the words "Overseers of the Poor," for all the purposes of this act, as fully as if they were commonly called or known by the title of overseers of the poor.

XXXVIII. That in case the amount directed by such order as aforesaid to be paid by the overseers in any parish to which all or any of the provisions of this act shall be extended shall not be paid to the said treasurer within the time specified for that purpose in the said order, any justice of the peace, upon complaint thereof made to him by the said treasurer or by any one of the inspectors, may and he is hereby authorized and required to issue a summons under his hand and seal for the
said overseers so refusing or neglecting to pay such money as aforesaid
appear before two justices of the peace; and upon the said overseers
appearing, or having been so summoned and not appearing, without
some sufficient and reasonable excuse, or not being found, it shall be
lawful for the said justices and they are hereby required, in case the said
money is not paid, to issue their warrant for levying the amount, or so
much thereof as may be in arrear, by distress and sale of the goods of all
or any of the said overseers; and in case the goods of all the overseers
shall not be sufficient to pay the same, the arrears thereof shall be added
to the amount of the next levy which shall be directed to be made in
such parish for the purposes of this act, and shall be collected by the like
method.

XXXIX. That the said inspectors shall from time to time appoint and
employ such number of able-bodied watch-house keepers, serjeants of &c. to be ap-
pointed, and shall think sufficient for the proper protection of the inhabitants, houses,
property, streets and other places within the limits of this act, by day or by night, and
provide for the use of all such watchmen, watch-house keepers, serjeants of the watch, patrol, and
persons as aforesaid such clothing, arms, ammunition, and weapons, and
shall assign to them such beats and rounds and duties, and appoint such hours for them to be on duty, and also such wages, rewards, and gratui-
ties, or remunerations for their services, and also make such rules, orders, and regulations relative to such watch-house keepers, serjeants of the
watch, patrol, streetkeepers, and other persons, and their duties, as to the said inspectors shall seem meet, and also shall and may
offer and give, as well to the said persons as to any other not specially
employed by them, such gratuities and rewards for apprehending felons
and others, offenders within the limits of this act, as to them shall seem
proper; and shall and may defray the expenses of prosecuting any such
felons and offenders, for the protection of the inhabitants of any parish
adopting the provisions of this act, or in defending any of the said per-
sons or other officers of the said inspectors in the execution of their
duty, as they shall think proper, and the said wages, rewards, gratuities,
and the costs of such prosecutions or defences, and all other expenses
that may be incurred by the said inspectors for the protection and guard
of the inhabitants, shall and may be paid by the said inspectors out of
the monies received in pursuance of this act.

XL. That all such clothing, arms, ammunition, and weapons so pro-
vided for the use of such watchmen, watch-house keepers, serjeants of &c. to deliver
the watch, patrol, and persons as aforesaid, shall remain and continue up clothing on
the property of the inspectors for the time being, and in case of the removal, &c.
resignation, removal, or death of any such watchmen, watch-house
keeper, serjeant of the watch, patrol, or person as aforesaid, shall be re-
turned to the said inspectors; and in case of neglect or refusal so to do,
Penalty.
the said watchmen, watch-house keeper, serjeant of the watch, patrol, or
person as aforesaid, or in case of his death the party in possession thereof,
shall be subject and liable to a penalty not exceeding the sum of twenty
compound, to be recovered for the use of the said inspectors.

XLI. That the watchmen, serjeants of the watch, patrols, and other Duty of watch-
persons to be appointed by virtue of this act shall, during the time they
shall be on duty, use their utmost endeavours to prevent any mischief
arising fire, and also to prevent all robberies, burglaries, and other felonies
and misdemeanors, and other outrages, disorders, and breaches of the
calm peace within the limits of the parish adopting the provisions of this act;
and to apprehend and secure all felons, rogues, vagabonds, and disor-
derly persons who shall disturb the public peace, or any person or per-
sons wandering, secreting, or misbehaving himself, herself, or them-
sewrselves, or whom they shall have reasonable cause to suspect of any evil
any designs, and to secure and keep in safe custody every such person, in
said order that he or she may be conveyed as soon as conveniently may be
be taken before one of his Majesty's justices of the peace, to be examined and
the
XII. That the said to them delivered a rate made for the re-powered to call before said votes, or any rate summing-up of the form and manner be of the votes given in act (or so much thereof as notice), and also as a year, and the number. Provided always, In clear majority of the case of a poll being of this act, with three be elected as afore-said: Provided wardens in calling taking such poll, the poor in the said.

XIII. Provided parish, not exceed or in some conventrics empowered to inst this act, with the as aforesaid, at which shall have been as hereby required to and allow the elect parish at all sea.

XIV. That no vote, or do any of this act, unless his the whole year as such rate-pay assessments due except such as have immediatedly prece.. 

XV. That nocifying it, with the year, and the made forthwith given parish by affixing church and cleri...ing notices relating the provision into operation for the inhabitants rected, at any the provisions of the provisions of the meeting, cease last-mentioned in such parish tained shall rem..
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Part X. Savings.

That nothing herein contained shall extend to or authorize or empower the said inspectors, or corporate, or person or persons con-

No. III. 3 & 4 W. 4, c. 90.

I. That every and each of the said inspectors for lighting with gas such roads, shall be any

mains or pipes, against, into, or through any dwell-

houses, manufactories, public or private buildings, private

places, to carry or lay any pipe or pipes, cocks or Gas pipes not

be laid on

the same, without the consent in writing of the owner or occu-

or occupiers for the time being of such dwelling house

houses, manufactories, public or private buildings respect-

in writing of the owner or owners, occupier or occu-

for that purpose first had and obtained.

vided also, That in case the soil, pitching, or pavement

way, for the purpose of laying any gas main or gas pipe

may alter posi-

or across the same, be broken up with the consent of the

bers of the soil for the time being, and after the same shall

such owner or owners shall be desirous of

be removed, it shall be lawful for such owner or owners at

times thereafter, if he, she, or they shall deem it necessary

at his, her, or their own costs and charges, to alter and

no damage be done thereby to the said body or bodies

corporate or person or persons contracting with the said in-

so that such body or bodies politic or corporate or person

be qualified and able to be entered for and contracted

books properly kept and entered in the

by the said inspectors as aforesaid, be not

vated from or obstructed in lighting any public or private

such damage or obstruction be unavoidable.

That whenever any gas shall be found to escape from any of For stopping

which shall be laid down or set up by order of the said escape of

pursuance of this act, the body or bodies politic or cor-

or persons whatsoever, making, furnishing, or supply-

described or burnt for lighting any highway, street, or place, or

mpanied, building, or other premises within the limits

shall establish or adopt the provisions of this act, shall at their own ex-

receipt of notice by parol or in writing from the

persons whatsoever, to be given or left at their office or

or to the said inspectors or to the persons transacting their business, of any such escape of gas,

most speedy and effectual measures to be taken to stop or pre-

gases from escaping; and in case the said body or bodies politic

rate, or person or persons as aforesaid, shall not, within twenty-

next after such notice by parol or in writing being given of

escape of gas, effectually stop and prevent the gas from es-

and wholly and satisfactorily remove the cause of complaint, in

every such case the said body or bodies politic or corporate,

persons as aforesaid, shall for every such offence forfeit

any sum not exceeding five pounds for each and every day,

expiration of twenty-four hours from the time of giving any

ice, during which the gas shall be suffered to escape as afore-

which penalty shall from time to time be recoverable in a sum-

y, on the oath or affirmation of one or more credible witness or

juries, before any two justices of the peace, and shall and may be

ed, with all reasonable charges, by distress and sale of the goods

atts of any such body or bodies politic or corporate, or persons

persons as aforesaid, by the warrant of any two justices of the peace

said, to be granted in like manner and subject to the like provi-

as herein directed touching other penalties to be recovered by

IX. That it shall be lawful for the body or bodies politic or cor-

Power to con-

other person or persons whatsoever, making, furnishing, or way away
Churchwardens to examine the votes, and declare whether two thirds of them are in favour of adopting this act.

XII. That said churchwardens shall carefully examine the votes to them delivered as aforesaid, and shall compare them with the last rate made for the relief of the poor of the said parish, and shall be empowered to call before them and examine any parish officer touching the said votes, or any rate-payer so giving his vote, and after a full and fair summing-up of the said votes shall, by public notice according to the form and manner hereafter prescribed, declare whether or not two thirds of the votes given have been given in favour of the adoption of the said act (or so much thereof as relates to watching or lighting, as in the notice), and also as to the sum of money to be raised in the succeeding year, and the number of inspectors to be elected as aforesaid. Provided always, That the whole number of persons voting shall be a clear majority of the rate-payers of the parish; Provided also, That in case of a poll being demanded as aforesaid the adoption or non-adoption of this act, with the sum to be raised, and number of inspectors to be elected as aforesaid, shall be decided by such number of votes as aforesaid: Provided also, That the expences incurred by the churchwardens in calling such meeting, giving the notices as aforesaid, and in taking such poll, shall be paid out of the rate collected for the relief of the poor in the said parish.

XIII. Provided always, That any of the rate-payers of the aforesaid parish, not exceeding five together, may inspect, at or in the vestry room or in some convenient place within the same parish, and they are hereby empowered to inspect, the votes so given for and against the adoption of this act, with the sum to be raised, and number of inspectors to be elected as aforesaid, at all seasonable times within one month after such notice shall have been given; and the churchwardens of the said parish are hereby required carefully to preserve the said votes, and freely to permit and allow the examination thereof by the aforesaid rate-payers of the said parish at all seasonable times within the period aforesaid.

XIV. That no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of this act, unless he or she shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid all the parochial rates, taxes, and assessments due from him or her at the time of so voting or acting, except such as have been made or become due within the six months immediately preceding such voting.

XV. That notice of the adoption of this act, (or any part thereof, specifying it,) with the amount of the sum to be raised in the succeeding year, and the number of inspectors to be elected by any parish, shall be forthwith given by the churchwardens for the time being of the said parish by affixing a notice of the same to the principal door of every church and chapel within the said parish, or on the usual place of affixing notices relating to the parochial affairs of such parish; and in such case the provisions of this act shall from thenceforth take effect and come into operation in such parish: Provided always, that it shall be lawful for the inhabitants present at any meeting called in manner herein directed, at any time after the expiration of three years from the time when the provisions of this act shall have been adopted, to determine that the provisions of this act shall, from and after a day to be fixed upon at such meeting, cease to be acted upon; in which case, from and after such last-mentioned day, the provisions of this act shall no longer be in force in such parish: Provided nevertheless, that the provisions in this act contained shall remain and continue in force for the purpose of collecting
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and recovering any rate which may have been previously made; and if on the abandonment and ceasing to act upon the provisions of this act there shall be any balance in the hands of the said inspectors, after defraying the expenses incurred in carrying into effect the provisions of this act, the said balance shall be paid over to the overseers of the poor of the said parish, to be applied in aid of the poor rates of the said parish.

XVI. That in case any such meeting convened as aforesaid, or, in case of a poll having been demanded as aforesaid, a majority of two thirds of the votes as aforesaid, shall not have determined to adopt the provisions of this act, it shall not be lawful for the inhabitants to meet again in less than one year from the period at which such meeting shall have been so convened as aforesaid.

XVII. That the inspectors herein mentioned shall be elected in manner following; (that is to say,) the churchwardens of any parish adopting the provisions of this act shall, in the manner herein first directed, forthwith call a meeting of the rate-payers of such parish, and each candidate, being a person who shall reside within such parish, and who shall have been assessed or charged by the last rate made for the relief of the poor in respect of a dwelling house or other tenement or premises of the annual value, according to the said rate, of fifteen pounds or more, shall be eligible to be elected an inspector for the purposes of this act, and 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 inspectors authorized to be elected shall be proposed, and a poll shall be demanded by any ten persons qualified to vote on behalf of any such candidates, then the chairman shall open and proceed with such poll, and in a book or books prepared for that purpose, which book or books the churchwardens are hereby required to cause to be prepared, shall enter or cause to be entered the name 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 poll shall have been commenced, then the chairman shall at that hour adjourn such poll to the day next succeeding, unless such day shall be a Sunday, Christmas Day, or Good Friday, and in that case to the day following, and then proceed to collect and register the votes of all persons duly qualified and applying to vote; provided nevertheless, that the poll shall finally close at four of the clock on the day to which it shall have been adjourned, or sooner, provided all persons duly qualified and desirous to vote shall have voted, and after the lapse of one hour without any person offering to vote; and as soon after the close of the poll as may be possible the result thereof shall be declared at the place where the election may have been holden, and certified by the chairman to the overseers of the poor; and the said churchwardens shall be reimbursed all such reasonable charges and expenses as may be incurred in providing clerks and books, and otherwise in the performance of the duties hereby required of them by the candidates at the said election for the said office: Provided nevertheless, that if the provisions of this act are adopted at the meeting first called for that purpose, the said inspectors may be appointed at the same time by the rate-payers of such parish then present, unless a poll should be demanded, and if such poll should be demanded it shall be proceeded with as herein directed.

XVIII. That in every parish adopting the provisions of this act the inspectors shall, within one month next after the expiration of twelve calendar months from the day of such adoption, give notice to the churchwardens of the said parish that they are ready to produce their accounts and vouchers for the previous year, and thereupon the said churchwardens shall give due notice, in the manner required with that they are ready to produce their accounts, and churchwardens to call a meeting for that purpose.
respect to the first meeting to be held under this act, that a meeting of the rate-payers of the said parish will be held at an hour and place to be fixed by the said notice to be mentioned, on some day, not being a Sunday, within ten days from the receipt of such notice, for the purpose of electing inspectors producing such accounts and vouchers, and for determining the amount of the money to be raised for the purposes of this act, for the current year; and in every future year such meeting shall, for the purposes aforesaid, be held on the same day in the corresponding month except such day should fall on a Sunday, and then on the day following.

XIX. That at such annual meeting the said inspectors shall produce their accounts and vouchers of all monies received and paid by virtue of this act for the previous year; and a duplicate or copy of such accounts verified on oath, before any two justices by the said inspectors or any two of them, shall be deposited with the said inspectors, and shall be open at all reasonable times to the inspection of all parties interested; and at such annual meeting one third of the inspectors, or as nearly thereto as the number appointed will admit of, shall go out of office by rotation; and in place of such inspectors so going out of office a like number of other inspectors shall be elected: provided always, that any of such outgoing inspectors 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.

XX. That the chairman appointed to preside at such annual meeting shall proceed in such manner as the chairman at the first meeting to be held under this act is herebefore directed to proceed at the election of the inspectors to be first appointed for the execution of this act, and shall decide on questions which may arise as to the eligibility or qualification of any person whatsoever, and as to all matters whatsoever connected with the said election, and shall declare the result of the same aforesaid.

XXI. That in case any inspector shall die, or become disqualified by change of residence or otherwise, or shall neglect to act, and in case of any casual vacancy happening in any manner whatever, so that the number of inspectors shall be reduced to less than three, notice shall be immediately given by the acting inspectors to the churchwardens of the parish, who shall forthwith, in the manner directed by this act, call a meeting of the rated inhabitants as aforesaid for the purpose of filling up such vacancy or vacancies.

XXII. That the inspectors for executing this act in any parish 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 inhabitant rated to the relief of the poor of any such parish to appear there, and prefer any matter of complaint which he may think proper to make concerning any matter or thing done by force or in pursuance of or under pretence of the provisions of this act.

XXIII. That such inspectors 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 any one inspector, when three inspectors only shall have been appointed, and in all other cases for any two inspectors, by writing under his or their hands, to summon, upon at least forty-eight hours' notice, the inspectors for any special purpose therein named, and for such time as shall be therein named; and that at all meetings of such inspectors any number not less than one third of the whole number when more than three inspectors shall have been appointed, and when only three inspectors shall have been appointed then not less than two inspectors, shall constitute a quorum for transacting business.

XXIV. That it shall be lawful for the said inspectors elected in any parish under this act for the time being, and they are hereby authorized and required, to appoint, during pleasure, such treasurer and other officers, as they shall think necessary for effecting the purposes of this act, and to remove and displace the same, and to hire and rent an office.
ART X.]

Supplementary Miscellaneous Statutes.

Office or house or room for holding their meetings and transacting the business, and also to appoint suitable salaries, wages, and allowances to and for such treasurer and other officers, and also to agree for reasonable rent for such office or house or room, and to pay such salaries, wages, and allowances, and such rent, out of the monies received by the inspectors under the authority of this act: provided nevertheless, that at no person shall at the same time hold two offices or situations under the said inspectors.

XXV. That it shall be lawful for the said inspectors, or any two or more of them, and they are hereby required, to take security from the said treasurer and other officer appointed by virtue of this act for the due execution of this act, which security shall be to the full amount of the sum likely to be in the hands of the said treasurer at any one time; and in case any such treasurer shall neglect or refuse for the space of three weeks next after his appointment to give or offer such security to the satisfaction of the said inspectors, then the appointment of such person so neglecting or refusing shall be null and void to all intents and purposes, and the said inspectors shall within three weeks then next assemble and appoint some other fit and proper person to the office of treasurer, instead of the person so refusing or neglecting as aforesaid, and shall so assemble and appoint from time to time until security shall be given to their satisfaction as aforesaid.

XXVI. That every such treasurer and other officer appointed by virtue of this act shall under his respective hand, and at such time or times officers to be held, in such manner as the said inspectors shall direct, deliver to the said inspectors, or such person as they shall appoint, true and perfect accounts in writing of all matters and things committed to his charge by virtue of this act, and also of all monies which shall have been by him received by virtue of or for the purposes of this act, and of how much thereof shall have been expended and disbursed, and for what purposes, together with proper vouchers for such payments; and that every such officer shall pay all such monies as shall remain due from him to the treasurer for the time being, or to such person or persons as the said inspector shall appoint to receive the same; and if any such treasurer, officer, or other person shall refuse or neglect to make and render such account, or to produce and deliver up the vouchers relating to the same, or to make payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said inspectors or to such person or persons as they shall appoint to receive the same, within three days after being thereunto required by the said inspectors by notice in writing under the hands and seals of any two or more of the said inspectors given to or left at the last or usual place of abode of such officer, all books, papers, and writings in his custody or power relating to the execution of this act, or to give satisfaction to the said inspectors or such other person or persons as aforesaid respecting the same, then and in every such case, upon complaint made by the said inspectors, or by such person or persons as they the said inspectors shall appoint for that purpose, of any such refusal or wilful neglect as aforesaid, to any justice of the peace, such justice may and he is hereby authorized and required to issue a summons under his hand and seal for the officer so refusing or neglecting to appear before two justices of the peace; and upon the said officer appearing, or having been so summoned and not appearing without some sufficient and reasonable excuse, or not being found, it shall be lawful for the said justices to hear and determine the matter in a summary way; and if upon confession of the party, or by the testimony of any credible witness or witnesses upon oath, (which oath such justices are hereby empowered to administer,) it shall appear to such justices that any monies remain due from such officer, such justices may and they are hereby authorized and required, upon nonpayment thereof, by warrant under their hands and seals, to cause such money to be levied by distress and sale of the goods and chattels of such officer;
and if no goods and chattels of such officer shall be found sufficient to answer and satisfy the said money, and the charges of distracting or selling the said goods and chattels, or if it shall appear to such justice that such officer had refused or wilfully neglected to render and give such account, or to produce the vouchers relating thereto, or that the books, papers, or writings relating to the execution of this act remain in the hands of or in the custody or power of such officer, and he refuse or wilfully neglected to deliver or give satisfaction respecting the same as aforesaid, then and in every such case such justices shall and they hereby required to commit such offender to the common gaol or house of correction for the county, city, or place where such offender shall be or reside, there to remain, without bail or mainprize, until he shall have given a true and perfect account as aforesaid, or until he shall have paid such monies as aforesaid, or compounded with the said inspectors for such money, and shall have paid such composition in such manner as they shall appoint, (which composition the said inspectors are hereby empowered to make and receive,) and until he shall have delivered to such books, papers, and writing, or given satisfaction in respect thereof to the said inspectors or to such other person or persons aforesaid; but no such offender shall be kept or detained in such common gaol or house of correction for want of sufficient distress by virtue of this act for any longer space or time than three calendar months.

XXVII. That no prosecution or commitment, under the provisions of this act, of any treasurer or other officer or person to be appointed under the powers of this act, shall acquit or discharge any surety or security that shall or may have been taken by or given to the said inspectors for the due and faithful execution of his or their office, or the payment of the monies received or to be received by him or them respectively.

XXVIII. That if any person who shall be employed as treasurer, or any other officer or servant who shall be in anywise employed by the said inspectors for putting this act or any of the powers thereof into execution, shall exact, take, or accept any fee or reward whatsoever other than such salaries, allowances, and rewards as are appointed by this act, or shall be appointed, allowed, and approved of by the said inspectors, or on account of any thing done or to be done by virtue of this act, or on any account whatsoever relative to putting this act into execution, or shall in anywise be concerned or interested in any bargain or contract made or to be made by the said inspectors; and no person, during the time he holds the office of inspector, shall accept or hold any office or place of trust created by virtue of this act within the said parish, or shall be concerned directly or indirectly in any contract with the said parish; every such person so offending shall be incapable of ever serving or being employed under this act, and shall, over and above, forfeit the sum of fifty pounds to any person or persons who shall sue for the same.

XXIX. That the said inspectors may sue and be sued in the name of any one of the inspectors for the time being; and all actions or suits that may be necessary or expedient to be brought for the recovery of any penalty or sum of money due or payable by virtue of this act, or for or in respect of any other matter or thing relating to this act, may be brought in the name of any one of the said inspectors; and that no action or suit which may be brought, commenced, or prosecuted by or against the said inspectors, or any of them, by virtue or on account of this act, shall abate or be discontinued by the death, resignation, or removal of such inspector, but such inspector shall be deemed plaintiff or defendant in any such action or suit (as the case may be): Provided also, That in all cases in which the inspector as aforesaid shall, in pursuance of this act, be the plaintiff or defendant on the record in any action or actions, suit or suits, in which in effect the said inspectors shall be suing or sued in the name of such one inspector as aforesaid, he (although appearing as the plaintiff or defendant on the record) may and shall nevertheless (if not otherwise interested or objectionable) be
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Examinable and competent witness in every action or suit either against the said inspectors; and all the affidavits of debt or serie which may be necessary or expedient to be made preparatory to or the prosecution or defence of any and every such action, suit, or proceeding shall and may be lawfully made by such one inspector, notwithstanding he shall be nominal plaintiff or defendant on the record as aforesaid: Provided also, That every or any such inspector in whose name any action or suit shall be commenced, prosecuted, or defended, pursuance of this act shall always be reimbursed and paid, out of e monies to arise by virtue of this act, all such costs, charges, and expenses as he shall be put to or become chargeable with by reason of his being made plaintiff or defendant therein; and in case of his removal from office, or ceasing to act as such inspector, all such costs, charges, and expenses shall be paid by the inspector for the time being; and no inspector shall be personally answerable or liable for the payment of the same or any part of them, unless such action or suit shall rise in consequence of his own wilful neglect or default, or have been sought or commenced or be defended without the order or direction of the said inspectors.

XXX. That all acts, orders, and proceedings of the said inspectors at any of their meetings shall be entered in a book to be kept by them for that purpose, and shall be signed by two of the inspectors who were then present; and all such acts, orders, and proceedings shall then be deemed and taken to be original acts, orders, and proceedings; and such books shall and may be produced and read as evidence of all such acts, orders, and proceedings upon any appeal or trial or information, or any proceedings, civil or criminal, and in any court or courts of law or equity whatsoever.

XXXI. That the said inspectors shall and they are hereby required Accounts to be kept, and kept, in which book or books shall be entered true and regular accounts of all sums of money received, paid, and expended for or on account of the purposes of this act, and of the several articles, matters, and things for which such sums of money shall have been disbursed and paid; and such book or books shall at all reasonable times be open to the inspection of the said inspectors and of every inhabitant rated to the relief of the poor of the parish adopting the provisions of this act, without fee or reward; and the said inspectors and other persons aforesaid, or any of them, shall or may take copies of or extracts from the said book or books, or any part thereof, without paying for the same; and in case the said inspectors shall refuse to permit or shall not permit the said persons aforesaid to inspect the same, or take copies or extracts as aforesaid, such inspector shall forfeit and pay any sum of money not exceeding five pounds for each default, to be levied and applied in manner herein-after provided.

XXXII. That as soon as the inspectors have been elected as aforesaid it shall be lawful for them, or any two or more of them, from time to time to issue an order under their hands to the overseers of the poor of any parish to which the provisions of this act shall be extended, by which order they shall require the said overseers to levy the amount mentioned in the said order.

XXXIII. That the overseers aforesaid shall, for the purpose of collecting, raising, and levying the rate necessary for the purposes of this act, proceed in the same manner, and have the same powers, remedies, and privileges, as for levying money for the relief of the poor in the said parish: Provided always, That owners and occupiers of houses, buildings, and property (other than land) rateable to the relief of the poor in any such parish shall be rated at and pay a rate in the pound three times greater than that at which the owners and occupiers of land shall be rated at and pay for the purposes of this act: Provided also, That the total amount of the sum to be collected, raised, and levied for the purposes of this act within any one year shall not exceed such sum as shall have been agreed on by the inhabitants of the said parish as aforesaid to issue an order to overseers for payment of money for the purposes of this act.

Power to collect rates.
said, and that the said sum shall be assessed upon the full and fair annual value to which lands, houses, buildings, and other property within the said parish shall be rated or shall be rateable according to the last valuation made and acted upon for the rate for the relief of the poor within the said parish.

XXXIV. Provided always, That it shall be lawful for the overseer of the poor of any such parish, and they are hereby required, whenever according to the rate made for the relief of the poor, one and the same person shall be rated in one sum in respect of land, and also of houses, buildings, and other property, to cause such land, and also such houses, buildings, and other property, to be separately assessed, and make part of the assessment to be made on the house, buildings, or other property to which they may be respectively attached. Provided also, That such land, houses, buildings, and other property shall not in the whole be assessed at a higher amount than they were in the last rate made for the relief of the poor within the said parish.

XXXV. That if the overseers of the poor of any parish adopting the provisions of this act shall go out of office before they shall have collectively or severally the amount mentioned in the order issued under the hand of the said inspectors in pursuance of this act, they shall deliver to the succeeding overseers, within seven days from the time they go out of office a full and particular account in writing of the names of the parties from whom any money may be due on account of the rate made in pursuance of this act, as well as the last order issued to them by the said inspectors, and in such case the succeeding overseers shall have the like power and remedies under this act for the collecting and recovery thereof, and shall be liable to the same penalties and forfeitures in case of the non-payment to the said inspectors, as their predecessors had or were liable to.

XXXVI. That the overseers of the poor of every parish adopting the provisions of this act, to whom any such order as aforesaid shall be issued, shall pay over the amount mentioned in such order to the treasurer to be appointed in the said parish under this act within three calendar months from the delivery of such order to one of the overseers, and shall keep the accounts of the said rate levied for the purposes of this act separate and distinct from the accounts of the rates levied in the same parish for the relief of the poor; and at the time of making any payment to the said treasurer the said overseers shall deliver to him a note in writing signed by them, specifying the amount so paid, which note shall be kept by the treasurer as a voucher for his receipt of that particular amount; and the receipt of the said treasurer, specifying the amount paid to him by the overseers, shall be a sufficient discharge to the overseers for such amount, and shall be allowed as such in passing their accounts with their respective parishes.

XXXVII. That where any persons other than the overseers of the poor shall by virtue of any office or appointment be authorized and required to make and collect or cause to be collected the rate for the relief of the poor in any parish to which all or any of the provisions of this act shall be extended, such persons, by whatsoever title they may be called, shall be deemed to be overseers of the poor within the meaning of this act, and to be included under and denoted by the words "Overseers of the Poor," for all the purposes of this act, as fully as if they were commonly called or known by the title of overseers of the poor.

XXXVIII. That in case the amount directed by such order as aforesaid to be paid by the overseers in any parish to which all or any of the provisions of this act shall be extended shall not be paid to the said treasurer within the time specified for that purpose in the said order, any justice of the peace, upon complaint thereof made to him by the said treasurer or by any one of the inspectors, may and he is hereby authorized and required to issue a summons under his hand and seal for the
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Said overseers so refusing or neglecting to pay such money as aforesaid shall appear before two justices of the peace; and upon the said overseers having been so summoned and not appearing, without some sufficient and reasonable excuse, or not being found, it shall be lawful for the said justices and they are hereby required, in case the said money is not paid, to issue their warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers; and in case the goods of all the overseers shall not be sufficient to pay the same, the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish for the purposes of this act, and shall be collected by the like method.

XXXIX. That the said inspectors shall from time to time appoint and employ such number of able-bodied watch-house keepers, serjeants of &c. to be ap- point watch, watchmen, patrol, streetkeepers, and other persons as they shall think sufficient for the proper protection of the inhabitants, houses, and property, streets and other places within the limits of this act, by day or by night, and by day and by night, and provide for the use of all such watchmen, watch-house keepers, serjeants of the watch, patrol, and persons as aforesaid such clothing, arms, ammunition, and weapons, and shall assign to them such beasts and rounds and duties, and appoint such hours for them to be on duty, and also such wages, rewards, and gratuities, or remunerations for their services, and also make such rules, orders, and regulations relative to such watch-house keepers, serjeants of the watch, watchmen, patrol, streetkeepers, and other persons, and their duties, as to the said inspectors shall seem meet, and also shall and may suffer and give, as well to the said persons as to any other not specially employed by them, such gratuities and rewards for apprehending felons and offenders within the limits of this act, as to them shall seem proper; and shall and may defray the expenses of prosecuting any such felons and offenders, for the protection of the inhabitants of any parish adopting the provisions of this act, or in defending any of the said persons or other officers of the said inspectors in the execution of their duty, as they shall think proper, and the said wages, rewards, gratuities, and the costs of such prosecutions or defences, and all other expenses that may be incurred by the said inspectors for the protection and guard of the inhabitants, shall and may be paid by the said inspectors out of the monies received in pursuance of this act.

XL. That all such clothing, arms, ammunition, and weapons so provided for the use of such watchmen, watch-house keepers, serjeants of &c. to deliver the watch, patrol, and persons as aforesaid, shall remain and continue in the property of the inspectors for the time being, and in case of the removal, &c. designation, removal, or death of any such watchmen, watch-house keeper, serjeant of the watch, patrol, or person as aforesaid, shall be returned to the said inspectors; and in case of neglect or refusal so to do, Penalty.

The said watchman, watch-house keeper, serjeant of the watch, patrol, or person as aforesaid, or in case of his death the party in possession thereof, shall be subject and liable to a penalty not exceeding the sum of twenty pounds, to be recovered for the use of the said inspectors.

XLII. That the watchmen, serjeants of the watch, patrols, and other Duty of watch-persons to be appointed by virtue of this act shall, during the time they men, &c. shall be on duty, use their utmost endeavours to prevent any mischief by fire, and also to prevent all robberies, burglaries, and other felonies and misdemeanors, and other outrages, disorders, and breaches of the peace within the limits of the parish adopting the provisions of this act; and to apprehend and secure all felons, rogues, vagabonds, and disorderly persons who shall disturb the public peace, or any person or persons wandering, secreting, or misbehaving himself, herself, or themselves, or whom they shall have reasonable cause to suspect of any evil designs, and to secure and keep in safe custody every such person, in order that he or she may be conveyed as soon as conveniently may be before one of his Majesty's justices of the peace, to be examined and
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Deal with according to law; and it shall and may be lawful to and in the said watchmen, serjeants of the watch, patrols, and other persons so appointed as aforesaid, to call and require any person or persons to aid and assist them in taking such felons, rogues, vagabonds and all disorderly or suspected persons as aforesaid; and in case a person or persons shall assault or resist or shall promote or encourage the assaulting or resisting any of the watchmen, serjeants of the watch, patrols, or other person or persons so appointed as aforesaid, in the execution of their duty, every such person shall for every such offense forfeit and pay any sum not exceeding forty shillings; and in case of such offender shall not, on conviction, pay the said forfeiture, such justice is hereby required to commit him, her, or them to the house of correction, there to be kept to hard labour, if the said justice shall sooner for any time not exceeding three calendar months, unless such forfeiture shall be sooner paid; or instead of committing the said offender as aforesaid, the said justice may, by warrant under his hand and seal, cause the said forfeiture (as well as the costs (if any) to be levied by distress on sale of the goods and chattels of the offender, returning the overplus (if any) of the money raised or recovered, after discharging the said forfeiture and the costs and expenses of recovering and levying the same, to the owner of the goods and chattels so seized and distrained.

XLII. That all watchmen, serjeants of the watch, and patrols shall be sworn in as constables before any justice of the peace, and act as such while in execution of the powers and authorities of this act; and they are hereby invested with and shall have and enjoy the like powers as authorities, privileges and immunities, and shall be subject and liable to such the like penalties and forfeitures, as any constable or constable is or are invested with, or shall or may have and enjoy, or is or are shall be subject or liable to by law: Provided nevertheless, that a person by being sworn in and acting as or executing the office of a constable shall thereby gain a settlement in such parish.

XLIII. That in all such cases in which any of the duties usually performed by constables shall have been executed by any of the officers pointed by the inspectors as herein-before enacted, all fees and allowances for the performance of such duties shall be paid over to the said inspectors, to be by them applied in aid of the rate levied under the provisions of this act.

XLIV. That it shall be lawful for the said inspectors from time to time to provide and keep up fire engines, with pipes and other utensils proper for the same, for the use of the parish adopting the provisions of this act, and to provide a proper place or places for the keeping of the same, and to place such engines under the care of some proper person or persons, and to make him or them such allowance for his or the trouble as may be thought reasonable, and the expenses attending providing and keeping of such engines shall be paid out of the sums authorized to be received by the inspectors under the provisions of this act.

XLV. That it shall be lawful for the said inspectors, and they are hereby empowered, from time to time to cause such lamp irons or lamp posts or other posts to be put or fixed upon or against the walls or pavi
does of any houses, tenements, buildings, or enclosures, (doing as little damage as may be practicable thereto,) or to be put up and erected in such other manner, within all or any of the said roads, streets, and places within the limits of this act, as they shall think proper; and all to cause such number of lamps, of such sizes and sorts, to be provided and affixed and put upon such lamp irons and lamp posts, as they shall think necessary for lighting all or any of such roads, streets, and places, and cause the same to be lighted with gas, oil, or otherwise, for such number of hours in every twenty-four hours as they shall think necessary; and also to cause such a number of watch-houses or watch-boxes to be provided, erected, or affixed as they shall think necessary for watching all or any of the streets, roads, and places within the limits of this act.
XLVI. Provided always, That nothing herein contained shall extend
be construed to extend to authorize or empower the said inspectors,
any body or bodies politic or corporate, or person or persons con-
acting with the said inspectors for lighting with gas such roads,
cests, and public places, to carry or lay any pipe or pipes, cock or
anches from any mains or pipes, against, into, or through any dwell-
g house or dwelling houses, manufactories, public or private buildings,
to continue the same, without the consent in writing of the owner or
ners, occupier or occupiers for the time being of such dwelling house
dwelling houses, manufactories, public or private buildings respec-
tively, nor to enable any body or bodies politic or corporate, or person
persons contracting with the said inspectors for lighting such streets
of public places, to enter into or upon any private lands or grounds,
without the consent in writing of the owner or owners, occupier or oc-
cupiers of such lands or grounds for that purpose first had and obtained.
XLVII. Provided also, That in case the soil, pitching, or pavement
any road or way, for the purpose of laying any gas main or gas pipe
ong, under, or across the same, be broken up with the consent of the
owner or owners of the soil for the time being, and after the same shall
have been so laid and placed such owner or owners shall be desirous of
iving the same removed, it shall be lawful for such owner or owners at
y time or times thereafter, if he, she, or they shall deem it necessary:
expedient, at his, her, or their own costs and charges, to alter and
uy the position of such pipe or pipes, main or mains, and to relay the
me, so that no damage be done thereby to the said body or bodies
plitic or corporate or person or persons contracting with the said in-
spectors, and so that such body or bodies politic or corporate or person
persons contracting with the said inspectors as aforesaid, be not
thereby prevented from or obstructed in lighting any public or private
mp, unless such damage or obstruction be unavoidable.
XLVIII. That whenever any gas shall be found to escape from any of
For stopping
pipes which shall be laid down or set up by order of the said the escape of
inspectors in pursuance of this act, the body or bodies politic or cor-
orate, or person or persons whatsoever, making, furnishing, or supply-
ing any gas used or burnt for lighting any highway, street, or place, or
ny houses, manufactury, building, or other premises within the limits
of any parish adopting the provisions of this act, shall at their own ex-
ience, immediately after receiving notice by parol or in writing from
ny person or persons whatsoever, to be given or left at their office or
usual place of transacting their business, of any such escape of gas,
ause the most speedy and effectual measures to be taken to stop or pre-
ent such gas from escaping; and in case the said body or bodies politic
Penalty for
or corporate, or person or persons as aforesaid, shall not, within twenty
hours next after such notice by parol or in writing being given of
y such escape of gas, effectually stop and prevent the gas from escap-
ing, and wholly and satisfactorily remove the cause of complaint,
hen and in every such case the said body or bodies politic or corporate,
or person or persons as aforesaid, shall for every such offence forfeit
and pay any sum not exceeding five pounds for each and every day,
after the expiration of twenty-four hours from the time of giving any
such notice, during which the gas shall be suffered to escape as aforesaid;
which penalty shall from time to time be recoverable in a sum-
mary way, on the oath or affirmation of one or more credible witness or
witnesses, before any two justices of the peace, and shall and may be
covered, with all reasonable charges, by distress and sale of the goods
and chattels of any such body or bodies politic or corporate, or person
or persons as aforesaid, by the warrant of any two justices of the peace
as aforesaid, to be granted in like manner and subject to the like provi-
sions as are herein directed touching other penalties to be recovered by
virtue of this act.
XLIX. That it shall be lawful for the body or bodies politic or cor-
Power to cor-
porate, or other person or persons whatsoever, making, furnishing, or ve away

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washes of gas works.

Penalty for conveying washings into any river, &c.

supplying any gas used or burnt for lighting any highway, street, place, or any house, manufactary, building, or other premises, with the limits of any parish adopting the provisions of this act, to lay pipes, of such breadth, depth, and dimensions, and in such manner as they shall think expedient, under the roads, streets, and other places within the limits of this act, for the purpose of carrying off washings or other waste liquids which may arise in the prosecution of the works aforesaid, the said body or bodies politic or corporate, or other person or persons as aforesaid, doing as little damage as may in laying the said pipes, and immediately repairing, at their own expense, all such damage; provided that no such washings or other washings of waste liquids, or any other matter or thing made or arising in the manufacture of such gas, shall be conducted or conveyed into any river, brook, or running stream; and that no such pipe shall be laid in any situation where the same can, shall, or may in any manner interfere with, prejudice, or affect any of the present or future public or private water-sewers, or drains within the limits of the parish adopting the provisions of this act, or without the consent of the said inspectors.

L. That if any body or bodies politic or corporate, company or companies of proprietors, or any other person or persons whatsoever, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactary, building, or other premises, within the limits of any parish adopting the provisions of this act, shall at any time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any washings or other waste liquids, substances, or things whatsoever which shall as or be made in the prosecution of the said gas works, or in the manufacture or process of making or procuring such gas, into any river, brook or running stream, reservoir, canal, aqueduct, waterway, feeder, pond or springhead, or well, or into any drain, sewer, or ditch communicating with any of them, or do or cause to be done any annoyance, act, or thing to the water contained in any of them, whereby the water contains therein, or any part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such case any such body or bodies politic or corporate, company or companies of proprietors, or other person or persons so offending as aforesaid, shall forfeit and pay for every such offence the sum of two hundred pounds; and such penalty or forfeiture shall and may be sued for and recovered, together with full costs of suit, in any of his Majesty's courts of law, by regular or summary action of debt or on the case, or by bill, plaint, or information, wherein, no escomption, protection, privilege, wager of law, nor more than one imparlance shall be allowed; and the whole of such penalty shall be paid to the person or persons who shall inform or sue for the same: Provided always, That no such penalty or forfeiture shall be recoverable unless the same be sued for within six calendar months from after the time when such annoyance, nuisance, injury, damage, act, or thing shall have ceased and determined: Provided also, That over and above and in addition to the said penalty of two hundred pounds, and whether such penalty shall or shall not have been sued for or recovered, in case of the said washings or other waste liquid, or noisome or offensive liquid, substances, or things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any river, brook, or running stream, or any reservoir, canal, aqueduct, waterway, feeder, pond or springhead, or well, or into any drain, sewer, or ditch communicating with any of them, or any such annoyance, nuisance, injury, damage, act, or thing shall be done or caused to be done as aforesaid, and notice thereof in writing shall have been given by any person or persons to whom the same shall belong, or by any other person or persons whosoever, to the said body or bodies politic or corporate, company or companies of proprietors or any of them, or to the other person or persons making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactary, building, or other premises, within any parish or part of
arish adopting the provisions of this act, so offending, or to his, her, or
their clerk or clerks, or to any person in his or their service or employ,
and such body or bodies politic or corporate, company or companies of
proprietors, or other person or persons, shall not, within twenty-four
hours after such notice shall have been given to them or him as aforesaid,
stop and hinder or prevent all and every such washings, waste
quids, or noisome or offensive liquids, substances, or things, from
ing emptied, drained, conducted, or conveyed, or from running or
owing, in manner aforesaid, and every such other annoyance, nuisance,
jury, damage, act, or thing from being done as aforesaid, then and in
every such case the said body or bodies politic or corporate, company or
companions of proprietors, or other person or persons so offending, shall
owe and pay the sum of twenty pounds for each and every day such
washings, waste liquids, or noisome or offensive liquids, substances,
or hings, shall be so emptied, drained, conducted, or conveyed, or caused
to suffer to run or flow, in manner aforesaid, or such other anno-
ynace, nuisance, injury, or damage, act or thing, shall be so done or
used to be done as aforesaid; and such last-mentioned penalty shall
and may be recovered and levied in such and the like manner as any
other penalty or forfeiture is in and by this act directed to be recovered
and levied, and shall be paid to the informer, or to the person or persons
who, in the judgment of the justice before whom the conviction shall
ake place, shall have sustained any annoyance, injury, or damage by
such act so done or committed.

I. That all and every the pipes or other conduits to be used or laid
or the conveyance of gas in, under, through, along, across, or round
any road, street, or other place within the limits of any parish adopting
the provisions of this act, shall be so laid at the greatest practical dis-
ance, and whenever the width of the carriageway in such street or
place will allow thereof, at the distance of four feet at least from the
nearest part of any water pipe already laid down or hereafter to be laid
down for the conveyance of water in, under, through, along, across, or
round any of the said roads, streets, or other places within the limits of
any parish adopting the provisions of this act, excepting in cases where
it shall be unavoidably necessary to lay the gas pipes across any of the
said water pipes, in which cases the said gas pipes shall be laid over
and above the said water pipes at the greatest practical distance there-
from, and shall form therewith a right angle, and in such cases the said
gas pipes so crossing the said water pipes shall be at least nine feet in
length, so that no joint of any of the said gas pipes shall be nearer to
any part of the said water pipes than four feet at least; and in laying
down the said gas pipes the said contractors or other persons supplying
gas shall in no case join two or more gas pipes together previous to
their being laid in the trench, but shall lay each pipe as near as may be
in its place in the trench, and shall in such trench properly form the
jointing with the other pipes to be added thereto with proper and suffi-
cient materials, and shall also make and keep all and every such pipes,
and all pipes connected and communicating therewith, and all the
screws, joints, inlets, apertures, or openings therein respectively, airt-
right, and in all and every respect prevent the said gas from escaping
therefrom, upon pain of forfeiting for every offence the sum of five
pounds.

II. That whenever the water of any company of proprietors for sup-
plying the inhabitants of any houses within the limits of any parish,
escape of gas
shall be contaminated by any of the gas used or burnt for lighting any
highway, street, or place, or any house, manufactory, building, or other
premises, within the limits of any parish, part of a parish, or place
adopting the provisions of this act, the body or bodies politic or cor-
porate, or person or persons, making, furnishing, or supplying such
gas, shall forfeit and pay the sum of twenty pounds, to be sued for and
recovered and shall be applied to and for the use and benefit of the said

Gas pipes to be laid four feet from water pipes, and in a particular manner.

To prevent...
company supplying water as aforesaid; and in case any such water shall be contaminated or affected by gas in any way whatsoever, and in every such case the said company or other persons making, furnishing, or supplying such gas shall, within twenty-four hours after the notice thereof in writing, signed by the treasurer or other officer of and for such water company as aforesaid, or by any person making use of such water, be left at the usual place or office of such company, or the business of the said body or bodies politic or corporate, or the person or persons, cause the most proper and effectual measures to be taken to stop and prevent gas from escaping from their mains, or pipes, or contaminating or affecting the water of such company, or the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying gas, shall within twenty-four hours next after such notice so left as aforesaid, satisfactorily stop and prevent the gas from so escaping, and wholly and satisfactorily remove the cause of every such complaint, and prevent and every such contamination whereof notice shall be given as aforesaid, shall pay to the treasurer or other officer for the time being of such company, or to the treasurer or other officer of and for the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying gas, before as aforesaid, for the use and benefit of the same company, or the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying gas, the sum of twenty pounds, for each and every day during which the water of the said company shall be and remain contaminated or affected by such gas; and in default of payment thereof as aforesaid such penalty or penalties shall and may be recovered by information, to be exhibited on the oath of one credible witness, by and in the name of the treasurer or other officer for the time being of the said water company as aforesaid, or by and in the name of any one or more of the directors of the said company, at the option of the parties prosecuting such information against the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying such gas, together with the charge of such distress and sale, by warrant under the hand and seal of such justices, which warrant such justices are hereby empowered to grant and such penalty or penalties, when so levied, shall be paid to the treasurer or other officer for the time being of such water company, for the use of such water company.

LIII. That in any case in which it shall be or become a question upon such complaint as aforesaid, whether the said water be contaminated or affected by the gas of the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises, within the limits of this act, it shall be lawful for the company of proprietors, or other the owners or proprietors of any waterworks, to dig to and about and search and examine the mains, pipes, conduits, and apparatus of the said body or bodies politic or corporate, or other person or persons as aforesaid; for the purpose of ascertaining whether such contamination proceed or be occasioned by the gas of the said body or bodies politic or corporate, or other person or persons as aforesaid; and if it shall appear that the said water has been contaminated by any escape of gas as aforesaid, the costs and expenses of the said digging, search, and examination, and of the repair of the pavement of the roads, street or streets which shall be taken up or disturbed, shall be borne and paid by the said body or bodies politic or corporate, or person or persons as aforesaid; which costs and expenses of digging, search, and examination shall be ascertained and determined, if necessary, by such justices as aforesaid, and be recovered in like manner as any penalty may be recovered by virtue
this act: Provided always, That if upon such examination it shall appear that such contamination has not arisen from any such escape of gas from any of the mains, pipes, or conduits of the said body or bodies politic or corporate, or other person or persons as aforesaid, then and in such case the said company of proprietors, or other the owners or proprietors of such waterworks, shall bear and pay all the costs and expenses of such search, examination, and repair as aforesaid, and shall so make good to the said body or bodies politic or corporate, or other person or persons as aforesaid, any loss, injury, or damage which may occasion to the said mains, pipes, conduits, or apparatus of the said body or bodies politic or corporate, or other person or persons as aforesaid, in and by such search and examination, the amount of such injury, loss, or damage to be ascertained and determined by such justices of the peace as aforesaid.

LIV. Provided always, That nothing in this act contained shall extend or be construed to extend to prevent any person from proceeding by indictment or otherwise against any of the officers, servants, or workmen of the body or bodies politic or corporate, or other person or persons hereinafter, making, furnishing, or supplying any gas used or burnt or lighting any highway, street, or place, or any house, manufactury, buildling, or other premises, within the limits of any parish adopting the provisions of this act, in respect of any works or other means which shall be employed by them or any of them in making the said gas, and using the same in furnishing with lights as aforesaid, as a public or private nuisance, or from bringing any action against the said body or bodies politic or corporate, company of proprietors, or person or persons aforesaid, or any of their officers, servants, or workmen, for any injury sustained by reason of any such works, or the use of the said gas, or the method of lighting therewith, whether such injury shall proceed from the preparation or the use of the same gas, or method of lighting, or the carelessness or want of skill of any of the persons employed herein, or from any other cause whatsoever.

LV. That if any person shall wilfully break, throw down, spoil, or damage any watch-house, watch-box, or lamp, lamp iron, lamp post, pale, rail, chain, or other furniture thereof, or wilfully extinguish the light of any such lamp, it shall be lawful for any person or persons who shall see the offence committed to apprehend, and also for any other person or persons to assist in apprehending, the offender or offenders, and by the authority of this act, and without any warrant, and to deliver him or them to any constable, who is to keep him, her, or them in safe custody, and with all reasonable dispatch to convey him, her, or them before any justice of the peace; and such justice shall examine upon oath any witness or witnesses who shall appear to be produced to give evidence touching such offence; and if the party accused shall be convicted of any such offence, either by his, her, or their confession, or upon such evidence as aforesaid, he, she, or they shall forfeit any sum not exceeding forty shillings for every lamp, lamp iron, or lamp post so broken, thrown down, or damaged, and shall also make full satisfaction for the damage which shall have been done thereby, and not exceeding five pounds for any other such offence as aforesaid, and shall also make full satisfaction for the damage which shall have been done thereby; and one moiety of such forfeiture shall be paid to the person or persons apprehending such offender, and the other moiety shall be applied for the purposes of this act, and shall be levied and recovered in the same manner as any forfeiture is by this act herein-before directed to be levied and recovered in the case of any person assaulting any watchman or other person in the execution of his duty.

LVI. That if any person shall carelessly or accidentally break any of the said lamps, lamp irons, or lamp posts, or do any other such damage or injury as herein-before is mentioned, and shall not, upon demand, make satisfaction to the said inspectors for the damage or injury so done, it shall and may be lawful for any justice of the peace, upon any
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Power for inspectors to contract for the works directed to be done by this act.

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complaint thereof made to him upon oath, to summon the party complained of, and upon hearing the parties upon both sides, or on nonappearance of the party complained of, to examine the matter of complaint, and award such sum of money, by way of satisfaction to said inspectors for such damage, as such justice shall think reasonable; and in case of neglect or refusal forthwith to pay such money, that same and all expenses attending the recovery thereof may be levied, recovered as any forfeiture is by this act herein-before directed to be levied and recovered in the case of any person assaulting any watch or other person in the execution of his duty.

LVII. That it shall and may be lawful to and for the said inspectors from time to time to enter into any contract or contracts with any person, company or companies whatsoever, for lighting the same streets, roads, and other places, or any of them, or any part thereof, either by oil or with gas, or with any other material or in any other manner whatsoever, or for furnishing lamps, lamp irons, lamp posts, watchbox posts, chains, pales, rails, and other things necessary for the purpose aforesaid, or any materials for the same, which contract or contracts shall specify the several works to be done and the prices to be paid for the same, and the time or times when the works shall be completed, as the penalties to be suffered in cases of nonperformance thereof, and shall be signed by two or more of the said inspectors, and also by the persons or persons contracting to perform such works respectively, which contract or contracts, or a copy or copies thereof, shall be entered in a book to be kept for that purpose; but no contract above the value or sum of twenty pounds shall be entered into, unless previous to the making of any such contract fourteen days' notice shall be given in one or more of the public newspapers published in the county in which the said parish shall situate, expressing the intention of entering into such contract in order that any person or persons willing to undertake the same may make proposals for that purpose, to be offered and presented to the said inspectors at a certain time and place in such notice to be mentioned provided always, that if the said inspectors shall be of opinion that it will not be advantageous to contract with the person or persons offering the lowest price, it shall be lawful for the said inspectors to contract with such other person or persons as they shall think proper.

LVIII. That in case the same shall not be well and sufficiently performed, according to the terms, intent, and meaning of such contract or contracts, or shall not be finished or completed at or within the time or times specified in such contract or contracts, then the said inspectors may cause an action to be brought in any of his Majesty's courts of law at Westminster, against any such contractor, for any penalty contained in his contract; and on proof of his signing the said contract or contracts, or nonperformance thereof at the time or times for that purpose to be therein mentioned, the said inspectors shall be entitled to and recover the full penalty contained in any such contract, which, when recovered, shall be applied for the purposes of this act: Provided always, that it shall be lawful for the said inspectors (if they think fit) to compound and agree with any contractor for any penalty incurred by him for the breach or nonperformance of any such contract, for such sum of money as the said inspectors shall think proper, not being less than the injury or damage sustained by the breach or nonperformance of such contract, and all costs, charges, and expenses which shall be occasioned thereby; and it shall be lawful for the said inspectors to cancel or make void any contract with any person or persons whomsoever, by mutual consent, if they shall think proper.

LIX. That the said inspectors may and they are hereby authorized and empowered to treat with the owner or owners and occupier or occupiers of any houses, buildings, lands, and grounds, for the purposes of this act, for such sum or sums of money, or yearly rent, or for such time as to them shall appear reasonable, (which sum or sums of money and

Inspectors may sue for breach of contract; or may compound with contractor.

Inspectors may purchase or rent ground or buildings for the purposes of act.
xly rent shall be respectively paid out of the monies to arise by virtue of this act,) in such place or places as they may think proper.

LXI. That the property of and in all lamps, lamp irons, lamp posts, tanch-houses, watchboxes, posts, chains, pales, and rails in, about, or belonging to the said streets, and places within any parish or part of a parish adopting the provisions of this act, or any of them, and of and in the iron, timber, stone, bricks, and other materials and furniture and things of, in, and belonging thereto, (except when the same shall be otherwise regulated by contract with the said inspectors,) shall be and remains hereby vested in the said inspectors, and may be sold and disposed of from time to time as they shall think proper; and the money arising from such sales or sales shall be applied towards the purposes of this act; and the said inspectors are hereby authorized and empowered to bring or cause to be brought any action or actions in such name or names and in manner as herein is provided, or to prefer or order and rect the preferring of any bill or bills of indictment, against any person or persons who shall steal, take, or carry away (as the case may be) all any part of such lamp irons, lamp posts, watch-houses, watchboxes, iron, timber, and stone, bricks, furniture, posts, chains, pales, rails, or her materials and things as aforesaid; and in all such actions or bills of indictment it shall be and be deemed and taken to be sufficient to aver generally that the article or articles, thing or things, for or on account of which such action or actions shall be brought, or such bill or bills of indictment preferred, is or are the property of the inspectors, without particularly stating or specifying the name or names of all or any of the said inspectors.

LXII. That it shall be lawful for the inspectors appointed by any parish adopting the provisions of this act to unite with the inspectors of adjoining parishes for the better carrying into effect the purposes of this act.

Forms of information and conviction.

County of \[BE it remembered, That on the ___ day of Form of information.\]

to wit. \[A. B. of \] of his Majesty's justice [or justices] of the peace for the said ___ of ___ of in the of [here describe the offence, with the time and place, and follow the act as near as may be], contrary to the provisions of an act made in the year of the reign of king William the fourth, intituled [insert the title of this act], which hath imposed a forfeiture of ___ for the said offence. Taken the ___ day of ___ before ___.

County of \[BE it remembered, That on the ___ day of Form of conviction.\]

to wit. \[A. B. is convicted before ___ of his Majesty's justice [or justices] of the peace for the said ___ for [here specify the offence, and when and where committed,] contrary to the form of the statute made in the year of the reign of king William the fourth, intituled [here set forth the title of this act]; and do hereby declare and adjudge that the said ___ hath forfeited for the said offence the sum of ___ [or shall be committed to ___ for the space of ___ as the case may be]. Given under hand and seal the day and year first above written.]
within the time before limited, or shall be laid in any other court place than as aforesaid, then the jury or juries shall find a verdict the defendant or defendants therein; and if a verdict or verdicts be found for any such defendant or defendants, or if the plaintiff plaintiffs in such action or actions, suit or suits, shall become not or suffer a discontinuance of such action or actions, or if, upon demurrer or demurrers in such action or actions, judgment shall given for the defendant or defendants therein, then and in any cases aforesaid such defendant or defendants shall have double and shall have such remedy for recovering the same as any defenses or defendants may have for his, her, or their costs in any other law.

LXX. That no proceedings to be had and taken in pursuance of an act shall be quashed or vacated for want of form, or be removed by aitorari, or any other writ or process whatsoever, into any of his Majesty's courts of record at Westminster or elsewhere.

LXXI. That the provisions of this act may be adopted in any part either as to lighting or as to watching, or as to lighting and watching as may be deemed expedient; and that the provisions of this act be adopted in any parish so far as the same relate to lighting, although such parish shall be watched under or by virtue of any act of parliament passed for that purpose, and may be adopted in any parish so far as the same relate to watching, although such parish shall be lighted under by virtue of any act of parliament passed for that purpose.

LXXII. That nothing in this act contained shall be construed to tend to abridge, repeal, alter, amend, or interfere with the powers as provisions contained in an act made and passed in the tenth year of the reign of his late Majesty king George the fourth, intitled An act for improving the Police in and near the Metropolis, or to extend to any parish or place already regulated by or under the provisions of any of the provisions for all the purposes herein-before provided for, or to interfere with the powers which any corporate body may have with respect to watching and lighting.

LXXIII. That it shall and may be lawful to and for the inhabitants of part of any parish to hold a meeting of the inhabitants of such part to be convened in manner herein directed, and to be composed of such inhabitants only, for the purpose of determining whether the provisions in this act contained, or any of them, shall be adopted and carried into execution in such manner of the said parish; and that all such meeting shall be subject and liable to all the clauses, regulations, and restrictions in this act contained in respect of meetings to be convened for the purposes thereof; and that the churchwardens of the said parish shall act in the same manner for such part of the parish the inhabitants of which may be desirous of adopting the provisions of this act, for carrying the provisions of the same into effect, as they could by virtue hereof act for the parish at large; and that the overseers of the poor of the said parish, or of any township or division of the said parish, shall be amenable to the provisions of this act, so far as they may relate to the part of such parish situate within or partly within the division or district in which such overseers shall act, for the purpose of levying, raising, and paying the rates within the part of such parish adopting the provisions of this act, in the same manner as they would be if the whole parish, township, or place for which they act had adopted the provisions of this act: Provided always, That no proceedings of the said inhabitants nor any rate to be raised or levied in pursuance of such proceedings, shall extend to any part of the said parish which may already be regulated by or under the provisions of any act for the purposes in this act mentioned, nor interfere with the powers and provisions of such act or the execution thereof in any respect whatsoever.

LXXIV. That it shall be lawful for any surveyor or other person persons acting by or under the authority of commissioners of sewers, at any time or times in the daytime, to enter into any manufactory, esau-
ter, receiver, or other building belonging to any gas company or
panies, or the said inspectors, in order to inspect and examine if
be any escape of gas, or any washings, or other waste liquides,
estances, or other things whatsoever, which shall arise or be pro-
ceed in the prosecution of the said gas works, or in the manufacture
process of making or procuring such gas, into any public sewer or
work, to see if
in; and if such surveyor or other person or persons acting by or
there be any
der the authority of commissioners of sewers shall at any such time
times be refused admittance or entrance into any such manufactory,
etc.
someter, receiver, or other building for the purpose of making such
pection and examination as aforesaid, or on being admitted shall be
structed in or prevented from making such inspection and examina-
on as aforesaid, the said gas company or companies, or the said in-
ectors, so offending, shall forfeit and pay for every such offence the
m of twenty pounds.

LXXV. Provided always, That nothing in this act contained shall ex-
not, or be deemed or construed to extend, to prejudice, diminish, alter, dice the rights
away of any of the rights, powers, or authorities vested in commis-
ioners of sewers, but all the rights, powers, and authorities vested in
them shall be as good, valid, and effectual as if this act had not been
ade.

LXXVI. Provided always, That nothing in this act contained shall not to affect the
extend to alter or in any manner to affect any of the rights or privileges
of the universities of Oxford or Cambridge, or any of the powers vested
y charter or otherwise in the chancellor, masters, and scholars, and
ir successors, of the said universities.

LXXVII. That the powers given to watch and light any parish shall Construction of
e understood to be given to any wasp-take, division, city, borough, act.
erty, township, market town, franchise, hamlet, tithing, precinct, and
apel, or parts within the same; and that where the word "Parish"
used it shall be understood to extend to any parts within the same;
nd that the powers given to a churchwarden shall be understood to be
ven to any chapel-warden, overseer, or other person usually calling any
esting on parochial business; and that the words "Justice of the
ace" shall be understood to mean justices of the peace for the county,
ity, borough, town, division, riding, shire, liberty, or place in which
h parish which may adopt the provisions of this act shall be situate;
nd the word " Rate-payer" to include all persons assessed to and pay-
g rates for the relief of the poor.

LXXVIII. That this act shall be deemed and taken to be a public Public act.
ct, and shall be judicially taken notice of as such by all judges, jus-
ces, and others, without being specially pleaded.

[No. IV.] 5 W. IV. c. 2.—An Act to amend an Act of the
Thirty-eighth Year of King George the Third, for prevent-
ing the Mischiefs arising from the printing and publishing
Newspapers, and Papers of a like Nature, by persons not
known, and for regulating the Printing and Publication of
such Papers in other respects; and to discontinue certain
Actions commenced under the Provisions of the said act.

WHEREAS by an act passed in the thirty-eighth year of the reign of
his late Majesty king George the third, intitled An Act for pre-
venting the Mischiefs arising from the printing and publishing
Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the
Printing and Publication of such Papers in other respects, certain affidavits

(1) See this act Evans's statutes, 6 vol. p. 203.
or affirmations, containing such matters and things in the said act specified and set forth, relating to newspapers and other papers in the said act described, are required to be made and signed, and sworn or affirmed, and delivered to the commissioners for managing his Majesty's stamp duties, or to some of their officer or officers as therein mentioned; and it is by the said act, amongst other things, also enacted, That in some part of every newspaper or other such paper as aforesaid there shall be printed the true and real name and names, addition and additions, and place and places of abode of the printer and publishers and publisher and publishers of the same, and also a true description of the place where the same is printed: And whereas certain penalties are by the said act imposed for any neglect or omission to comply with the aforesaid provisions; and it is by the said act provided that the said penalties respectively shall be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster, and that the same when recovered shall be, as to one moiety thereof, to and for the use of his Majesty, his heirs and successors, and, as to the other moiety thereof, to and for the use of the person who shall inform or sue for the same: And whereas the printers, publishers, and proprietors of divers newspapers have inadvertently neglected to comply with some of the aforesaid provisions of the said recited act, and many actions, suits, informations, and prosecutions have been brought and commenced against such printers, publishers, and proprietors, or some of them, by persons who sue, inform, and prosecute, as well on their own behalf as on behalf of his Majesty, to recover various penalties incurred or alleged to have been incurred under or by virtue of the said act by reason of such neglect; and it is expedient that all further proceedings in such actions, suits, informations, and prosecutions should be prevented, and such other provision made in relation thereto, and otherwise, as is herein-after mentioned: Be it therefore enacted, &c., That immediately from and after the passing of this act it shall be lawful for any person or persons against whom any original writ, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, on or before the day of the passing of this act, for the recovery of any pecuniary penalty or penalties incurred under the said act, except in the cases herein-after provided, to apply to the court in which such original writ, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, if such court shall be sitting, or, if such court shall not be sitting, to any judge of either of the superior courts at Westminster, for an order that such writ, suit, action, bill, plaint, or information shall be discontinued, upon payment of the costs thereof out of pocket incurred to the time of such application being made, such costs to be taxed according to the practice of such court; and every such court or judge is hereby authorized and required, upon such application, and proof that sufficient notice has been given to the plaintiff or plaintiffs, or to his or her attorney, of the application, to make such order as aforesaid; and upon the making such order, and payment or tender of such costs as aforesaid, such writ, suit, action, bill, plaint, or information shall be forthwith discontinued.

II. Provided always, That in all cases in which any such writ, suit, action, bill, plaint, or information sued out or commenced on or before the fourth day of March one thousand eight hundred and thirty-five shall have been renewed, the court or judge may make order for discontinuing it upon payment of costs.
Part X.] Supplementary Miscellaneous Statutes. 1391

No. IV. 5 W. 4. c. 2

Court may make order for discontinuing actions commenced since 4th March without payment of cost. Not to extend to actions in which judgment obtained, nor to those by attorney or solicitor general.

V. That from and after the passing of this act all fines, penalties, and forfeitures imposed by or incurred which may be incurred under the said recited act shall go and be applied to the use of his Majesty, his heirs and successors, and may be sued or prosecuted for in any of his Majesty's courts of record at Westminster, or in his Majesty's court of chancery in Scotland, as the case may arise in England or Scotland respectively, wherein no essoign, privilege, protection, wager of law, or ore than one imparlance shall be allowed; anything in the said recited act or in any other act contained to the contrary thereof notwithstanding.

VI. Provided always, That from and after the passing of this act it shall not be lawful for any persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of his Majesty's courts, or before any justice or justices of the peace, against any person or persons for the recovery of any fine, penalty, or forfeiture made or incurred or which may be incurred, by virtue of the said recited act, unless the same shall be commenced, prosecuted, entered, and filed in the name of his Majesty's attorney general or solicitor general in that part of Great Britain called England, or his Majesty's advocate for Scotland (as the case may be respectively), or in the name of the solicitor of stamps and taxes, or some other officer of his Majesty's stamp duties in England or Scotland respectively; and if any action, plaint, or information shall be commenced, prosecuted, entered or filed in the name or names of any other person or persons than is or are in that behalf before mentioned, the same and every proceeding thereupon had are hereby declared and the same shall be null and void all intents and purposes.

0. V.] 6 W. IV. c. 4.—An Act to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. 18th March 1836.

HEREAS by an act passed in the last session of parliament, intituled An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege, the punishment of death was taken away in cases c. 81. concerning letter, stealing and sacrilege; but by reason of a clerical error in creating the same a doubt may be entertained whether persons guilty of such offences are now by law liable to any punishment: Be it therefore enacted, &c., That the same act shall be read as if, instead of the words “in the said act so specified,” the words “in the said acts so recited” were read.
Specified" had been inserted in the said act of the last session; and that
all persons who may hereafter be duly convicted of any of the offences
mentioned in the said act of the last session shall and may be sentenced,
by the court or judge by or before whom such offenders may be tried,
to transportation for life or for any term of years not less than seven,
or to be imprisoned for any term not exceeding three years, with or
without hard labour, and for any period of solitary confinement during
such imprisonment, at the discretion of such court or judge.
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