ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XIX.

An Act for rendering more effectual an Act of the preſent Seſſion of Parliament, intituled, *An Act for raiſing a certain Number of Men, in the ſeveral Counties in* England, *for the Service of His Majeſty's Navy.* [27th *March* 1795.]

Preamble.

WHEREAS by an Act, made and paſſed in this Seſſion of Parliament, intituled, *An Act for raiſing a certain Number of Men, in the ſeveral Counties in* England, *for the Service of His Majeſty's Navy*; the Juſtices of the Peace of the ſeveral Counties at large, Ridings, or Diviſions, in *England* and *Wales*, are directed to aſſemble themſelves together at a Court of General Seſſions, to be holden for carrying the ſaid Act into Execution: And whereas the Juſtices of certain Cities, Towns, or Boroughs, named in the ſaid Act, being reſpectively Counties of themſelves, and alſo the Juſtices of the Cinque Ports, and of the Liberty of the Tower, are directed to aſſemble themſelves, together with the Juſtices of certain Counties at large, Ridings, or Diviſions, and to form a Part of the ſaid reſpective Courts of General Seſſions, to be holden as aforeſaid: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That

35 *Geo.* III, Cap. 5, recited.

Such Juſtices of the Cities, *etc.* named in recited Act, being Counties of themſelves, as ſhall have qualified, and acted before paſſing that Act, may aſſemble at the General Seſſions with Juſtices of the County at large, to put recited Act in Execution.

it ſhall and may be lawful for ſuch of the Juſtices of the Peace of the ſeveral Cities, Towns, and Boroughs, named in the ſaid Act, being Counties of themſelves, and of the ſaid Cinque Ports and Liberty aforeſaid, who ſhall have duly qualified themſelves to act, and ſhall have acted before the paſſing of the ſaid Act, as ſuch Juſtices reſpectively within the proper Limits of their reſpective Juriſdictions, and no other, to aſſemble themſelves at ſuch Court of General Seſſions, for the Purpoſe of carrying into Execution the Purpoſes of the ſaid Act, together with ſuch of the Juſtices of the County at large, Riding, or Diviſion, who ſhall alſo be qualified, and ſhall have acted in like Manner, and that the Juſtices ſo duly qualified and acting as aforeſaid, being ſo aſſembled at ſuch Court of General Seſſions, or at any Adjournment thereof, ſhall not have, or be deemed or adjudged to have, any Authority, Power, or Juriſdiction, whatſoever, in or over any Matter or Thing whatever (other than in and for the Execution of the Powers expreſsly given them by the ſaid Act).

Juſtices of the Diviſions of *Lincolnſhire* may put Act in Execution in their Juriſdiction.

II. And be it further enacted by the Authority aforeſaid, That the Juſtices within the ſeveral Diviſions of the County of *Lincoln*, ſhall have Power to put the ſaid Act in Execution in all Things within their Juriſdiction, as fully and amply as the Juſtices of any County or Riding are thereby empowered to execute the ſame.

Petty Seſſions may order Pariſh Officers to continue in Office till they completely execute the Act.

III. And whereas the Churchwardens and Overſeers of the Poor in or appointed for any Pariſh, Tything, or Place, who ſhall reſpectively be in Office at the Commencement of the ſaid Act, are directed to raiſe the Number of Men appointed to be raiſed for their reſpective Diſtricts, and to levy the Money agreed to be paid for Bounties, or impoſed as Fines in certain Caſes: And whereas the Powers of the ſaid Act may not be fully executed before the uſual Time in the Year of their going out of Office, and appointing others in their Stead; be it further enacted, That it ſhall be lawful for the Juſtices of the Peace, acting in and for the reſpective Diſtricts or Diviſions at their reſpective Petty Seſſions, (whenever they ſhall ſee Occaſion, by reaſon of any of the Powers of the ſaid Act remaining unexecuted, in Part or in the Whole, at any Time previous to, or on the Appointment of other Churchwardens or Overſeers for the ſame Place or Places), by any Order under the Hands and Seals of any Two or more of them, to order and direct the Churchwardens and Overſeers, who ſhall have been in Office at the Commencement of the ſaid Act, to continue in their ſaid reſpective Offices, for the Purpoſes of effectually and completely carrying into Execution the Powers and Truſts given or veſted by the ſaid Act; and ſuch Churchwardens or Overſeers ſhall by virtue of the ſaid Order (notwithſtanding other Churchwardens or Overſeers ſhall have been or may be appointed for the ſame Place or Places reſpectively for general Purpoſes) continue to have and exerciſe all the Powers and Juriſdictions incident or belonging to their reſpective Offices, or given or veſted in them by the ſaid Act, or this Act, ſo far as the ſame are neceſſary to carry into Execution the Powers of the ſaid Act, or this Act, and ſhall continue to do and perform all the like Duties and Offices required to be done or performed by them reſpectively by the ſaid Act, or this Act, as fully and effectually, and under the like Pains, Penalties, and Forfeitures, as they reſpectively could, might, or ought to have, do, or perform the ſame, or any of them, at any

Time after the Commencement of the ſaid Act, and before ſuch Appointment of other Churchwardens or Overſeers for the ſame Place or Places for general Purpoſes as aforeſaid; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Juſtices may appoint Pariſh Officers in Place of ſuch as may die, remove, or become Inſolvent.

IV. Provided always, and be it further enacted, That if any Churchwarden or Overſeer ſhall die or remove from the Place for which he was appointed, or become Inſolvent before the Expiration of his Office or Duty under the ſaid Act, or this Act, on Oath thereof made, it ſhall be lawful for ſuch Juſtices of the Peace as aforeſaid to appoint another Churchwarden or Overſeer in his Stead, for the Purpoſe of completely carrying the ſaid Act and this Act into Execution, who ſhall continue in Office accordingly; and in caſe of Removal, ſuch Churchwarden or Overſeer ſhall give an Account on Oath to the ſaid Juſtices of all Matters and Things done by him in the Execution of the ſaid Act, and ſhall comply with ſuch Orders and Directions as he ſhall receive from the ſaid Juſtices touching the Execution of the ſaid Act, under the like Penalties as are inflicted on Churchwardens and Overſeers in Office for any Neglect of Duty; and in caſe of the Death or Inſolvency of ſuch Churchwarden or Overſeer, his Executors, Adminiſtrators, or Aſſigns, ſhall, within Forty Days after his Deceaſe or Inſolvency, in purſuance of any Order, in Writing, ſigned by any Two ſuch Juſtices as aforeſaid, attend ſuch Juſtices, and give an Account to the beſt of their Knowledge and Belief of all Things done by ſuch Perſon deceaſed or inſolvent, touching the Execution of the ſaid Act, and ſhall in like Manner, and under the like Penalties, comply with ſuch Orders as they ſhall reſpectively receive from the ſaid Juſtices in relation to the ſaid Act, or this Act.

Such as remove to give an Account on Oath to the Juſtices, and the Executors or Aſſignees of ſuch as die or become Inſolvent to obey their Order.

Pariſh Officers authorized to pay Bounties out of Poor Rates, &c.

V. And be it further enacted by the Authority aforeſaid, That the Churchwardens and Overſeers who are reſpectively required or empowered by the ſaid Act, or this Act, to levy any Money by a Rate, or to pay the Amount of any Bounty, or any Part thereof, to the Men inrolled in His Majeſty's Service, or to the Treaſurer of the County, Riding, or Diviſion, for the Purpoſes of the ſaid Act, ſhall and may pay the ſame out of any Money in their or any of their Hands of the Rates for the Relief of the Poor; and if they, or any of them, ſhall not have ſufficient of ſuch Money for that Purpoſe, then ſuch Churchwardens and Overſeers ſhall, and they are hereby required to make a Rate for the Relief of the Poor ſufficient to ſatisfy all probable Claims ariſing or to ariſe thereon, by virtue of the ſaid Act, or this Act, in reſpect of the ſaid Bounties, or in reſpect of the Poor, as ſoon after the paſſing of this Act as conveniently may be, and ſo as the Money for ſuch Bounties may be ready to be paid or advanced at the Time of Enrolment; and it ſhall be lawful for the ſaid Churchwardens or Overſeers to levy and collect the ſame in ſuch Manner as Rates made for the Relief of the Poor may be levied and collected, (except as herein-after is otherwiſe provided), and that ſuch Rates being publiſhed and allowed as Rates for the Relief of the Poor are by Law directed to be publiſhed and allowed, the ſaid Churchwardens and Overſeers ſhall and may proceed to collect the ſame notwithſtanding any Appeal from ſuch Rate may be pending; and no ſuch Rate, after any Application thereof, or any Part thereof, for the Payment of ſuch Bounties, ſhall be totally quaſhed or ſet aſide for any Cauſe whatever, but the ſame ſhall and may be amended in ſuch Manner as ſhall

Limitation of Actions.

be neceſſary for giving Relief; and if any Action or Suit ſhall be brought againſt any Perſon or Perſons for any Thing done in the levying or collecting the ſaid Rate in purſuance of this Act, the ſame ſhall not be brought until Fourteen Days Notice thereof in Writing ſhall have been given to ſuch Perſon or Perſons, nor after a ſufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every ſuch Action ſhall be brought in One of the Courts of Record at *Weſtminſter*, or of the Great Seſſions in *Wales*, as the Caſe may require, and ſhall be laid in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead

General Iſſue.

the General Iſſue, and give the ſaid Act, and this Act, and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of the ſaid Act, and this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for the bringing the ſame, or without Fourteen Days Notice thereof, or in any other County or Place, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the

Treble Coſts.

Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Fines to be levied on the Offenders only.

VI. Provided always, and be it further enacted, That all Fines which by the ſaid Act may be levied of any Inhabitant or Inhabitants of any Pariſh or Place by a Rate, ſhall be levied againſt ſuch Inhabitant or Inhabitants only who ſhall be adjudged to be guilty of any Neglect or Default, by a Rate made on ſuch Inhabitant or Inhabitants reſpectively, under the like Powers and Methods, as Rates for the Relief of the Poor are authorized

Method of appealing.

by Law to be made: Provided always, that in caſe any Perſon or Perſons ſhall find him, her, or themſelves aggrieved by any Rate or Aſſeſſment made for the Relief of the Poor, whereof any Part ſhall be neceſſarily applicable, or ſhall have been applied for the Payment of any Bounty or Bounties in purſuance of the ſaid Act, or this Act, every ſuch Perſon or Perſons ſhall, and he and they is and are hereby required to make his or their Appeal to the Juſtices of the Diſtrict or Diviſion where ſuch Place or Places are ſituate, at the next Petty Seſſions of the Peace holden for the ſame Diſtrict or Diviſion, and not to the next General or Quarter Seſſions of the Peace for the County, Riding, Corporation, or Franchiſe; and the Juſtices of the Peace aſſembled at ſuch Petty Seſſions are hereby authorized and required, on Proof of reaſonable Notice to the Churchwardens or Overſeers making ſuch Rate, to receive ſuch Appeal, and to hear and

Act not to extend to Appeals againſt Rates not applicable to the Purpoſes of this Act.

finally determine the ſame: Provided always, that this Act ſhall not extend to any Appeal to any Rate, where the ſame is not applicable or has not been applied in Part or wholly to the Purpoſes of the ſaid Act, or this Act.

Where Rates cannot be collected in due Time,

VII. Provided always, and be it further enacted by the Authority aforeſaid, That if it ſhall appear to ſuch Juſtices at ſuch Petty Seſſions that ſuch Rate cannot be conveniently collected within due Time for

Payment of the ſaid Bounty or Bounties, and ſufficient Monies ſhall not be in the Hands of the ſaid Churchwardens or Overſeers to ſatisfy the ſame, it ſhall and may be lawful for ſuch Juſtices to make Order therein, and grant a Certificate thereof, and of the Amount of the Bounty or Bounties, and Sum or Sums wanting to defray the ſame, directed to the Receiver General of the Land Tax for the County, or to the Collector thereof for the Diſtrict, or any of the Collectors of Cuſtoms or Exciſe of the Diviſion where ſuch Juſtices ſhall act, as to ſuch Juſtices ſhall ſeem moſt expedient, upon producing of which Certificate to the Officer to whom the ſame ſhall be directed, he ſhall be obliged to advance the Sum mentioned in ſuch Certificate to be wanting as aforeſaid, to be paid to the Perſon or Perſons enrolled, or to the Treaſurer of the County, or to either of them, in ſuch Proportions as ſhall be directed by ſuch Certificate, out of any Publick Monies in his Hands, and ſuch Officer ſo advancing the ſame, ſhall be reimburſed by an Order of the Juſtices at the Petty Seſſions for the ſame Diſtrict or Diviſion, with all Charges neceſſarily incurred, out of the Firſt Monies which ſhall come into the Hands of the reſpective Churchwardens and Overſeers of the Poor, of the Rates for the Relief of the Poor, within and for the reſpective Pariſhes or Places for which the Men, to whom or to whoſe Uſe ſuch Monies were reſpectively advanced, were raiſed in purſuance of the ſaid Act.

Petty Seſſions may grant Certificates of Bounties to the Receiver of the Land Tax, &c. who ſhall advance the Money, &c.

VIII. And whereas there may be Occaſion for quartering the Officers appointed by the Commiſſioners of the Admiralty in purſuance of the ſaid Act, and their Aſſiſtants, before any Men are enrolled, and of opening Houſes of Rendezvous for the Purpoſe of receiving ſuch Men; be it further enacted, That it ſhall and may be lawful to quarter and billet the Officers appointed by the Commiſſioners of the Admiralty to act in the Execution of the ſaid Act, and their reſpective Aſſiſtants, in ſuch Manner, and under ſuch and the like Powers, Rules, Regulations, Reſtrictions, and Proviſions, as the Men to be enrolled in His Majeſty's Service by virtue of the ſaid Act may be quartered and billetted; and that each and every the Houſe or Houſes and Place or Places where ſuch Officers ſhall be quartered or billetted, or ſuch of them as ſhall be thought neceſſary, it ſhall be lawful for the ſeveral and reſpective Juſtices of the Peace, having Authority to act in the Execution of the ſaid Act, or any Two or more of them, by their Order in Writing, under their Hands and Seals, to appoint and conſtitute a Place or Places of Rendezvous for the Reception of Men enrolled by virtue of the ſaid Act.

Officers appointed by the Admiralty, and their Aſſiſtants, may be quartered, and Places of Rendezvous appointed.

FINIS.