ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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C A P. LXV.

An Act for relieving the Commissioners and others acting in the Execution of divers Local Improvement Acts from certain Penalties and Disabilities. [4th *August* 1838.]

WHEREAS under the Provisions of various Acts from Time to Time passed for paving, lighting, watching, supplying with Water, and otherwise improving the Streets, Lanes, and other public Passages and Places within divers Towns in *England*, the Commissioners appointed to carry such Acts into execution, and the Officers appointed and retained by them, are disqualified and rendered incapable of acting or of being employed, and are respectively liable to Penalties for being concerned or interested in any Contract for the Supply of Gas or Water made in pursuance of such Acts respectively, or for acting during such Disqualification, or for otherwise acting in any Matter in which they shall be personally interested: And whereas certain Persons have so acted, and have thereby rendered themselves liable to Penalties and Disabilities, and it is expedient to afford them Relief: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

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Suits already commenced for pecuniary Penalties incurred under any Local Acts to be discontinued on Application to the Court or to a Judge, upon Payment of Costs.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any such Commissioner or Officer as aforesaid 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 such pecuniary Penalty or Penalties as aforesaid incurred under any or either of the Acts herein-before referred to, by reason of his or their being concerned in or holding or having any Share of or Interest in any Gas Light Company, 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, Charges, and Expences thereof incurred to the Time of such Application being made, such Costs, Charges, and Expences to be taxed according to the Practice of such Court; and every such Court or Judge is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs, Charges, and Expences as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Suits commenced subsequent to passing of this Act to be discontinued without Payment of Costs.

II. Provided always, and be it enacted, That if in any Case any such Writ, Suit, Action, Bill, Plaint, or Information for the Recovery of any such pecuniary Penalty or Penalties as aforesaid incurred by reason of his having been concerned in or having had any Share of or Interest in any Gas Light Company before the passing of this Act shall be sued out or commenced at any Time subsequent to the Day of the passing of this Act, it shall be competent for such Court or Judge as aforesaid to make such Order as aforesaid for discontinuing the same, without Payment of any Costs, and upon making such Order such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Not to extend to Cases where Judgment has passed.

III. And be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Bill, Plaint, or Information in which any Judgment or Conviction shall have passed on or before the Day of the passing of this Act.

Commissioners or Officers disqualified may be re-appointed.

IV. And be it enacted, That every such Commissioner and Officer who at the Time of the passing of this Act shall have become disqualified or incapable of acting as aforesaid, or of being appointed and retained under either of the Acts herein-before mentioned or referred to, shall be capable of being re-appointed and re-elected.

V. And

V. And be it 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. Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.