ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. lxxxviii.

An Act for more easily providing Compensation for the Damage and Injury committed within the City of *Bristol* and County of the same City during the late Riots and Disturbances therein.

[23d *June* 1832.]

WHEREAS, in or about the Month of *October* One thousand eight hundred and thirty-one, divers Persons did riotously and tumultuously assemble themselves together at and within the City of *Bristol* and County of the same City, and, being so assembled, did feloniously demolish, pull down, and destroy, wholly or in part, divers Houses, Buildings, and Erections situated within the said City of *Bristol* and County of the same City, together with the Fixtures, Furniture, or Goods within such Houses, Buildings, and Erections: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for* 7 & 8 G. 4.
consolidating and amending the Laws in England *relative to Remedies* c. 31.
against the Hundred: And whereas it is expedient that the Powers and Provisions of the said recited Act, so far as the same relate to the obtaining Compensation for the Damage and Injury so done to the said Houses, Buildings, and Erections, and the Fixtures, Furniture, or Goods within the same, should be altered, amended, and enlarged, and

that Power should be granted for raising Money to make such Compensation, and paying off the same, in manner herein-after mentioned; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 all the Powers, Authorities, Provisions, Regulations, Directions, Matters, and Things whatsoever contained in the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty (save and except such as are altered, varied, or repealed,) shall extend and be construed to extend to this Act, and shall operate and be in force with respect to this Act as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act.

Powers of recited Act extended to this Act.

Appointing Commissioners.

II. And be it further enacted, That the Mayor and Aldermen of the said City of *Bristol* and County of the same City for the Time being, or any One or more of them, shall and he and they is and are hereby required, within Twenty-one Days next after the passing of this Act, or as soon after as conveniently may be, to hold a Meeting in each of the several Wards in the said City and County, of which Meeting Seven Days previous Notice shall be given by Advertisement to be inserted in the several Newspapers printed and circulated in the said City of *Bristol*, and then and there, by the Votes of such Persons as shall be rated and assessed towards the Relief of the Poor of the said City and County in respect of any Lands or Tenements in their respective Occupations, to be situate within the said Wards respectively, or of the Majority of such Persons so rated as aforesaid then present, to elect and choose in each and every of the said Wards One Male Person out of such of the Persons as shall be so rated and assessed as aforesaid; and the several Persons who shall be so elected at such several Meetings shall be and they are hereby appointed Commissioners for executing the Purposes of this Act.

For supplying Vacancies in case of Death of Commissioners.

III. And be it further enacted, That when and as often as any of the Persons hereby constituted Commissioners, or any other Person or Persons who shall be elected in the Room of any or either of the said several Persons hereby constituted Commissioners, or their or any of their Successors, shall, after their respective Elections as aforesaid, die, compound with their Creditors, or become bankrupt, or by reason of any mental or other Infirmity, or otherwise, become disqualified or incapable of acting, or, by Writing under their or his Hands or Hand, delivered to any One or more of the said Commissioners, or to the Clerk of the said Commissioners, shall refuse to act, or who shall for Four successive Meetings of the said Commissioners omit to act, it shall be lawful for the said Mayor and Aldermen, or any One of them, and he and they is and are hereby required, upon Five Days Notice in Writing of such Vacancy or Vacancies, signed by any Five or more of the said Commissioners, to hold a Meeting of Persons rated and assessed towards the Relief of the Poor within the Ward or Wards for which such Persons respectively dying, compounding with their Creditors, becoming bankrupt, or incapable of acting, or refusing or neglecting to act as aforesaid, were elected, and at such Meeting or Meetings, to be

convened by Advertisement to be inserted in the several Newspapers aforesaid Seven Days previously to such last-mentioned Meeting or Meetings, to proceed to the Election of some other fit and proper Person or Persons duly qualified to succeed the Person or Persons respectively who shall have so died, compounded with their Creditors, or become bankrupt or incapable of acting, or have refused or neglected as aforesaid to act, by the Votes of the Persons so rated within the said Ward or Wards in manner aforesaid.

Qualification of Commissioners.

IV. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act unless he shall, at the Time of acting, be an Occupier of Lands or Tenements within the said City of *Bristol* and County of the same City, and possessed of a Real Estate of the annual Value of One hundred Pounds, or of a Leasehold Estate, whereof Ten Years at the least shall be unexpired, of the annual Value of One hundred and fifty Pounds, or of a Real and Leasehold Estate together of the annual Value of One hundred and fifty Pounds, above all Charges and Incumbrances whatsoever, or be an Occupier of Lands or Tenements within the said City of *Bristol* and County of the same City of the annual Rent or Value of Eighty Pounds; and if any Person not being qualified as aforesaid shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed: Provided always, that all Orders, Acts, and Proceedings of all and every Persons and Person acting as Commissioners or a Commissioner in the Execution of this Act, though not duly qualified as aforesaid, previous to their or his being convicted of such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Persons or Person had been duly qualified according to the Directions of this Act.

Acts of Commissioners good before Conviction.

Commissioners to take an Oath.

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, save and except in administering the Oath or Affirmation herein mentioned to the said Commissioners, until he shall have taken and subscribed before some One or more of the said Commissioners an Oath or Affirmation to the Effect following; (that is to say,)

Oath.

'I *A.B.* do swear, [*or, being one of the Persons called Quakers*, do solemnly affirm,] That I will faithfully, honestly, and impartially, according to the best of my Skill and Judgment, fulfil and perform the several Trusts and Powers reposed in me in and by virtue of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.'

[*Or, in case of Affirmation, with the Omission of the Words* 'So help me God.']

VI. And

Penalty on Persons appointed refusing to take upon themselves the Office of Commissioners.

VI. And be it further enacted, That in case any Person who shall be nominated, elected, and appointed as aforesaid to be a Commissioner for executing the Powers of this Act, being duly qualified, shall neglect or refuse to attend some one of the Two following Meetings of the said Commissioners to be held next after such Nomination, Election, and Appointment, being duly summoned for that Purpose, or at some Meeting within such future Time as shall be allowed by the said Commissioners, and qualify himself, by taking the Oath or Affirmation herein mentioned, to act in the said Office of Commissioner, or, not being qualified as herein-before mentioned, shall not, within Five Days after Notice of his Appointment, give Notice in Writing of such his Want of Qualification to the Clerk of the said Commissioners, and also appear before some Justice of the Peace of and for the said City and County, and duly depose upon Oath or make Affirmation to or of such his Want of Qualification as aforesaid, and subscribe such Deposition or Affirmation (which Deposition or Affirmation such Justice is hereby empowered to take and administer), and forthwith leave the said Deposition or Affirmation with such Clerk, then and in such Case every such Person so offending shall forfeit and pay the Sum of Twenty Pounds.

Commissioners may make Rules to secure the Attendance, &c. of Commissioners.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to make such Rules and Regulations to secure the Attendance of the said Commissioners, and for the Regulation and Conduct of their Business and Transactions at the several Meetings to be held under this Act, and likewise from Time to Time to vary, alter, amend, or repeal all or any of such Rules and Regulations, and to impose and inflict such reasonable Fines and Forfeitures, not exceeding the Sum of Five Pounds for any One Offence, on such Commissioners as shall not attend to and obey such Rules and Regulations as aforesaid, as to them the said Commissioners shall seem expedient.

First Meeting of the Commissioners.

VIII. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at the Guildhall or at some other convenient Place in the said City of *Bristol* and County of the same City, within Sixty Days next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Six of the Clock in the Afternoon; and the said Commissioners, or any Five or more of them, shall then and there proceed to put this Act into execution, and then and from Time to Time afterwards adjourn themselves, to meet, or otherwise meet according to such Notice as is herein-after directed to be given, at such Place or Places within the said City of *Bristol* and County of the same City as such Commissioners, or any Five or more of them, shall think proper and convenient; and if Five Commissioners shall not attend at the Time and Place appointed for any such Meeting, then the Commissioners or Commissioner present shall and may make such Adjournment; or if no such Commissioner shall be present, or if at any Meeting an Adjournment be neglected to be made, then any Two of the said Commissioners, or the Clerk to the said Commissioners to be appointed in manner herein-after mentioned, on an Order in Writing to be signed by Two of such Commissioners, may revive and continue the Meetings of the said Commissioners by calling One or more Meeting or Meetings for that Purpose, and causing such Notice to be given as is herein-after directed; and every such

such Meeting so to be called for the Purpose of reviving and continuing the said Meetings shall be adjourned in like Manner; and such Adjournments, and the Revivals and Continuations of the said Meetings, shall be entered by the Clerk to the said Commissioners in a Book to be kept for that Purpose.

No Act of Commissioners valid unless done at a Meeting.

IX. Provided always, and be it further enacted, That no Proceedings of the said Commissioners, or any of them, in the Execution of this Act, shall be valid (save and except the calling or directing Meetings to be called as herein directed) unless the same shall be done at a Meeting held in pursuance of this Act, nor unless Five Commissioners at the least shall be present at such Meeting; but all Orders which are by this Act authorized to be made by such Commissioners, and all Acts, Matters, and Things which are by this Act authorized to be done by such Commissioners, may and shall be done by the major Part of such of the Commissioners as shall be assembled and present at the making of any such Order or doing any such Act, the whole Number present not being less than Five, and the same when so done shall be as good, valid, and effectual as if all the said Commissioners had been present; and previous Notice of all the Meetings to be held in pursuance of this Act (Meetings by Adjournment only excepted) shall be given by the Clerk to the said Commissioners by Notice in Writing to the several Commissioners, or by Advertisement to be inserted once in One or more of the Newspaper or Papers printed or circulated in the said City of *Bristol* and County of the same City, Ten Days at the least before such Meeting, which Notice shall specify the Time and Place of such Meeting; and at every such Meeting One of the said Commissioners present shall be appointed Chairman; and all Acts, Matters, and Things shall be determined by the Votes of the greater Number of the Commissioners present; and at all such Meetings the Chairman shall not only have a single Vote, but, in case of an Equality of Votes, shall have the decisive or casting Vote; and all Orders and Proceedings at such Meetings shall be entered in a Book and signed by the Chairman of such Meetings, and shall be deemed Originals, and shall be allowed to be read in Evidence in all Cases, Suits, and Actions touching any thing done in pursuance or by virtue of this Act; and upon the final Execution of all the Powers hereby entrusted to the said Commissioners, such Books of Proceedings, and all other Books to be used by the said Commissioners for the Purposes of this Act, shall be deposited with the Chamberlain of the said City and County of *Bristol*, and be by him kept and preserved amongst the Records of the said City and County.

Clerk to be appointed.

X. And be it further enacted, That the said Commissioners shall and may from Time to Time appoint a Clerk for assisting them in the Execution of this Act, with such Allowance, to be paid out of the Monies to be raised by virtue of this Act, as shall be thought reasonable by the said Commissioners; and the said Commissioners may from Time to Time remove such Clerk, and appoint any other in his Room.

Peace Officers to defend, &c. Actions under Direc-

XI. And be it further enacted, That all such Powers and Rights as are by the said recited Act given or granted to any Peace Officer to enter Appearances to, or defend, or suffer Judgment by Default in or otherwise with reference to any Action or Actions brought or commenced against the

tion of Commissioners.

the Inhabitants of the said City of *Bristol* and County of the same City for Recovery of Compensation for Damage or Injury sustained by the feloniously pulling down or destroying, wholly or in part, any House, Building, or Erection situate within the said City of *Bristol* and County of the same City, or any Fixtures, Furniture, or Goods within the same, in consequence of such riotous and tumultuous assembling as aforesaid, shall from Time to Time hereafter be executed by such Peace Officer under the Direction and Controul of the said Commissioners in all respects whatsoever; and the said Commissioners shall and may and they are hereby authorized and empowered to order and direct such Measures to be taken for defending any such Action or Actions brought under and by virtue of the said recited Act as to them shall seem meet, or otherwise at their Discretion to order and direct that Judgment be suffered to go by Default in any such Action or Actions.

Commissioners may compromise Claims made.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, if they shall think fit, at any Time before final Judgment shall be obtained by any Person or Persons, Corporations Sole or Aggregate, in any Action or Actions brought for Recovery of Compensation for any such Damage or Injury as aforesaid, to compromise and compound with any such Person or Persons, Corporations Sole or Aggregate, being Plaintiff or Plaintiffs in such Action or Actions, for the Amount of Damage or Injury sustained by any such Person or Persons, Corporation Sole or Aggregate, for Recovery whereof any such Action or Actions shall have been brought as aforesaid, and thereupon to consent and agree with any such Person or Persons, Corporation Sole or Aggregate, that Judgment shall be forthwith entered up for the Plaintiff or Plaintiffs in any such Action for such Sum or Sums of Money, not exceeding the Amount of the Demand of such Plaintiff or Plaintiffs, as shall be agreed upon by and between the said Commissioners and such Plaintiff or Plaintiffs: Provided always, that it shall be lawful for any Judge of the Court in which any such Action shall be brought as aforesaid, and such Judge is hereby authorized and required, upon the summary Application and Consent of the Plaintiff or Plaintiffs and Defendant or Defendants in any such Action or Actions, or their respective Attornies or Agents, to make a Rule that Judgment may be forthwith entered up in any such Action or Actions for such Sum or Amount as may be agreed upon by and between such Plaintiff or Plaintiffs and the said Commissioners as aforesaid; and thereupon Judgment shall be entered up for such Plaintiff or Plaintiffs accordingly, who shall be entitled to his or their Costs of Action in like Manner as if such Judgment had been obtained by Default or after Verdict; and it shall not be necessary to assess Damages upon any Writ of Inquiry of Damages in any such Action or Actions wherein Judgment shall be so entered up by Consent as aforesaid.

Commissioners to order Amount of Costs, &c. to be paid to Peace Officers.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to ascertain, settle, and determine the Amount of Costs, Charges, and Expences incurred by any such Peace Officer of the said City and County in consequence of any Action or Actions brought against the Inhabitants of the said City and County, and Process served upon such Peace Officer, or any Appearance to or Defence thereof by such Peace Officer, or otherwise in

relation to any such Action or Actions, the same Costs, Charges, and Expences, in case of any Dispute respecting the same, to be settled and ascertained by the Master or other proper Officer of the Court wherein such Action shall have been brought, as between Attorney and Client; and the said Commissioners shall grant a Warrant under their Hands and Seals, or under the Hands and Seals of any Five or more of them, addressed to the Governor, Deputy Governor, Assistants, and Guardians of the Poor of the said City of *Bristol*, for Payment, by and out of the Monies to be raised by virtue of this Act, unto the said Peace Officers respectively, the Amount of Costs, Charges, and Expences so ascertained, settled, and determined; which said Payment the said Governor, Deputy Governor, Assistants, and Guardians are hereby authorized and required to make accordingly.

Commissioners to issue Warrant to Governor, &c. of the Poor for Payment of their Expences.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to grant a Warrant under their Hands and Seals, or under the Hands and Seals of any Five or more of them, addressed to the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, thereby requiring Payment of the Amount of all such Costs, Charges, and Expences as shall be incurred by them the said Commissioners in the Execution of the Powers and Trusts hereby in them reposed, and also the Amount of the Allowance payable to the Clerk of the said Commissioners; which said Amounts respectively expressed in such Warrants the said Governor, Deputy Governor, Assistants, and Guardians are hereby authorized and required from Time to Time to pay by and out of the Monies to be raised by virtue of this Act.

Damages, &c. to be paid by Governors, &c. of Poor.

XV. And be it further enacted, That all and every such Sums and Sum of Money, Damages, and Costs which shall be recovered, whether by Judgment, by Default, or by Consent as aforesaid, or after Verdict in any such Action or Actions, shall be paid by the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, by and out of the Monies to be raised by virtue of this Act; any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Certificate of Damages and Costs to be delivered to Governor, &c. of Poor, and entitle Plaintiff to Amount specified.

XVI. And be it further enacted, That all Persons, Corporations Sole or Aggregate, who, by reason of any Judgment or Judgments obtained in any such Action or Actions, either by Default or by Consent, or after Verdict, shall be entitled to any Damages and Costs, shall deliver or cause to be delivered to the Clerk of the said Commissioners a Certificate or Allocatur, under the Hand of the Master or other proper Officer of the Court in which such Action shall have been brought, of the Amount of Damages and Costs recovered and ascertained in such Actions respectively, and the Day on which such Costs were ascertained; which said Certificate or Allocatur such Master or other proper Officer is hereby authorized and required to give to any Plaintiff or Plaintiffs in such Action or Actions respectively; and thereupon the said Commissioners shall and they are hereby required, by Certificate under their Hands and Seals, or the Hands and Seals of any Five or more of them, to certify to the said Governor, Deputy Governor, Assistants, and Guardians the Amount of Damages and Costs recovered and ascertained

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in any such Action or Actions, and the Day on which such Costs were ascertained; and all such Persons, Corporations Sole or Aggregate, shall be entitled to Interest at and after the Rate of Five Pounds *per Centum per Annum* on the Amount of the said Damages and Costs from the Day on which the said Costs were ascertained up to the Day of Payment of the same Damages and Costs as herein-after directed: Provided always, that no such Person, Corporation Sole or Aggregate, shall be entitled to demand or require Payment of the Amount of the said Damages and Costs and Interest before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three; but nothing herein contained shall extend or be construed to extend to prevent the said Governor, Deputy Governor, Assistants, and Guardians from paying the Amount of the same Damages, Costs, and Interest at any earlier Period, if they shall think proper.

Limiting the Period for entering up Judgments, &c.

XVII. And be it further enacted, That no Person or Persons, Corporation Sole or Aggregate, shall be entitled to recover or enter up any Judgment or Judgments in any such Action or Actions after the last Day of *Michaelmas* Term which will be in the Year of our Lord One thousand eight hundred and thirty-four; and from and after the First Day of *Hilary* Term in the Year One thousand eight hundred and thirty-five all the Powers and Authorities hereby given and granted to the said Commissioners shall cease and determine.

For raising Money for the Purposes of the Act.

XVIII. And for raising Money for the Purposes of this Act, be it further enacted, That the said Governor, Deputy Governor, Assistants, and Guardians of the Poor shall and they are hereby required, by some Writing under their Common Seal, to certify to the Justices of the Peace for the said City and County at their General or Quarter Sessions of the Peace to be holden in and for the said City and County in *July* One thousand eight hundred and thirty-two, or at some Adjournment thereof, that it will be necessary to raise for the Purposes of this Act, for the Year commencing on the Twenty-fifth Day of *March* last past, the Sum of Ten thousand Pounds; and the said Governor, Deputy Governor, Assistants, and Guardians shall and they are hereby required, in the Year One thousand eight hundred and thirty-three, and thenceforward in every Year, so long as any Sum exceeding the Sum of Ten thousand Pounds shall be wanted or required for the Purposes of this Act, in and by their annual Certificate to the Justices of the Peace in and for the said City and County of the Sum requisite for the Maintenance of the Poor of the said City and County directed to be made by virtue of the Provisions of a certain Act passed in the Third Year of the
3 G. 4. c. 24. Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Employment, Maintenance, and Regulation of the Poor of the City of* Bristol; *and for altering the Mode of assessing the Rates for the Relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts for improving the Harbour there, and for paving, pitching, cleansing, and lighting the same City, and for the Relief of the Churchwardens and Overseers from the collecting of such Rates; and for amending the Act for paving, pitching, cleansing, and lighting the said City,* to certify to the Justices of the Peace for the said City and County that the Sum of Ten thousand Pounds, or such further Sum as is herein-after mentioned, will be required for the Purposes of this Act; and when the Sum

Sum which shall be wanted and required for the Purposes of this Act shall be less than the Sum of Ten thousand Pounds, then to certify the Amount of such less Sum; and the said Justices present at the said General or Quarter Sessions of the Peace to be holden in and for the said City and County in *July* One thousand eight hundred and thirty-two shall and they are hereby required to order, award, and direct, by Writing under the Hand of the Town Clerk of the said City and County, the said Sum of Ten thousand Pounds to be levied for the Purposes of this Act for the Year commencing on the Twenty-fifth Day of *March* last past; and the said Justices of the Peace present in the said Year One thousand eight hundred and thirty-three, and in every subsequent Year, shall and they are hereby required, upon Presentment of such annual Certificate of the said Governor, Deputy Governor, Assistants, and Guardians as aforesaid, to order, award, and direct such Sum or Sums of Money as in such annual Certificate respectively shall be certified to be requisite for the Purposes of this Act to be levied and raised in addition to the Sum or Sums in any such Order awarded or directed to be levied and raised for the Maintenance of the Poor of and for the said City and County, and for all or any other the Purposes of the said last-recited Act; and such Order, Award, and Direction shall from Time to Time be signed by such Town Clerk, and a Duplicate thereof, signed by such Town Clerk, shall be by him forthwith transmitted to the Governor for the Time being of the said Corporation of the Poor at the Hospital or Workhouse of the said Corporation in the said City and County: Provided always, that in case it shall happen that the said Sum of Ten thousand Pounds hereby authorized to be certified and raised in the Year One thousand eight hundred and thirty-three, and thenceforward in every Year so long as any Sum exceeding the said Sum of Ten thousand Pounds shall be wanted or required for the Purposes of this Act, together with the Amount of any Sum or Sums of Money borrowed and raised on the Credit of the Rate hereby authorized to be raised, shall not be sufficient to pay, discharge, and satisfy all and every such Sums and Sum of Money, Damages, and Costs which shall be recovered, whether by Judgment, by Default, or by Consent as aforesaid, or after Verdict in any such Action or Actions, within the Space of Three Calendar Months next after the same shall be demanded, then and in every such Case, and as often as the same shall happen, the said Governor, Deputy Governor, Assistants, and Guardians of the Poor shall and they are hereby required, in and by their next annual Certificate to the said Justices as aforesaid, to certify such an Amount as will be sufficient to pay, discharge, and satisfy all and every such Sums and Sum of Money, Damages, and Costs as shall be so recovered and be due as aforesaid.

Governor, &c. of Poor to collect the Rate.

XIX. And be it further enacted, That as soon after such Order hereby authorized and required to be made at the General or Quarter Sessions of the Peace to be holden in and for the said City of *Bristol* and County of the same City in the Month of *July* One thousand eight hundred and thirty-two as conveniently may be, the said Governor, Deputy Governor, Assistants, and Guardians of the Poor shall and they are hereby required, either to cause the said Sum of Ten thousand Pounds to be added to any Assessment which shall have been then already made for the Purposes of the said last-recited Act for the Year

commencing on the said Twenty-fifth Day of *March* last past, in which Case the same shall be assessed upon the several Inhabitants, Owners, or Occupiers of all Lands, Houses, Tithes, and other rateable Property within the several Parishes and the Precinct of the *Castle* in the said City and County of the same City in the same rateable Proportions as the Sum already certified and then already assessed for the Relief of the Poor of the said City and County, and the Arrears and Deficiencies of former Rates, have been apportioned and assessed, and shall be added to and collected with the same by the Collectors appointed under and by virtue of the said last-recited Act; or if no such Assessment shall have been then already made for the said Year commencing as aforesaid, to add the same to the Sum already certified as aforesaid, in which Case the same and also all future Sums authorized to be raised for the Purposes of this Act in each and every Year shall be added to and form one aggregate Sum with the Sum certified and allowed to be raised for the Purposes of the said last-recited Act, and shall be apportioned, assessed, and collected, and the same Poundage for collecting allowed, as if the same had formed Part of the Sum authorized to be raised for the Purposes of the said last-recited Act; and all and every the Powers, Provisions, Authorities, Remedies, and Allowances which by the said last-recited Act are given or provided in respect of the Sums thereby authorized to be raised, and the Arrears and Deficiencies on the Collection thereof, and the Power of Appeal against the Rates thereby authorized to be collected, shall be and the same are hereby made applicable to the Apportionment, Assessment, Collection, and Recovery of the said increased or aggregate Amount authorized to be raised for the Purposes of the last-recited Act and of this Act, in the same Manner and to such and the same Extent in all respects as if the same Powers, Provisions, Authorities, Remedies, and Allowances, and the said Power of Appeal against the Rates thereby authorized to be collected, were herein severally repeated and re-enacted: Provided always, that all Monies which shall from Time to Time be collected in respect of, and all Arrears and Deficiencies from Time to Time arising in, the Collection of the aggregate Sum to be annually raised by virtue of the said last-recited Act and of this Act, shall be divided and apportioned, applied and re-assessed, in such Proportions as the several Sums authorized to be raised for the several Purposes of the same Acts respectively shall bear each to the other.

Separate Account to be kept of the Money raised under this Act.

XX. And be it further enacted, That the said Governor, Deputy Governor, Assistants, and Guardians of the Poor shall keep or cause to be kept a distinct Book or Books wherein shall be made and entered an Account of all Receipts and Payments in respect of all Matters and Things authorized by this Act; and the said Governor, Deputy Governor, Assistants, and Guardians of the Poor shall and they are hereby required, in the Year One thousand eight hundred and thirty-three, and in every subsequent Year until the Purposes of this Act shall be completed, at the same Time as they are required by the said last-recited Act to publish a Statement of their Accounts, to cause a distinct and separate Statement or Account of the several Receipts and Payments of the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, in respect of this Act, to be inserted in Two or more of the Weekly Newspapers published in the said City of *Bristol*.

XXI. And

Governor, &c. may borrow Money on the Credit of the Rates.

XXI. And be it further enacted, That it shall be lawful for the said Governor, Deputy Governor, Assistants, and Guardians of the Poor from Time to Time to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Amount of the Compensation to be recovered as aforesaid, and the Costs, Charges, and Expences attending the same, and such other Costs, Charges, and Expences as may be incurred and ordered to be paid by the said Commissioners under the Provisions or otherwise relating to the Execution of this Act, on the Credit of such Proportion of the said aggregate Rates authorized to be made, raised, and assessed under and by virtue of this Act and the said last-recited Act as is hereby made applicable to the Purposes of this Act, and by Writing or Writings under their Common Seal to mortgage or assign over such Proportion of the said Rates to the Person or Persons, Corporations Sole or Aggregate, who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Repayment of any Money to be advanced for the Purposes of this Act, with Interest as aforesaid; and all Persons, Corporations Sole or Aggregate, to whom any such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums in such Securities mentioned, Creditors on the said Rates, equally one with another, without any Preference in respect to the Priority of advancing such Money or the Dates of any such Mortgages or Assignments; and every such Mortgage or Assignment shall be good, valid, and effectual in the Law for the Purposes thereby intended, and may be in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

'WE, the Governor, Deputy Governor, Assistants, and Guardians of the Poor of the City of *Bristol*, in pursuance of the Powers to us given by an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby mortgage and assign over such Proportion of the aggregate Rates authorized to be made, raised, and assessed in and by the said Act, and in and by a certain Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the Employment, Maintenance, and Regulation of the Poor of the City of* Bristol; *and for altering the Mode of assessing the Rates for the Relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts for improving the Harbour there, and for paving, pitching, cleansing, and lighting the same City, and for the Relief of the Churchwardens and Overseers from the collecting of such Rates; and for amending the Act for paving, pitching, cleansing, and lighting the said City*, as is by the said first-mentioned Act made applicable to the Purposes of that Act, for the Payment of the Sum of

which

of

hath [*or* have, *as the Case may be*] proposed and agreed to lend, and hath [*or* have, *as the Case may be*] now actually advanced and paid into our Hands, for the Purposes of the said last-mentioned Act, [*or as the Case may be*] hath recovered by Judgment duly certified to us, pursuant to the Provisions of the said first-mentioned Act; and we do hereby confirm and establish the same unto the said his, her, *or* their [*as the Case may be*] Executors, Administrators, Successors, and Assigns, for securing the Repayment of the said Sum

of

‘ of and Interest for the same after the Rate of
‘ for One hundred Pounds for a Year, to be paid half-yearly, as the same
‘ shall become due, until the Principal shall be discharged. In witness
‘ whereof we have hereunto set our Common Seal this
‘ Day of in the Year of our Lord ’.

Governor, &c. may borrow Money from Exchequer Bill Loan Commissioners. 1 & 2 W. 4. c. 24.

XXII. And be it further enacted, That it shall and may be lawful for the said Governor, Deputy Governor, Assistants, and Guardians of the Poor from Time to Time, or at any one Time, to apply for the Loan of all or any Part of the Money hereby authorized to be borrowed and raised to the Commissioners acting in the Execution of an Act made and passed in the First and Second Years of the Reign of His present 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 of the several Acts therein recited and referred to; and it shall be lawful for the said last-mentioned Commissioners to advance to the said Governor, Deputy Governor, Assistants, and Guardians of the Poor the Whole or any Part of the Money hereby authorized to be borrowed and raised, either in One Sum or in separate Sums, upon the Credit of the Rates authorized to be made, raised, and assessed as herein-before mentioned, without requiring personal Security; and it shall be lawful for the said Governor, Deputy Governor, Assistants, and Guardians of the Poor to mortgage or assign the said Rates to the said last-mentioned Commissioners, or their Secretary for the Time being, in such Manner and Form as they the said last-mentioned Commissioners shall direct and appoint, as Security for Payment of the Principal and Interest of any Sum or Sums so to be advanced by such annual or other Instalments as may be agreed upon between the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, and the said last-mentioned Commissioners, and as shall be specified in such Mortgages or Assignments, without requiring Interest to be paid on the Sum or Sums so advanced at any higher Rate than Four Pounds *per Centum per Annum* in any such Mortgage or Assignment; and the Sums payable under and by virtue of the same shall in all Cases have Preference and Priority over any other Mortgage, Assignment, or other Security or Securities upon the said Rates, until the Principal Money advanced by the said last-mentioned Commissioners, in Exchequer Bills or otherwise, and all Interest which shall accrue on such Advance or Advances, shall be fully paid and satisfied; and all such Mortgages or Assignments so to be given to the said last-mentioned Commissioners shall not be impeached or impeachable for any Irregularity or Informality in the Proceedings of the Commissioners appointed by this Act, or their Successors, and the said Governor, Deputy Governor, Assistants, and Guardians of the Poor respectively, in the Execution thereof, or in the Grant of such Mortgages or Assignments as aforesaid, any thing contained in this Act, or any or either of the Acts of Parliament herein-before recited and referred to, to the contrary thereof notwithstanding.

Mortgage may be granted to Persons en-

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, and they are hereby empowered, upon Receipt of any

such Certificate or Allocatur of Damages and Costs as herein-before is mentioned, to mortgage and assign over the said Proportion of the said aggregate Rates in the like Form, *mutatis mutandis*, as is herein-before provided in respect of Monies which may be advanced or lent on the Credit of the said Proportion of the said aggregate Rates, to any Person or Persons, Corporation Sole or Aggregate, who shall have obtained any Judgment or Judgments in any of the aforesaid Actions, either by Default, or by Consent, or after Verdict, and who shall be willing to take such Mortgage or Assignment as a Security for the Amount of the Damages and Costs recovered by such Person or Persons, Corporations Sole or Aggregate, or any Part thereof, together with Interest thereon at and after the Rate of Five Pounds *per Centum per Annum*.

Parties entitled to receive Amount of Damages and Costs.

XXIV. And be it further enacted, That it shall be lawful for the respective Persons, Corporations Sole or Aggregate, entitled to any of the Securities to be given by virtue of this Act, and their respective Executors, Administrators, Successors, or Assigns, at any Time, by Writing under their Hands and Seals, or Corporate Seals, to transfer such Securities to any Person or Persons, Corporation Sole or Aggregate, whomsoever, by Indorsment on the Back of such Security, or any Writing to be annexed thereto, in the Form or to the Effect following; (that is to say,)

Securities for Money to be transferable.

'I [*or* We, *naming the Party assigning*] do transfer this Mortgage, with all my [*or* our] Right or Title to the Principal Money thereby secured, and all Interest now due and to become due for the same, to [*naming the Party to whom the Security is assigned*], his [*or* her *or* their] Executors, Administrators, Successors, and Assigns. Dated the Day of One thousand eight hundred and .'

Form of Transfer.

And all Mortgages and Assignments which shall be made in pursuance of this Act, and Memorials of all Transfers thereof, shall be entered in a Book to be kept for that Purpose by the Clerk or Clerks of the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, which Entries shall specify and contain the Dates, Names of the Parties, and the Sum of Money thereby secured, to which Book any Persons interested shall at all seasonable Times have access, and shall have free Liberty to inspect the same; and for the Entry of every such Transfer the said Clerk or Clerks shall be paid by the Person to whom the same shall be made the Sum of Two Shillings and Sixpence, and no more; and after such Entry made of any Transfer, every such Transfer so entered shall entitle the Person, Corporation Sole or Aggregate, to whom the same shall be made, and his, her, and their respective Executors, Administrators, Successors, and Assigns, to the Benefit of the Security thereby transferred.

Interest to be paid every Half Year.

XXV. And be it further enacted, That the said Governor, Deputy Governor, Assistants, and Guardians of the Poor shall and they are hereby required half-yearly, until the whole of the Principal Sums herein-before authorized to be borrowed and taken up or secured as aforesaid shall be fully repaid, with Interest for the same, with and out of the Monies which shall from Time to Time arise and be received under the Provisions of this Act for the Purposes thereof, to pay and discharge such

Interest when and as the same shall from Time to Time become due and payable.

Power to borrow Money at lower Interest to discharge Securities at higher.

XXVI. And be it further enacted, That in case the said Governor, Deputy Governor, Assistants, and Guardians of the Poor can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages or Assignments which shall be then in force shall bear, it shall be lawful for the said Governor, Deputy Governor, Assistants, and Guardians of the Poor from Time to Time to charge such Proportion of the said aggregate Rates authorized to be made, raised, and assessed under and by virtue of this Act and the said last-recited Act as is made applicable to the Purposes of this Act, in manner aforesaid, with such Sum or Sums of Money as they shall think fit or proper, and the Interest thereof at such lower Rate aforesaid, and to pay off and discharge therewith the Mortgages or Assignments bearing a higher Rate of Interest.

For paying off Mortgages or Assignments.

XXVII. And in order that all the said Mortgages or Assignments for the Payment of any Principal Monies may be discharged without Partiality or Preference, be it further enacted, That as soon as the whole Amount of Damages and Costs hereby authorized to be paid, in respect to which the Party or Parties entitled shall not have taken any Mortgage or Assignment, and all other Costs, Charges, and Expences hereby authorized to be paid, shall have been fully paid off and discharged, and before any Payment shall be made in discharge of any Money secured by any Mortgage or Assignment, the said Governor, Deputy Governor, Assistants, and Guardians of the Poor shall appoint a Meeting, of which Ten Days Notice shall be given by their Clerk or Clerks in Two or more of the Newspapers circulated in the said City of *Bristol*, and to which Meeting all Mortgagees under this Act shall be admitted, and all the said Mortgages shall then and there be drawn by Lot, by Order of the Governor or Deputy Governor of the said Corporation of the Poor then present, and numbered by Indorsement according to the Event of such Drawing; and the Mortgages so drawn and numbered shall be regularly discharged in succession, according to Priority of Numbers: Provided always, that before any Mortgage or Mortgages shall be paid off and discharged, Two Calendar Months Notice shall be given by Advertisement, signed by the Clerk or Clerks of the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, in Two or more of the Newspapers published in the said City of *Bristol*, specifying the Number or Numbers of the respective Mortgages intended to be paid off, and the Day on which the same will be so paid: Provided also, that if any Holder or Holders of any Mortgage or Mortgages, the Number or Numbers of which shall be specified in such Advertisement, shall omit to apply for Payment thereof at the Counting-house of the Hospital or Workhouse of the said Governor, Deputy Governor, Assistants, and Guardians, on the Day specified in such Advertisement, the Interest secured by such Mortgage or Mortgages shall cease to be payable by virtue thereof from the Day specified in such Advertisement, and the Principal Monies only thereby secured shall become payable.

Application of Monies raised.

XXVIII. And be it further enacted, That all Monies which shall be collected and raised by virtue of the Powers and Authorities in this Act shall be applied and disposed of, in the first place, in paying the Costs,

Charges, and Expences which shall have been incurred in or shall be incident to and attend the obtaining and passing of this Act; then in Payment of the Amount of the Costs, Charges, and Expences incurred by any Peace Officer of the said City and County in consequence of any Action brought against the Inhabitants of the said City and County for the Recovery of any Damages or Injury which shall have been sustained by such riotous and tumultuous Assembly as aforesaid; in the next place, in the Discharge of all Costs, Charges, and Expences which the said Commissioners, or the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, or any of their Officers, may sustain or be put unto in carrying this Act into execution, or in prosecuting or defending any Indictment, Action, or Suit in anywise relating to or concerning any of the Purposes of this Act, or in any other Matter relative to the Execution thereof; then in Payment of Interest due and to become due on all Sums of Money borrowed, raised, or charged upon the Monies to be raised by virtue of this Act; then in Payment of all Sum or Sums of Money which shall be recovered, whether by Judgment, by Default, or by Consent, or after Verdict in any such Action or Actions for or on account of any Damage or Injury which shall have been sustained by the feloniously demolishing, pulling down, or destroying wholly or in part any House, Building, or Erection situated within the said City of *Bristol* and County of the same City, or for any Damage at the same Time done to any Fixture, Furniture, or Goods within the same, in consequence of such riotous and tumultuous assembling as aforesaid, and any Interest as aforesaid due thereon; and lastly, in reducing, paying off, and discharging all such Sums of Money so borrowed, raised, or charged, and for such other Uses and Purposes as are herein expressed, and for no other Use, Intent, or Purpose whatsoever: Provided always, that nothing in this Act contained shall extend, or be deemed or construed to extend, to authorize the said Governor, Deputy Governor, Assistants, and Guardians of the Poor, or render them liable, to any Appropriation or Payment, for the Purposes of this Act, of any Monies which already have or hereafter may be raised by them for the Purposes of the said recited Act of the Third Year of the Reign of His said late Majesty.

Justices may proceed by Summons in the Recovery of Penalties.

XXIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Recovery and Application of Penalties.

XXX. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall be adjudged by and recovered before any Justice of the Peace for the County, City, or Place wherein the Offender shall be or reside,

reside, upon Proof of the Offences respectively before any such Justice, either by the Confession of the Party offending, or by the Oath (or being a Quaker, by the Affirmation) of any credible Witness or Witnesses, which Oath and Affirmation such Justice is in every Case hereby fully authorized to administer and take; and such Justice is hereby authorized to convict the Party offending; and in default of Payment of such Penalties, Forfeitures, or Fines, the same shall be levied, together with the Costs attending the Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Surplus (if any), after such Penalties, Forfeitures, and Fines, and the Costs of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereon to levy such Penalties, Forfeitures, or Fines, and the Costs of such Distress and Sale as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Costs may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, or Place wherein such Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines respectively, and all reasonable Costs attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, the Application whereof is not herein otherwise directed, shall be from Time to Time paid and applied to the general Purposes of this Act.

Form of Conviction.

XXXI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say,)

‘ } BE it remembered, That on the Day of
‘ to wit. } in the Year of our Lord
‘ is [*or* are] convicted before me of His
‘ Majesty's Justices of the Peace for the
‘ by

'by virtue of an Act passed in the Second Year of the Reign of His 'Majesty King *William* the Fourth, intituled [*here insert the Title of this* '*Act*], of having [*specifying the Offence, and the Time and Place when* '*and where the same was committed, as the Case shall be,*] contrary to the 'said Act, and for which Offence I do adjudge the said 'to have forfeited the Sum of . Given 'under my Hand and Seal the Day and Year first above written.'

Providing for the Loss of Deeds, &c.

XXXII. And be it further enacted, That it shall be lawful for any Person or Persons who has or have lost or been deprived of any Deed or Muniment or Document of Title, in consequence of such riotous and tumultuous assembling as aforesaid, to lay before His Majesty's Justices of the Peace at any General or Quarter Sessions of the Peace to be holden in and for the said City and County a Statement of the Loss of the said Deed or Muniment or Document of Title; and upon Proof before the said Justices, as well of the former Existence as of the Destruction or Loss of the said Deed or Muniment or Document of Title, the said Justices shall and they are hereby authorized and required to adjudicate upon the Subject Matter so presented to their Consideration, and if they shall think fit may find and declare the former Existence and also the Destruction or Loss of the said Deed or Muniment or Document of Title, and shall thereupon, at the Request of the said Person or Persons, certify such Finding and Declaration under the Hand of the Clerk of the Peace of the said City of *Bristol* and County of the same City, to be by him enrolled amongst the Records of the said General or Quarter Sessions; and such Enrolment, or a true Copy thereof under the Hand of the said Clerk of the Peace or his Deputy, shall at all Times thereafter be received and taken as *primâ facie* Evidence of the former Existence and Destruction and Loss of the said Deed or Muniment or Document of Title in all Courts of Record or other Courts and Places wherein the said Deed or Muniment or Document of Title could have been received in Evidence if the same had not been destroyed or lost as aforesaid.

Funds of Mayor, &c. of Bristol not to be exempted or made liable by Act.

XXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to exempt or exonerate the Mayor, Aldermen, and Common Council, or the Estates, Funds, or Revenues of the Mayor, Burgesses, and Commonalty of the said City of *Bristol* and County of the same City, from any Duties or Liabilities to which they are now subject or liable, or would have been subject or liable to if this Act had not been passed, nor to subject or make liable the said Mayor, Aldermen, and Common Council, or the Estates, Funds, and Revenues of the said Mayor, Burgesses, and Commonalty, to any Duties or Liabilities to which they are not now subject or liable, or would not have been subject or liable if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

Saving the Rights of the Mayor, &c. of Bristol.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, lessen, or prejudicially affect any of the Rights, Privileges, Franchises, Immunities, Powers, or Authorities of the Mayor, Burgesses, and Commonalty of the City of *Bristol*, or of the Mayor and Aldermen of the same City, as Justices of the Peace of the said City and County of the same

same City, or otherwise howsoever (save and except as is herein expressly enacted).

Act to be an Indemnity to Peace Officers.

XXXV. And be it further enacted, That this Act shall be a full and sufficient Indemnity to every Peace Officer of the said City and County for every thing to be by such Peace Officer lawfully done in pursuance of the Directions of the Commissioners to be from Time to Time appointed under this Act, or any Five or more of them.

Public Act.

XXXVI. 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.

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