

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. LXXVI.

An Act for the Abolition of the exclusive Privilege of Trading, or of regulating Trades, in Cities, Towns, or Boroughs in *Ireland*.

[26th *August* 1846.]

WHEREAS in certain Counties of Cities, Counties of Towns, Cities, Towns, and Boroughs in *Ireland* certain Persons styling themselves Guilds, Crafts, Incorporations, or Fraternities, or claiming to be Members of Guilds, Crafts, and Fraternities, claim to possess exclusive Privileges of dealing in certain Merchandize, and of carrying on or exercising certain Trades, Occupations, Mysteries, or Handicrafts, or of regulating, controlling, or restraining Persons in the Use or Exercise of such Trades, Occupations, Mysteries, or Handicrafts, and the Admission of Apprentices to learn and practise the same, or other Matters relating thereto, respectively, within their respective Cities, Towns, or Boroughs, as well by making Bye Laws in relation thereto, as otherwise; and Claim is made, on the Part of Bodies styled Guilds, Crafts, Incorporations, or Fraternities, to the Existence and Exercise of Rights and Powers entitling them to prevent Persons not being Members, or not conforming to the Regulations thereof, from dealing in such Merchandize, or from carrying on or exercising such Trades, Occupations, Mys-

teries, or Handicrafts, or from being apprenticed to learn the same, within such Cities, Towns, or Boroughs, and also to the Existence and Exercise of Rights, Powers, and Authorities enabling them to impose Pains, Punishments, Penalties, Forfeitures, Fines, and Imprisonment in respect of the said Matters or some of them: And whereas it has become expedient that any such exclusive Privileges, Rights, Powers, and Authorities should be abolished: 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 from and after the passing of this Act no such exclusive Privileges, and no such Rights, Powers, or Authorities as aforesaid, shall be exercised or enjoyed, or shall be henceforth treated as existing in *Ireland*; and it shall be lawful for any Person or Persons to deal in any Merchandize, and to carry on, use, and exercise any lawful Trade, Occupation, Mystery, or Handicraft, and to take Apprentices to learn the same, in any City, Town, or Borough, and elsewhere, in *Ireland*, without being a Member of any Guild, Craft, Incorporation, or Fraternity, and free from any Control, Regulation, Restraint, or Interference of any Guild, Craft, Incorporation, or Fraternity whatsoever; any Royal Charter, Grant, or Letters Patent, or any Prescription, Custom, or Bye Law, to the contrary notwithstanding.

Exclusive Privileges and Rights as to exercising Trades in Cities, Towns, or Boroughs in Ireland to cease.

II. And be it enacted, That after the passing of this Act it shall be lawful for any Person or Persons against whom any Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted by or on behalf of any Body or Persons claiming to be or styling itself or themselves as such Guild, Craft, Incorporation, or Fraternity, for the Recovery of any pecuniary Penalty or Penalties, Forfeiture or Sum, incurred or payable on or before the Day of the passing of this Act, under or by virtue or in respect of any such alleged exclusive Privilege, or any such alleged Rights, Powers, or Authorities as aforesaid, or in respect of any of the Matters aforesaid, to apply to the Court in which such Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, or to any Judge of any of the Superior Courts at *Dublin*, for an Order that such Action, Bill, Plaint, or Information shall be discontinued upon Payment of the Costs thereof which were incurred on or before the First Day of *April* in the Year One thousand eight hundred and forty-six, such Costs to be taxed according to the Form of such Court; and every such Court or Judge, upon such Application, shall make such Order as aforesaid; and upon the making of such Order, and Payment or Tender of such Costs as aforesaid, such Action, Bill, Plaint, or Information shall be forthwith discontinued.

Actions, &c. commenced by any Guild, &c. for Recovery of Penalties to be discontinued.

III. And be it enacted, That if any Person shall, in a Memorial to be presented to the Lord Lieutenant within Three Calendar Months after the passing of this Act, claim to have been at the Time of the passing of this Act an Officer of any such Guild, Craft, Incorporation, or Fraternity holding any Office to which he was appointed on or before the Sixteenth Day of *February* in the Year One thousand eight hundred and thirty-six, and shall in such Memorial

Officers of any Guild, &c. whose Offices have been abolished by this Act may memorialize Lord Lieu-

Memorial allege that such his Office has been abolished, or has ceased or become unnecessary by reason of this Act, and that thereby or that otherwise by Force of this Act he has been deprived of Salary, Fees, or Emoluments to which he would have been entitled if this Act had not passed, and shall specify in such Memorial the Nature and Tenure of such Office, and the Time and Manner of his Appointment to the same, and the Duties thereof, and the Salary, Fees, or Emoluments respectively to which he shall allege that he would have been entitled if this Act had not passed, and of which he shall allege that he has been so deprived, and the Services for which and the Right under which he shall allege that he enjoyed the same, and the Amount of such Salary, Fees, and Emoluments respectively received by him in each Year for Six Years next before the passing of this Act, then and in any such Case it shall be lawful for the Lord Lieutenant by Warrant under his Hand (if he shall so think fit) to authorize and direct a Barrister to be named in such Warrant (which shall be conclusive Evidence of his Authority) to inquire into such Claim, and the Grounds thereof, and the Matter of such Memorial, and all the Facts and Circumstances relating to such alleged Office, and the original Appointment to and the Enjoyment of the same, and to such alleged Salary, Fees, or Emoluments, and to such Claim, and (if he shall think fit) into the Amount and Receipt and Right to any Salary, Fees, or Emoluments of such Officer claimed or enjoyed by him since the Sixteenth Day of *February* in the said Year One thousand eight hundred and thirty-six, and it shall be lawful for such Barrister accordingly to inquire on Oath into the same, and to administer an Oath to, or in any Case in which an Affirmation is allowed by Law instead of an Oath to take the Affirmation of the Claimant and any Person to be examined before such Barrister, and to issue a Summons signed by such Barrister to be served upon such Claimant or Person, requiring such Claimant or Person to attend before such Barrister, at a Time and Place to be specified in such Summons, to give Evidence touching the Matter of such Inquiry, and further (if such Barrister shall so think fit) requiring such Claimant or Person to produce before such Barrister all such Writings and Documents relating to the Matter of such Inquiry as shall be specified in such Summons; and such Claimant or Person being served with such Summons shall attend accordingly at the Time and Place specified in such Summons, and shall produce all such Writings and Documents as he shall be required to produce as aforesaid, and shall submit to be sworn or affirmed, as the Case may be, and examined by or before such Barrister, and if upon such Oath or Affirmation any Claimant or Person making the same shall wilfully and corruptly give any false Evidence, any Person so offending shall be deemed and taken to be guilty of Perjury, and shall be prosecuted and punished accordingly.

Tenant, who may cause Inquiry to be made by a Barrister.

IV. And be it enacted, That the Barrister who shall make any such Inquiry as aforesaid shall report to the Lord Lieutenant the Result of such Inquiry, and also, if so required by the Lord Lieutenant, the Evidence given before him upon such Inquiry, and the Lord Lieutenant shall, if he shall deem it proper so to do, lay such Report, either with or without such Evidence, before both Houses of Parliament:

Barrister to report to Lord Lieutenant.

ment: Provided always, that nothing in this Act contained or in any Proceeding thereunder shall operate or be deemed or construed to operate to create or affirm any Right in any such Officer to any such Compensation.

Nothing in this Act to repeal or alter Provisions of 23 & 24 G. 3. c. 23. or 47 G. 3. sess. 2. c. 15.

V. Provided always, and be it enacted, That nothing in this Act contained shall repeal or alter any thing contained in an Act passed in the Parliament of *Ireland* in the Session held in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Assay of Gold, and promote the Manufacture of Gold and Silver Wares in this Kingdom*, or an Act passed in the Forty-seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to provide for the regulating and securing the Collection of the Duty on Gold and Silver Plate wrought or manufactured in* Ireland, or so much of the said recited Acts as is now in force.

Act not to alter or affect Provisions of 3 & 4 Vict. c. 108. and 31 G. 3. (I.)

VI. Provided always, and be it enacted, That nothing herein contained shall in any Manner alter or affect the Provisions of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or the Construction thereof, but the same shall be construed and applied as if this Act had not passed: Provided also, that nothing herein contained shall in any Manner alter or affect any thing contained in an Act passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectually preserving the Health of His Majesty's Subjects, for erecting an Apothecaries Hall in the City of* Dublin, *and regulating the Profession of an Apothecary throughout the Kingdom of* Ireland, or the Rights, Privileges, or Immunities of the Governor and Company of the Apothecaries Hall of *Dublin*.

Interpretation of Act.

VII. And be it enacted, That in the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as to one Person or Thing, and the converse, and the Words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland*.

Act may be amended, &c.

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

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