

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

CAP. LXXXVIII.

An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto. [14th *August* 1838.]

WHEREAS an Act passed in the Fifty-seventh Year of the Reign of His 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 whereas another Act passed in the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor:* And whereas another Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on of Public Works and Fisheries and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in* Great Britain: And whereas another

57 G. 3. c. 34.

57 G. 3 c. 124.

1 G. 4. c. 60.

another Act passed in the First and Second Years of the Reign of
1 & 2 G. 4. c. 111. His said last-mentioned Majesty, intituled *An Act to empower the Commissioners in* Great Britain *for the Execution of several Acts for authorizing the Issue of Exchequer Bills for carrying on the Public Works and Fisheries and Employment of the Poor, to extend the Time for the Payment of certain Advances under the said Acts:* And whereas another Act passed in the Third Year of the Reign of His
3 G. 4. c. 86. said last-mentioned Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act passed in the Fourth Year of the Reign of His said last-mentioned
4 G. 4. c. 63. Majesty, intituled *An Act to authorize the Advance of Money by the Commissioners under several Acts for the Issue of Exchequer Bills for Public Works, for the building, rebuilding, enlarging, or repairing of Gaols in* England: And whereas another Act passed in the Fifth
5 G. 4. c. 36. Year of the Reign of His said last-mentioned Majesty, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works:* And whereas another
5 G. 4. c. 77. Act passed in the same Year, intituled *An Act to amend the Acts for the Issue of Exchequer Bills for Public Works:* And whereas another Act passed in the Sixth Year of the Reign of His said last-mentioned
6 G. 4. c. 35. Majesty, intituled *An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland: And whereas another Act passed in the Seventh Year of
7 G. 4. c. 30. the Reign of His said last-mentioned Majesty, intituled *An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and to extend the Provisions thereof in certain Cases:* And whereas another Act passed in the Seventh and Eighth Years
7 & 8 G. 4. c. 12. of the Reign of His said last-mentioned Majesty, intituled *An Act to amend an Act of the First Year of His present Majesty, for the Advance of Money for carrying on Public Works in* Ireland:
7 & 8 G. 4. c. 47. And whereas another Act passed in the same Year, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works:* And whereas another Act passed in the First and Second Years of
1 & 2 W. 4. c. 24. His late Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act passed in the Third and Fourth Years of the
3 & 4 W. 4. c. 32. Reign of His said late Majesty, intituled *An Act to amend several Acts authorizing Advances for carrying on Public Works:* And whereas another Act passed in the Fourth and Fifth Years of the
4 & 5 W. 4. c. 72. Reign of His said late Majesty, intituled *An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act passed in the First Year of the
7 W. 4. & 1 Vict. c. 51. Reign of Her present Majesty Queen *Victoria*, intituled *An Act to*

authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto: And whereas sundry Advances have been made by the Commissioners appointed by the said recited Acts for the Purposes, and under the Regulations in the said Acts respectively contained, and Applications have been made, and are by several Acts authorized to be made, to the said Commissioners for other Advances which the Funds remaining at their Disposal are insufficient to meet, and it is therefore expedient that further Advances of Exchequer Bills should be placed at the Disposal of the said Commissioners for the like Purposes, and subject to the like Terms and Conditions mentioned in the said recited Acts, or any of them, or in any Act or Acts of Parliament having Reference thereto, except so far as such Terms and Conditions may be altered or extended by this Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Queen's most Excellent Majesty, by Warrant or Warrants under Her Royal Sign Manual, to authorize the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to cause or direct any Number of Exchequer Bills to be made out at Her Majesty's Exchequer in *Great Britain*, not exceeding in the whole the Sum of Five hundred thousand Pounds in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed.

Her Majesty may authorize the Commissioners of the Treasury to issue Exchequer Bills not exceeding 500,000*l.*

48 G. 3. c. 1.

II. And be it enacted, That all the Powers, Authorities, Regulations, Clauses, Provisoes, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of His said Majesty King *George* the Third, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Powers of recited Act 48 G. 3. c. 1. to extend to Exchequer Bills to be made out under this Act.

III. And be it enacted, That the said Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Money contained therein.

Bills to bear an Interest not exceeding 3½*d.* per Cent.;

IV. Provided always, and be it enacted, That the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall after that Time pass and be current to all Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever due or payable to Her Majesty, Her Heirs or Successors,

and to be current to all Receivers, &c. and at the Bank.

Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any Person or Persons, Bodies Politic or Corporate whatsoever, making any Payments there to Her Majesty, Her Heirs and Successors.

Treasury to fix Periods at which such Exchequer Bills shall be payable;

V. And be it enacted, That from and after the passing of this Act all Exchequer Bills which at any Time after the passing of this Act shall be made out and issued in pursuance of this Act, and advanced for any of the Purposes mentioned in the said recited Acts or any of them, or in this Act, shall be dated and made payable at such Periods as shall be fixed by the Commissioners of Her Majesty's Treasury.

and to order Payment of them out of the Consolidated Fund.

VI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of all Exchequer Bills issued under the Authority of this Act.

Commissioners of the Treasury to issue Money to defray the Charges of executing recited Acts and this Act.

VII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being, and they are hereby authorized and required, to issue or advance, or cause to be issued and advanced, all such Sums of Money to such Person or Persons and in such Manner and such Proportions as the Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, shall by Writing under their Hands desire, out of the said Consolidated Fund, which Sums so to be issued and advanced shall be employed for the Payment of Allowances and defraying all Charges and Expences in the Execution of the said recited Acts and this Act, without any other Account than before the said Commissioners of Her 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.

Bank to continue the Account already opened with the Commissioners for executing recited Acts.

VIII. And be it enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of the said recited Acts, under the Title of "The Commissioners for the Issue of certain Exchequer Bills," and shall carry to the Credit of such Account the several Monies directed to be paid to the Cashiers of the said Bank by the said recited Acts, as well as all Payments to be made under this Act, upon such Certificates under the Hands of the said Commissioners as have been heretofore used for such Purpose as directed by the said recited Acts, or some or One of them, in such and the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act.

Money paid into Bank to make Part of the Consolidated Fund.

IX. And be it enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners, under and by virtue of the said recited Acts and

and this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners for executing recited Acts to be Commissioners for executing this Act.

X. And be it enacted, That the several Persons who in and by the said recited Acts, or any of them, are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, shall be and they and all future Parties so constituted are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration.

XI. And be it enacted, That the said Commissioners named or constituted in and by the said recited Acts, or either of them, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I *A.B.* do declare, That according to the best of my Judgment I will faithfully and impartially execute the several Duties, Powers, and Trusts vested in me by an Act, intituled [*insert Title of this Act*], according to the Tenor and Purport of the said Act, the Acts therein recited, and other Acts having reference thereto.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Exchequer Bills advanced to be certified to the Comptroller General of the Exchequer.

XII. And be it enacted, That when the Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Exchequer Bills to be advanced out of the Exchequer Bills authorized to be made out of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Comptroller General of Her Majesty's Exchequer at *Westminster* for the Time being, who, on such Certificate or Certificates being deposited in his Office, shall cause and direct to be delivered to the Bearer or Bearers thereof Exchequer Bills to be prepared under the Authority of this Act to such Amount as the said Commissioners shall direct, provided the total Amount to be issued by virtue of such Certificates shall not at any Time exceed the Amount of Exchequer Bills authorized by this Act; and every Exchequer Bill to be issued by virtue of this Act shall and may be signed by the Comptroller General of Her Majesty's Exchequer, or in his Name, by any Person duly authorized by Law to sign the same.

List of Exchequer Bills made out to be delivered to Commissioners.

XIII. And be it enacted, That the Officers by whom such Exchequer Bills shall be delivered shall from Time to Time, upon Requisition of the said Commissioners for the Execution of the said recited Acts and this Act, deliver to them at their Office complete Lists of all the Exchequer Bills made out as aforesaid, specifying the respective

Dates and Sums expressed therein, and the Periods appointed for the Payment of the same, and distinguishing therein the Person to whom and the Numbers of the Certificates by virtue whereof the same were issued respectively.

Commissioners may appropriate any Sum not exceeding 50,000*l.* for the Promotion of Public Works in Ireland. 1 & 2 W. 4. c. 33.

XIV. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to appropriate, out of the Sum of Five hundred thousand Pounds in Exchequer Bills authorized to be advanced under the Authority of this Act, any Sum or Sums in Exchequer Bills, not exceeding Fifty thousand Pounds in the whole, for the Promotion and Extension of Public Works in *Ireland*, to be applied by the Commissioners appointed under the Authority of an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, to the Purposes and under the Provisions of the said Act.

If such Appropriation made the Comptroller of the Exchequer to deliver Bills as directed by the Treasury.

XV. Provided always, and be it enacted, That in case any such Appropriation shall be made, it shall be lawful for the Comptroller General of Her Majesty's Exchequer and he is hereby required to deliver from Time to Time Exchequer Bills, made out under the Provisions of this Act, to any Amount not exceeding in the whole the said Sum of Fifty thousand Pounds, to such Persons and under such Regulations as shall be directed by the said Commissioners of Her Majesty's Treasury.

Commissioners may make Advances to Parties engaged in Public Works, &c.

XVI. And be it enacted, That the said Commissioners, at any Time after the passing of this Act, may lend and advance, and apportion or distribute, to and amongst any Body or Bodies Politic or Corporate, or any Company or Companies of Proprietors or Person or Persons engaged in or desirous of carrying on or interested in any Works of a public Nature, carried on or which may hereafter be carried on under the Authority of Parliament, or for the Encouragement of the Fisheries, or the Support of any Collieries or Mines, or any Trustees or Trustee of Roads or Railways, or any other Person or Persons whomsoever, for any of the Purposes mentioned in the said recited Acts, or any or either of them or this Act, all or any Part of the Sum or Sums, in Exchequer Bills, to be issued at any Time after the passing of this Act, under the Authority of this Act, or any Act or Acts of Parliament having any relation thereto, upon, under, and subject to the like Terms, Conditions, and Securities, or any or either of them, as are specified and prescribed by the said recited Acts, or any or either of them or this Act, or any Act or Acts of Parliament having relation thereto; and all the Powers and Authorities, Regulations, Restrictions, Clauses, Provisoes, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or this Act, or any Act or Acts of Parliament having relation thereto, shall be applied and extended to all Loans advanced and Acts done by the said Commissioners or their Secretary for the Time being, or any Trustees or other Persons or Bodies Politic, Corporate, or Collegiate, or Companies, in pursuance and execution of this Act, as fully and effectually to all Intents or Purposes as if the said several Powers, Authorities, Regulations, Restrictions, Clauses, and Provisoes, Privileges,

Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally and separately repeated and re-enacted in the Body of this Act, except only so far as the same are altered, amended, or enlarged by this present Act.

Powers, &c. of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

XVII. And be it enacted, That all the Clauses, Powers, Provisoes, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts, or any of them, in relation to any Advances made or to be made under the said recited Acts, or any of them, or this Act, or for the Recovery, Repayment, and Application of such Advances and the Repayment thereof, and the Accounts to be kept in relation thereto shall extend and are hereby extended and made applicable to the said Commissioners, and all other Persons, Parties, Bodies Politic or Corporate, in respect to all Advances which shall be made by the said Commissioners, and all Acts done and directed by the Commissioners of Her Majesty's Treasury, or the said Commissioners for executing this Act and the said recited Acts, or either of them, under the Authority of the said recited Acts and this Act, or any or either of them, and the Recovery, Repayment, and Application of such Advances, and of all Accounts in respect of the same, in such and the like Manner to all Intents, Constructions, and Purposes whatsoever as if such Clauses, Powers, Provisoes, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally repeated and re-enacted in the Body of this Act, except only so far as the same are amended, extended, or altered by this Act.

Repeal of the Clause in 7 Will. 4. & 1 Vict. c. 51. as to further Advance for the Completion of certain Public Works.

XVIII. And whereas by the said Act of the First Year of the Reign of Her present Majesty it is enacted, That in all Cases in which the said Commissioners had made or should thereafter make Advances for any Work which had been or which should be taken possession of by the said Commissioners under the Powers and Provisions of the said recited Acts, or some or one of them, it should be lawful for the said Commissioners, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, to make any further Advances for the Completion, Repair, Improvement, or Security of the Works so taken possession of, or of which Possession should thereafter be taken as aforesaid, and such Advances should be considered a further Charge on such Works, repayable with Interest from the Time of the making of such further Advance, in such and the like Manner to all Intents and Purposes as if such further Advances had been secured by a further Mortgage of such Public Work so taken possession of, or which should thereafter be taken possession of as aforesaid, although such further Advance might exceed the Capital authorized to be borrowed by the Parties interested in the Public Work on account of which such further Advance should have been necessary for any or either of the Purposes aforesaid; any Law, Statute, or Usage to the contrary thereof notwithstanding: And whereas it is expedient that such Provision should be repealed; and, in lieu thereof, be it enacted, That in all Cases in which the said Commissioners have made or shall hereafter make Advances under the Provisions of the said recited Acts or this Act, for any Work which after such Advance or Advances has the

Where Commissioners have made Advances and taken Possession, they may make further

Advances by Certificates during their Possession.

been or shall be taken possession of by the said Commissioners in default of Repayment of the same, under the Powers and Provisions of the said recited Acts, or some or one of them, it shall be lawful for the said Commissioners to make further Advances by Certificates to be made as aforesaid during their keeping such Possession, to be applied in the Completion, Repair, Improvement, or Security of the Works so taken possession of, or of which Possession shall hereafter be taken as aforesaid, subject nevertheless to the Approval of the Lords Commissioners of Her Majesty's Treasury; and such Advances when made shall be considered a further Charge on such Works, repayable with Interest from the Time of the making of the said Advance, in such and the like Manner to all Intents and Purposes as if such further Advances had been secured in like Manner as the Advance or Advances made by the said Commissioners to such Public Work previous to the same being taken possession of as aforesaid; any Law, Statute, or Usage to the contrary thereof notwithstanding.

Construction of certain Words in this Act.

XIX. And be it enacted, That the Words "Commissioners of Her Majesty's Treasury," or "of the Treasury," whenever used in this Act, shall be construed to mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, whenever such Office there shall be.

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