ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LIX.

An Act for amending an Act of His present Majesty, to insure the proper and careful Manufacturing of Fire Arms in *England*, and for making Provision for proving the Barrels of such Fire Arms.

[12th *May* 1815.]

WHEREAS an Act was passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act to insure the proper and careful Manufacturing of Fire Arms in* England, *and for making Provision for proving the Barrels of such Fire Arms*: And whereas the Powers and Provisions of the said Act have been found in some Respects defective and insufficient for the Purposes thereby intended, and the same cannot be effectually carried into Execution unless the Powers and Provisions thereof are amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, every Person who shall use or begin to use, or cause or procure to be used, or to be begun to be used, either by ribbing, break-off fitting, rough-stocking, or other Process, in any progressive State of Manufacture in the making, manufacturing, or finishing of any

53 G. 3. c. 115.

Penalty for using in any of the progressive Stages of Manufacture of Fire Arms, Barrels not duly proved.

any Gun, Fowling Piece, Blunderbuſs, Piſtol, or other Deſcription of Fire-Arms, uſually called Small Arms, any Barrel which ſhall not have been duly proved and marked as proved at the Proof Houſe of the Company of Gunmakers of the City of *London*, or at the Proof Houſe eſtabliſhed under the Proviſions of the ſaid recited Act (ſo long as ſuch reſpective Proof Houſes ſhall be maintained for proving and marking the Barrels of Fire Arms) or ſome Proof Houſe belonging to His Majeſty, or other Proof Houſe to be eſtabliſhed as a public Proof Houſe, (and which public Proof Houſe His Majeſty is hereby authorized and empowered to eſtabliſh under ſuch Regulations, as to the Care and Management thereof, as His Majeſty ſhall think fit), ſhall reſpectively forfeit for each and every Barrel ſo uſed or begun to be uſed, or cauſed or procured to be uſed, or to be begun to be uſed, any Sum not exceeding Twenty Pounds, to be recovered and applied as herein-after mentioned.

Barrels of Fire Arms to be ſent direct from Manufacturers to Proof Houſes.

II. And be it further enacted, That from and after the paſſing of this Act, every Barrel for the making of, or proper or applicable for the making of any Gun, Fowling Piece, Blunderbuſs, Piſtol, or any other Deſcription of Fire Arms, uſually called Small Arms, ſhall be ſent immediately from the Manufacturers themſelves to the Proof Houſe of the Company of Gunmakers of the City of *London*, or to the Proof Houſe eſtabliſhed under the Proviſions of the ſaid recited Act (ſo long as ſuch reſpective Proof Houſes ſhall be maintained for the proving and marking the Barrels of Fire Arms), or ſome other Proof Houſe eſtabliſhed by Law, before the ſame ſhall be delivered, or cauſed or procured or permitted to be delivered or ſent for Sale, or under Pretence of Sale, or be removed, conſigned or tranſmitted, or cauſed or procured to be removed, conſigned or tranſmitted for Sale, or under Pretence of Sale, to any Perſon whatſoever; and from and after the paſſing of this Act, every Perſon who ſhall deliver or ſend, or cauſe or procure to be delivered or ſent for Sale, or under Pretence of Sale, or who ſhall remove, conſign, or tranſmit, or cauſe or procure to be removed, conſigned or tranſmitted for Sale, or under Pretence of Sale, any Barrel for the making of, or proper or applicable for the making of any Gun, Fowling Piece, Blunderbuſs, Piſtol, or any other Deſcription of Fire Arms uſually called Small Arms, from the Place where the ſame ſhall have been manufactured, which ſhall not have been firſt duly ſent to the Proof Houſe of the ſaid Company of Gunmakers of the City of *London*, or the ſaid Proof Houſe at *Birmingham*, or ſome other Proof Houſe eſtabliſhed by Law, to be proved and marked under the Proviſions of the ſaid recited Act, ſhall forfeit for each and every Barrel ſo ſent, or cauſed or procured to be ſent for Sale, or under Pretence of Sale, or removed, conſigned or tranſmitted, or cauſed or procured to be removed, conſigned, or tranſmitted for Sale, or under Pretence of Sale, any Sum not exceeding Twenty Pounds, to be recovered and applied as herein-after mentioned.

Penalty on delivering except through a Proof Houſe.

Penalty on Perſons receiving Barrels of Fire Arms for the

III. And be it further enacted, That from and after the paſſing of this Act, every Perſon who ſhall take or receive, or cauſe or procure to be taken or received, or permit or ſuffer to be received on his Behalf any Barrel, for the Purpoſe of making or manufacturing, or proper or appli-

cable for the making or manufacturing of any Gun, Fowling Piece, Blunderbuſs, Piſtol, or other Deſcription of Fire Arms uſually called Small Arms, directly or indirectly from the Manufacturer thereof, or from any other Perſon on his Behalf, except from or through ſome one or other of ſuch Proof Houſes as aforeſaid, or unleſs the ſame ſhall have been firſt duly proved and marked as proved at the Proof Houſe of the Company of Gunmakers of the City of *London*, or the Proof Houſe eſtabliſhed under the Proviſions of the ſaid recited Act (ſo long as ſuch reſpective Proof Houſes ſhall be maintained, for proving and marking the Barrels of Fire Arms) or ſome other Proof Houſe belonging to His Majeſty, or other public Proof Houſe eſtabliſhed as a public Proof Houſe by Law, ſhall forfeit for each and every Barrel ſo received, or cauſed or procured to be received for the Purpoſe, or proper or applicable for the Purpoſe aforeſaid, any Sum not exceeding Twenty Pounds, to be recovered and applied as herein-after mentioned.

Purpoſe of making Guns, &c. which ſhall not have paſſed the Proof Houſe and been proved.

IV. And whereas a Proof Houſe has for a long Time paſt been eſtabliſhed and provided, for proving the Barrels of Fire-Arms, in or near the City of *London*, under the Management and Controul of the Company of Gunmakers of the City of *London*, under and by virtue of a Charter heretofore granted to the ſaid Company; be it therefore further enacted, That all Barrels for the making or proper or applicable for the making or manufacturing of Guns, Fowling Pieces, Blunderbuſſes, Piſtols, and other Deſcription of Fire-Arms uſually called Small-Arms, which ſhall hereafter be taken to the Proof Houſe of the ſaid Company of Gunmakers of the City of *London* for Proof, ſhall be proved by their Proofmaſter for the Time being, with Powder of equal Quality to the Powder which is now uſed by the Honourable Board of Ordnance, and according to, or not under the Scale or Table of Proof mentioned and ſet forth in the ſaid recited Act; and the Perſon having the Charge, Care, and Management of the Proof Houſe of the ſaid Company of Gunmakers of the City of *London* ſhall receive all Barrels ſent, conſigned, or tranſmitted to the ſaid Proof Houſe for Proof, and prove the ſame, and cauſe all ſuch Barrels, after the ſame have been proved, and (if found to be Proof) marked, to be delivered to the Perſons for whom ſuch Barrels are directed, upon Payment of all ſuch Charges as ſhall have been incurred in reſpect of the Carriage and Delivery of ſuch Barrels at the Proof Houſe, and of the ſaid Company's Charges for proving the ſame, and of the keeping of the ſame for Proof, and Delivery thereof to the Perſon for whom the ſame are intended or ſhall be directed to be delivered to after Proof; and in caſe any Barrel ſo ſent to the ſaid Proof Houſe to be proved ſhall not be received and proved thereat according to Law, or ſhall be delivered or parted with, or permitted to be delivered or parted with, or to be taken away, which ſhall not have been ſo proved, and (if found to be Proof) marked with the Marks and according to the Regulations of the ſaid Company of Gunmakers of the City of *London* for the Time being; then and in every ſuch Caſe, the Perſon ſo having the Charge, Care, and Management of ſuch Proof Houſe for the Time being, ſhall forfeit for each and every Barrel which ſhall not be received and proved in Manner before mentioned, and

Perſon having charge of the Company of Gunmakers Proof Houſe of the City of London, to receive, prove, and mark Barrels of Guns, &c. Penalty for not doing ſo, and for delivering Barrels unproved and marked.

and for each and every Barrel which ſhall be ſo delivered or parted with, or permitted to be delivered or parted with or taken away, which ſhall not have been ſo proved, and (if found to be Proof) marked as proved as aforeſaid, the Sum of Ten Shillings, to be recovered and applied as herein-after mentioned.

Not to extend to Scotland, or Ireland, or to Arms made for His Majeſty, or the Eaſt India Company, or certain Barrels ſpecified.

V. Provided always, and be it further declared and enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to that Part of the United Kingdom called *Scotland*, or to that Part of the United Kingdom called *Ireland* (except as to the Forging Marks, as in this Act after mentioned) or to the proving of any Barrels uſed in the manufacturing of any Muſket, Piſtol, or other Fire-Arms, for the Uſe of His Majeſty's Forces, or for the Honourable Eaſt India Company, or to any Barrels of the Deſcription herein-after mentioned, *videlicet*, any Barrels in the forged Ground, finiſhed or in any other State of Manufacture, which ſhall be made or conſiſt of Stub or twiſted Stub, Iron or other Barrels uſually termed beſt Barrels; (which ſaid laſt-mentioned Barrels may be and are hereby allowed to be ſent, bought or received for the Purpoſes aforeſaid, in any Number not exceeding the Number of Twenty, without being ſubject to any of the Penalties of the ſaid recited Act or this Act, except that ſuch Barrels ſhall be liable to the Penalty for uſing Barrels not duly proved and marked); and nothing in this Act contained is to exempt or be conſtrued to exempt ſuch laſt-mentioned Barrels from being proved and marked as required by the ſaid recited Act and this Act.

Penalty for forging Proof Marks, or ſelling, &c. Barrels with forged Marks.

VI. And be it further enacted, That from and after the paſſing of this Act every Perſon who ſhall, in any Part of the United Kingdom, forge or counterfeit, or cauſe or procure to be forged or counterfeited, or aſſiſt or join in forging or counterfeiting, any Mark or Stamp uſed or which may be uſed at any Proof Houſe for proving and marking Barrels in purſuance of the ſaid recited Act, or ſhall wilfully or knowingly ſell or offer for Sale, or uſe in the making or manufacturing of any Gun, Fowling Piece, Blunderbuſs, Piſtol, or other Deſcription of Fire-Arms as aforeſaid, any Barrel finiſhed, welded or forged, or in any other progreſſive State of Manufacture, whereon ſhall be any Mark or Stamp which ſhall be forged or counterfeited in Imitation of or to reſemble any Mark or Stamp ſo uſed or to be uſed at any ſuch Proof Houſe, ſhall reſpectively forfeit and pay for each and every ſuch Barrel whereon any ſuch forged or counterfeit Mark ſhall be, any Sum not exceeding Twenty Pounds, to be recovered and applied as herein-after mentioned.

Penalty for putting Proof-marks on Barrels not proved.

VII. And be it further enacted, That from and after the paſſing of this Act, if any Proof Maſter or Aſſiſtant Proof Maſter appointed or to be appointed under the ſaid recited Act, or any other Perſon or Perſons ſhall, in any Part of the United Kingdom, put, place or ſtrike, or cauſe or procure to be put, placed or ſtruck, or ſhall willingly act or aſſiſt in the putting, placing or ſtriking any Mark or Stamp uſed or which may be uſed at any Proof Houſe for proving and marking Barrels in purſuance of the ſaid recited Act or this Act, upon any Barrel finiſhed, welded

welded or forged, or in any other progreſſive State of Manufacture, for the making of, or proper or applicable for the making of any Gun, Fowling Piece, Blunderbuſs, Piſtol or other Deſcription of Fire-Arms uſually called Small-Arms, which ſhall not have been duly proved at the Proof Houſe eſtabliſhed and maintained under the Proviſions of the ſaid recited Act (ſo long as ſuch Proof Houſe ſhall be maintained for proving and marking the Barrels of Fire-Arms), every Perſon ſo offending ſhall forfeit for each and every Barrel on which he, ſhe or they ſhall put, place or ſtrike, or cauſe or procure to be put, placed or ſtruck, or ſhall willingly act or aſſiſt in the putting, placing or ſtriking any ſuch Mark or Stamp as aforeſaid, any Sum not exceeding Twenty Pounds, to be recovered and applied as hereinafter mentioned.

Repealing Regulation in former Act reſpecting Price for proving Barrels.

VIII. And whereas the ſaid Company are by the ſaid recited Act authorized to fix and regulate from Time to Time the Sums to be paid for ſuch Proofs, ſo as that no higher Sum than One Shilling ſhall in any Caſe be demanded, taken or received, in reſpect of any one Barrel brought to ſuch Houſe to be proved and marked under the ſaid recited Act; be it therefore enacted, That ſo much and ſuch Parts of the ſaid recited Act as authorizes the ſaid Company to fix and regulate the Price of proving ſuch Barrels, ſhall be and the ſame is and are hereby repealed.

Fixing the Prices for proving Barrels.

IX. And be it further enacted, That from and after the paſſing of this Act it ſhall and may be lawful for the ſaid Company to fix and regulate from Time to Time the Sums to be paid for ſuch Proofs, ſo as that no higher Sum ſhall in any Caſe be demanded, taken or received for any Barrel which ſhall be proved at ſuch Proof Houſe, and marked as proved under the ſaid recited Act or this Act, than is herein-after mentioned and ſet forth; (that is to ſay),

Firſt, For any common birding, Spaniſh, Dutch, Carolina Muſket, Carbine or other Barrel, not being made of Twiſted or Stub Iron, nor above the Calibre of Six Eighths and an Half, any Sum not exceeding Sixpence for each and every Barrel:

Secondly, For every Pair of plain Iron or Braſs Holſter or Saddle Piſtol Barrels, any Sum not exceeding Sixpence for each Pair:

Thirdly, For every Barrel made of Twiſted or Stub Iron, any Sum not exceeding Nine-pence for each and every Barrel; and for every Pair of Stub or Twiſted Piſtol Barrels, any Sum not exceeding Nine-pence for each Pair: And,

Fourthly, For any Barrel above the Calibre of Six Eighths and an Half, any Sum not exceeding One Shilling for each and every Barrel; any Thing in the ſaid recited Act contained to the contrary in anywiſe notwithſtanding.

Offences and Penalties, how to be heard, levied, &c.

X. And be it further enacted, That any and all Offence and Offences againſt this Act ſhall and may be heard and determined in a ſummary Way by or before any Two of His Majeſty's Juſtices of the Peace for the County, Riding, Diviſion, City, Town, Liberty or Place, where any ſuch Offence or Offences ſhall be committed; and the Conviction for the ſame may be had

had and made upon the Oath or Oaths of One or more credible Witneſs or Witneſſes; and the Amount of the Forfeiture or Penalty for any and every ſuch Offence or Offences ſhall be fixed and determined by ſuch Juſtices, not exceeding the Sums herein-before mentioned; and One Half thereof ſhall be paid and payable to the Informer, and the other Half thereof to the Overſeers of the Poor of the Pariſh or Place where ſuch Offence ſhall be committed; and ſuch Juſtices may award and direct to be paid by any Party ſuch Coſts as they ſhall judge reaſonable; and in caſe any ſuch Forfeiture or Forfeitures, or Penalty or Penalties and Coſts, ſhall not be forthwith paid purſuant to ſuch Conviction, and the Perſon ſo convicted ſhall not not ſignify his Intention to appeal againſt ſuch Conviction, and forthwith enter into Recognizance before ſuch Juſtices, himſelf in the Penalty of a Sum equal to Double the Amount of the Penalty fixed as aforeſaid, with Two ſufficient Sureties, in the Penalty of a Sum equal to the Amount of the Penalty fixed as aforeſaid, each of lawful Money of *Great Britain*, with condition to perſonally appear and proſecute ſuch Appeal at the next General Quarter or General Seſſions of the Peace to be holden for the County, Riding, Diviſion, City, Town, Liberty or Place, where ſuch Offence or Offences ſhall have been charged to have been committed, ſuch Juſtices ſhall, by Warrant under their Hands, cauſe the ſame Penalties and Coſts to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, together with the Coſts and Charges attending ſuch Diſtreſs and Sale; and in caſe no ſufficient Diſtreſs can be had, ſuch Juſtices ſhall, by Warrant under their Hands, commit the Offender to the Common Gaol or Houſe of Correction within their Juriſdiction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months.

Limitation of Proſecutions.

XI. Provided always, and be it further enacted, That the ſaid reſpective Companies of Gun Makers, their Officers, Servants or Agents, ſhall not, nor ſhall any of them be ſubject or liable to any Proſecution or Information by virtue of this Act or the ſaid recited Act, for any Offence or Offences againſt this Act, unleſs ſuch Proſecution ſhall be commenced or Information given within Six Calendar Months next after the Offence or Offences committed.

Preſcribing Form of Conviction.

XII. And be it further enacted, That the Juſtices, before whom any Perſon or Perſons ſhall be convicted of any Offence or Offences againſt this Act, may cauſe any ſuch Conviction to be drawn up on Parchment or Paper, in the Form or to the Effect following; that is to ſay,

to wit. } 'BE it remembered, That on the Day of in the Year of Our Lord 'is convicted before us [*naming the Juſtices*] of His Majeſty's Juſ- 'tices of the Peace for the County of [*or*, Riding, City, 'Liberty, Diviſion, Town or Place] for that the ſaid '[*here ſtate the Offence*] contrary to the Statute made in the Fifty-third 'Year of the Reign of King *George* the Third, intituled *An Act to inſure 'the proper and careful manufacturing of Fire Arms in* England, *and for 'making Proviſion for proving the Barrels of ſuch Fire Arms*, and con- 'trary to the Proviſions of an Act paſſed in the Fifty-fifth Year of the ſame,

'Reign, intituled *An Act*, [*here ſet forth the Title of this Act*]: And we 'the ſaid Juſtices do hereby adjudge and determine the ſaid 'for the ſaid Offence to forfeit and pay the Sum of 'of lawful Money of *Great Britain*; and do order one thereof 'to be forthwith paid by him the ſaid to [*the 'Informer*] and the other thereof to the Overſeers of the 'Poor of the Pariſh of [*where the Offence was committed*]: And we the 'ſaid Juſtices do alſo award and direct the ſaid 'forthwith to pay to the Sum of 'for Coſts. Given under our Hands the Day and Year above written.'

And every ſuch Conviction ſhall be tranſmitted by ſuch Juſtices to the next General Seſſions or General Quarter Seſſions of the Peace to be holden for the County, Riding, Diviſion, City, Town, Liberty or Place wherein ſuch Conviction was had, to be filed and kept amongſt the Records of the ſaid General Seſſions or General Quarter Seſſions.

Allowing an Appeal from Convictions of Juſtices.

XIII. Provided always, and be it further enacted, That if any Perſon convicted of any Offence or Offences puniſhable by this Act, ſhall think himſelf or herſelf aggrieved by the Judgment of the Juſtices before whom he or ſhe ſhall have been convicted, ſuch Perſon ſhall have Liberty to appeal from every ſuch Conviction to the next Court of General Seſſions or General Quarter Seſſions of the Peace which ſhall be held for the County, Riding, Diviſion, City, Town, Liberty or Place, wherein ſuch Offence was committed; and the Juſtices in or at the ſaid next Court of General Seſſions or General Quarter Seſſions, are hereby authorized and required to hear and determine the Matter of the ſaid Appeal, and to award ſuch Coſts as to them ſhall appear juſt and reaſonable to be paid to either Party; which Deciſion ſhall be final; and if upon hearing the ſaid Appeal, the Judgment of the Juſtices before whom the Appellant ſhall have been convicted ſhall be confirmed, ſuch Appellant ſhall forthwith pay the Forfeitures or Penalty mentioned in ſuch Conviction, and the Coſts awarded to be paid by ſuch Appellant; and in Default of Payment thereof, ſuch Appellant ſhall immediately be committed by the ſaid Court to the Common Gaol or Houſe of Correction of the County, Riding, Diviſion, City, Town, Liberty or Place, where any ſuch Offence may have been committed, there to remain for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty and Coſts ſhall be ſooner paid.

Allowing an Appeal from Acts of Truſtees, &c.

XIV. And be it further enacted, That if any Perſon or Perſons ſhall feel himſelf or themſelves aggrieved by any of the Acts, Orders or Proceedings of the ſaid Truſtees, Guardians and Wardens, or either of them, in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be holden for the ſaid County of *Warwick* ſuch Appellant (if there be ſufficient time after the cauſe of ſuch Complaint ſhall have ariſen) firſt giving or cauſing to be given Eight Days Notice at leaſt in Writing of his or their Intention of bringing ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer of the ſaid Truſtees, and within Four Days after ſuch Notice, (if required), entering into Recognizance before ſome Juſtice

Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and for want of ſufficient Time for giving ſuch Notice previous to the Firſt Quarter Seſſions after the Cauſe of ſuch Complaint ſhall have happened, then ſuch Appeal, after ſuch Notice and under ſuch Recognizance may be made at the Second General Quarter Seſſions of the Peace to be holden for the ſaid County; and the Juſtices at ſuch Firſt or Second Seſſions ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſions may alſo by their Order or Warrant, levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall neglect or refuſe to pay the ſame, and for want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction for the ſaid County, there to remain for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Limitation of Actions.

XV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, and the ſaid recited Act, until after Thirty Days Notice in Writing ſhall be thereof given to the Guardians, Truſtees and Wardens of the Gun-barrel Proof Houſe of the Town of *Birmingham*, nominated and appointed by, or to be choſen and elected under and by virtue of the ſaid recited Act, or their Solicitor for the Time being, or to the Maſter or Warden of the Company of Gunmakers of the City of *London* for the Time being, or after ſufficient Satisfaction made or tendered, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits ſhall be ſo brought; and all ſuch Actions or Suits ſhall be laid and tried in the County, City, or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, and every of them, may plead the General Iſſue, and give this Act and the ſaid recited Act and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for or on which ſuch Action or Actions, Suit or Suits ſhall be brought, was done in purſuance and by the Authority of this Act and the ſaid recited Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Thirty Days Notice was given, as before directed, or that ſufficient Satisfaction was made or tendered or paid into Court as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County, City, or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits, or if upon a Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgment ſhall be given for the Defendant

fendant or Defendants therein; then and either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy and Remedies for recovering the ſame, as any Defendant or Defendants may have for the Recovery of his, her, or their Coſts in other Caſes by Law.

Proof House Accounts to be audited.

XVI. And be it further enacted, That from and after the paſſing of this Act, the Accounts of the ſaid Proof Houſe, and of all Sums of Money to be paid, laid out, and expended in the Conduct and Management thereof, and carrying on the ſame, and of all Sums to be paid in reſpect of any Intereſt or Principal of any Sums advanced and expended under the ſaid recited Act or this Act, in the building, completing and eſtabliſhing the ſame, and of all Sums to be received under the Proviſions of the ſaid Act and this Act, ſhall once in each Year be audited by ſome Juſtice of the Peace acting at *Birmingham*, or within Seven Miles thereof.

Appointing Number of the Company.

XVII. And be it further enacted, That ſo much and ſuch Parts of the ſaid recited Act as enacts that the Lord Lieutenants of the reſpective Counties of *Warwick*, *Worceſter*, and *Stafford*, and the Perſons ſerving in Parliament for the ſaid Counties reſpectively for the Time being, and *Robert Wheeler*, *John Adams*, *Thomas Archer* junior, *Richard Sutherland*, *John Heely*, *John Oughton*, *William Ryan*, *Barthlomew Redfern*, *John Williams Keene*, *John Smith*, *William Allport*, *John Jones*, *George Jones*, *Gad Parſons*, *Joſeph Bunney*, and their Succeſſors, to be choſen in Manner thereinafter directed, ſhould be a Body Politic and Corporate, and called or known by the Name of "The Guardians, Truſtees, and Wardens of "the Gun-barrel Proof Houſe of the Town of *Birmingham*," for the Purpoſe of proving, or cauſing to be proved, in the Manner directed by the ſaid recited Act, all Barrels for Guns, Fowling Pieces, Blunderbuſſes, Piſtols, and every other Deſcription of Fire Arms which ſhould be brought to the Proof Houſe at *Birmingham* to be proved according to the Proviſions of the ſaid recited Act, ſhall be and the ſame is hereby repealed; and that from and after the paſſing of this Act, the Lord Lieutenants of the reſpective Counties of *Warwick*, *Worceſter* and *Stafford*, and the Perſons ſerving in Parliament for the ſaid Counties reſpectively for the Time being, and *Robert Wheeler*, *John Adams*, *Thomas Archer* junior, *Richard Sutherland*, *John Heeley*, *John Oughton*, *William Ryan*, *Bartholomew Redfern*, *John Williams Keene*, *John Smith*, *William Allport*, *John Jones*, *George Jones*, *Gad Parſons*, *Joſeph Bunney*, the High and Low Bailiff for the Town of *Birmingham* for the Time being, and all Acting Magiſtrates reſiding within Seven Miles of the Town of *Birmingham*, and their Succeſſors to be choſen in Manner directed by the ſaid recited Act, ſhall be and they are hereby declared to be a Body Politic and Corporate, and ſhall be called or known by the Name of "The Guardians, "Truſtees and Wardens of the Gun-barrel Proof Houſe of the "Town of *Birmingham*," for the Purpoſe of proving or cauſing to be proved, in the manner directed by the ſaid recited Act, all Barrels for Guns, Fowling Pieces, Blunderbuſſes, Piſtols, and every other Deſcription of Fire-Arms which ſhall be brought to the Proof Houſe at *Birmingham* to be proved according to the Proviſions of the ſaid recited Act.

Public Act.

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

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