obtaining the returns required by this Act; and every person refusing to answer or wilfully giving a false answer to such questions or any of them shall for every such refusal or wilfully false answer forfeit a sum not exceeding five pounds nor less than twenty shillings.

Recovery of penalties.

18. All penalties imposed by this Act shall be recovered in a summary manner before two justices of the peace having jurisdiction in the county or place where the offence is committed in the manner prescribed by law in this behalf.

Interpretation of terms.

19. In the construction of this Act the term parish means a place for which a separate poor rate is or can be made, and has in the metropolis the same meaning as in "The Metropolis Management Act, 1855," and the words "dwelling-house" shall include all buildings and tenements of which the whole or any part shall be used for the purpose of human habitation.

CHAP. 108.

An Act for taking the Census in Scotland. [10th August 1870.]

WHEREAS it is expedient to take the census of Scotland in the year one thousand eight hundred and seventy-one:

Be it 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, as follows:

Secretary of State to superintend census.

1. One of Her Majesty's Principal Secretaries of State shall have the care of superintending the taking of the census of Scotland, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary, and the Registrar General for Scotland shall issue all such forms and instructions to the persons for whose use they shall be intended; and all the expenses which shall be incurred by authority of such Secretary of State, subject to the sanction of the Commissioners of Her Majesty's Treasury, under this Act, shall be paid out of such moneys as shall be provided by Parliament for that purpose.

Copy of this Act to be sent to every sheriff in Scotland.

2. The Registrar General for Scotland shall send a printed copy of this Act to the sheriff of every county in Scotland, and to the chief magistrate of every royal burgh, and of every parliamentary burgh having magistrates, in Scotland.

Registrar's districts to be formed into enumerator's divisions.

3. Every registrar's district in Scotland shall be formed into enumerator's divisions according to instructions to be prepared by or under the direction of such Secretary of State, who shall cause a sufficient number of copies of such instructions to be sent to every registrar of births, deaths, and marriages in Scotland; and the registrars, with all convenient speed, shall divide the several districts into enumerator's divisions according to such instructions, and subject in each case to be revised by the sheriff of the county or the magistrates of the burgh, as the case may be.

Enumerators to be appointed.

4. The several registrars of births, deaths, and marriages in Scotland shall make and return to the sheriff of the county, or to the chief magistrate of the burgh, as the case may be, a list containing the names and places of abode of a sufficient number of persons, duly qualified according to instructions to be prepared by or under the direction of such Secretary of State, to act as enumerators within their several districts, and such persons, when approved of by the sheriff or magistrates, shall be appointed by the registrar, by any writing under his hand, enumerators for taking the census; and the registrar, with the like approval, shall assign a division to each enumerator, and shall distribute to the several enumerators in his district the forms and instructions which shall have been issued for that purpose by the Registrar General, and shall personally ascertain that each

enumerator thoroughly understands the manner in which the duties required of him are to be performed.

Householders schedules to be left at dwelling-houses.

5. Schedules shall be prepared by or under the direction of such Secretary of State for the purpose of being filled up by or on behalf of the several occupiers in dwelling-houses as herein-after provided, with particulars of the name, sex, age, rank, profession or occupation, condition, relation to head of family, and birthplace of every living person who abode in every house on the night of Sunday the second day of April one thousand eight hundred and seventy-one, and also whether any were blind, or deaf and dumb, or imbecile or lunatic, and also whether any, and how many, of such persons, being of the age of from five to thirteen years, were in regular attendance at school, or were in the receipt of education at home under tutors or governesses, and the registrars in Scotland shall in the course of the week ending on Saturday the first day of April in the year one thousand eight hundred and seventy-one leave or cause to be left at every dwelling-house within their respective districts one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling-house, (or where such dwelling-house is let in different stories or apartments, and occupied distinctly by different persons or families, by the occupier of each such distinct story or apartment,) and that the enumerator will collect all such schedules within his division on the Monday then next following; and every occupier of any dwelling-house, or of any distinct story or apartment in any dwelling-house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereunto, and shall deliver the schedule so filled up, or cause the same to be delivered, to the enumerator when required so to do; and every such occupier who shall wilfully refuse or without lawful excuse neglect to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false return of all or any of the matters specified in the said schedule, shall forfeit a sum not more than five pounds nor less than twenty shillings.

Occupiers to fill up the schedules and sign and return them to the enumerator.

Penalty for neglect.

Schedules to be collected from house to house, and corrected if found to be erroneous.

6. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division from house to house, so far as may be possible, on Monday the third day of April in the year one thousand eight hundred and seventy-one, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the schedules, when completed and corrected, into books to be provided them for that purpose, and shall add thereunto an account, according to the best information which they shall be able to obtain, of all the other persons living within their division who shall not be included in the schedules so collected by them.

Enumerators to take an account of houses, &c., and to distinguish the boundaries of parishes and burghs.

7. Every enumerator shall also take an account of the occupied houses, and of the houses then building and therefore uninhabited, and also of all other uninhabited houses within his division, stating the number of rooms, including the kitchen, if any, as a room, having a window or windows, not being windows with a borrowed light, in each dwelling-house, and shall also take an account of all such particulars herein-before mentioned, and none other, as by the forms and instructions which may be issued under this Act they may be directed to inquire into; and in the book into which he shall have copied the householders schedules and other particulars, as herein-before directed, each enumerator shall distinguish the several parishes and places maintaining their own poor within his division, or such parts thereof as shall be within his division, and shall also distinguish those parishes and places or parts of parishes and places within his division which are within the limits of any city or burgh returning or contributing to return a member or members to serve in Parliament, or any royal burgh or any burgh in which either of the General Police and Improvement Acts, thirteenth and fourteenth Victoria, chapter thirty-three, or twenty-fifth and twenty-sixth Victoria, chapter one hundred and one, has been adopted, and shall deliver such book to the registrar of the district, together with the

Enumerators to deliver their books, with the householders schedules, to the registrar.

householders schedules collected by him, and shall sign a form or declaration to the effect that the said book has been truly and faithfully filled up by him, and that to the best of his knowledge the same is correct so far as may be known, which form of declaration shall be prepared by or under the direction of such Secretary of State, and issued by the Registrar General with the forms and instructions aforesaid.

Registrars to verify the enumerators books, and deliver them to the sheriff, &c.

8. The registrar to whom such enumeration book shall be delivered shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if not shall cause any defect or inaccuracy in the said book to be supplied so far as may appear possible; and when the books shall have been made as accurate as is possible the registrar shall deliver them to the sheriff of the county or the chief magistrate of the burgh, as the case may be, as herein-after provided.

Returns to be given to the sheriffs of counties and chief magistrates of burghs.

9. The sheriff of every county and the chief magistrate of every royal or parliamentary burgh in Scotland shall appoint a time or times, which shall not be earlier than the eighth nor later than the twenty-second day of April one thousand eight hundred and seventy-one, for the registrars of districts within their respective jurisdictions to attend at their respective offices, or such other places as they may appoint, with the returns to be made under this Act, of which times and places intimation shall be given to the registrars in such manner as shall be directed by the sheriffs and magistrates respectively, who shall then and there receive from the registrars the returns to be made as aforesaid, and cause every registrar to make a declaration to the effect that the said account has been truly and faithfully taken, and that to the best of his knowledge the same is correct; and the sheriffs and magistrates, if they see cause, may examine the registrars touching any of the matters to which the returns relate, and shall thereafter direct the clerks of their respective jurisdictions to endorse the same (if not previously endorsed) with the name of the county and district thereof wherein the parish or place therein mentioned is situate, or otherwise (where any of the said sheriffs shall think proper) they shall direct the registrar to verify the said returns before any justice of the peace of their respective counties, and thereafter to transmit the same previously to the said twenty-second day of April in any convenient manner to the said sheriffs, who shall direct the same to be endorsed as aforesaid.

Sheriffs of counties and chief magistrates of burghs to receive the returns and transmit them to the Registrar General.

10. The sheriffs of counties and the chief magistrates of royal or parliamentary burghs in Scotland shall, on or before the third day of May one thousand eight hundred and seventy-one, transmit the several original enumeration books by them received from the registrars (together with a list of the parishes and places within their respective counties and burghs from whence no returns have been made to them) to the office of the Registrar General for Scotland for the use of the Secretary of State: Provided always, that the Registrar General may empower the said sheriffs or chief magistrates, or any of them, on a special application to that effect, to retain the said enumeration books for any period not later than the fifteenth day of May of the said year.

An abstract of returns to be printed and laid before Parliament.

11. The Secretary of State shall cause an abstract to be made of the said returns; and such abstract shall be printed, and laid before both Houses of Parliament within twelve calendar months next after the first day of June in the year one thousand eight hundred and seventy-one, if Parliament be sitting, or if Parliament be not sitting, then within the first fourteen days of the session then next ensuing.

Masters, &c. of gaols, &c. to be appointed enumerators of the inmates thereof.

12. The master or keeper of every gaol, prison, or house of correction, workhouse, hospital, or lunatic asylum, and of every public or charitable institution, which shall be determined upon by the said Registrar General, shall be the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of one of the said Secretaries of State for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates.

Returns of houseless poor and of persons

13. The Secretary of State shall obtain, by such ways and means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with

respect to all houseless persons, and all persons who during the said night of Sunday the second day of April were travelling on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons as aforesaid, and shall include such returns in the abstract to be made by him as aforesaid. travelling or on shipboard.

14. One of the said Secretaries of State shall cause to be prepared a table of allowances to be made to the several enumerators, registrars, sheriff clerks, town clerks, and other persons in Scotland employed in the execution of this Act; and such table, when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the first day of March one thousand eight hundred and seventy-one, if Parliament be sitting, or if Parliament be not sitting, then within the first fourteen days of the session then next ensuing. Table of allowances to enumerators and other persons employed.

15. The sheriff of every county and the chief magistrate of every royal or parliamentary burgh in Scotland shall, within one calendar month next after the taking of the census, certify to the said Registrar General the total amount of the allowances to which the registrars, enumerators, sheriff clerks, town clerks, and other persons are respectively entitled according to the said table. Payments to be certified to the Registrar General.

16. The sheriffs of counties and the chief magistrates of royal or parliamentary burghs in Scotland shall grant to the sheriff clerks and town clerks respectively, and the several registrars, enumerators, or other persons employed in the execution of this Act, such allowances as shall have been certified as herein-before provided, together with any necessary expenses incurred by them or any of them in the execution of this Act, and shall order payment thereof to be made by the collector of the land tax for the county or other place out of any money in his hands, and such collector shall pay the same accordingly; and the receipts to be given by the registrars, enumerators, and other persons for payment of their said allowances shall be delivered to the sheriff clerk or town clerk, as the case may be, who shall transmit the same, together with the receipt for his own allowance, to the Registrar General: Provided always, that no such payment shall be made to any enumerator or other person who shall be required to act as an enumerator under this Act, but upon production of a certificate under the hand of the registrar that the duties required of such enumerator or other person acting as enumerator by this Act have been faithfully performed, and the like certificate shall be required under the hand of the sheriff or chief magistrate, as the case may be, with respect to the registrar, before any payment shall be made to him. Manner in which the payments shall be made to persons employed in execution of this Act.

17. Every registrar, and every enumerator and other person who shall be required to act as enumerator, so appointed as aforesaid, making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding five pounds nor less than two pounds. Penalty for wilful default.

18. The enumerators and other persons employed in the execution of this Act shall be authorised to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the said Secretary of State which shall be necessary for obtaining the returns required by this Act; and every person refusing to answer or wilfully giving a false answer to such questions or any of them shall for every such refusal or wilfully false answer forfeit a sum not exceeding five pounds nor less than twenty shillings. Penalty for refusing information or giving false answers.

19. All offences committed in contravention of this Act shall be prosecuted, and all penalties imposed by this Act shall be recovered in a summary manner, under the provisions of "The Summary Procedure Act, 1864;" and every such penalty shall be paid, one half to the informer, and the other half to the collector of the land tax for the county or place for which the judge before whom the penalty is recovered shall have acted, to be by him applied in aid of the expenditure under this Act. Recovery and application of penalties.

Interpretation of terms.

20. The term "sheriff" shall include "sheriff substitute," and the term "dwelling-house" shall include all buildings and tenements of which the whole or any part shall be used for the purpose of human habitation.

CHAP. 109.

An Act to abolish certain Real Actions in the Superior Courts of Common Law in Ireland, and further to amend the Procedure in the said Courts; and for other purposes. [10th August 1870.]

BE it 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, as follows; (that is to say,)

Commencement of Act.

1. This Act shall commence and take effect on the second day of November one thousand eight hundred and seventy.

Limitation of Act.

2. This Act shall apply to Ireland only.

Short title.

3. This Act may be cited for all purposes as "The Common Law Procedure Amendment Act, Ireland, 1870."

Dower, writ of Right of dower, and Quare impedit abolished as real actions, and to be commenced by writ of summons and plaint.

4. No writ of Right of Dower, or writ of Dower unde nihil habet, and no plaint for freebench or dower in the nature of any such writ, and no Quare impedit, shall be brought after the commencement of this Act in any court whatsoever; but where any such writ, action, or plaint would now lie, either in a superior or any other court, an action may be commenced by "writ of summons and plaint" issuing out of the Superior Courts of Common Law at Dublin, in the same manner as the writ of summons and plaint in an ordinary action, and in such form as the judge of the said courts respectively shall from time to time think fit to order.

Writ and all proceedings thereupon to be same as in ordinary action.

The service of the writ, appearance of the defendant, proceedings in default of appearance, pleadings, judgment, execution, and all other proceedings and costs upon such writ, shall be subject to the rules and practice which the judges of the said courts respectively shall from time to time make and prescribe, and which rules and practice shall be the same, as nearly as may be, as the proceedings in an ordinary action commenced by writ of summons and plaint.

Rules and regulations may be made and writs and proceedings framed for the purposes of this section.

In order to enable the said superior courts and the judges thereof respectively to make rules and regulations, and to frame writs of summons and plaint, and proceedings for the purpose of giving effect to the provisions of this section, the two hundred and thirty-third and two hundred and fortieth sections of "The Common Law Procedure Amendment Act (Ireland), 1853," shall be incorporated with this section, as if those provisions had been severally herein repeated.

In certain cases judge of superior courts may order cause to be tried in civil bill court.

5. Where in any action of contract brought or commenced in any of the superior courts of common law at Dublin the claim endorsed on the summons and plaint does not exceed forty pounds, or where such claim though it originally exceeded forty pounds, is reduced by payment, an admitted set-off, or otherwise, to a sum not exceeding forty pounds, it shall be lawful for the defendant in the action, within eight days from the day upon which the summons and plaint shall have been served upon him, if the whole or part of the demand of the plaintiff be contested, to apply to the court in which the action is brought, or to any judge of the said superior courts in chamber, for an order that such action should be tried in the civil bill court or one of the civil bill courts in which the action might have been commenced; and on the hearing of such application the judge shall, on proof that sufficient notice thereof has been given to the plaintiff or his attorney, unless there be good cause to the contrary, order such action to be tried in such civil bill