Anno primo

Georgii III. Regis.

CAP. XIII.

An Act to amend an Act passed in the Eighteenth Year of the Reign of King *George* the Second, concerning the Qualification of Justices of the Peace; and for other Purposes therein mentioned.



Whereas by an Act of Parliament made in the Eighteenth Year of His late Majesty King George the Second, of glorious Memory, intituled, An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled, *An Act for the further Qualification of Justices of the Peace*, it was enacted, That from and after the Twenty fifth Day of March, One thousand seven hundred and forty six, no Person should be capable of being a Justice of the Peace, or of acting as such, for any County, Riding, or Division, within that Part of Great Britain called England, or the Principality of Wales, who should not have either in Law or Equity, to and for his own Use and Benefit, in Possession, a Freehold, Copyhold, or Customary Estate for Life, or for some greater Estate, or an Estate for some long Term of Years, determinable

Preamble, reciting Act 18 *Geo.* II.

terminable upon One or more Life or Lives, or for a certain Term, originally created for Twenty one Years, or more, in Lands, Tenements, or Hereditaments, lying or being in that Part of Great Britain called England, or the Principality of Wales, of the clear yearly Value of One hundred Pounds, over and above what should satisfy and discharge all Incumbrances that affect the same, and over and above all Rents and Charges, payable out of, or in respect of the same, or who should not be seised of, or intitled unto, in Law or Equity, to and for his own Use and Benefit, the immediate Reversion or Remainder of and in Lands, Tenements, or Hereditaments, lying or being as aforesaid, which were leased for One, Two, or Three Lives, or for any Term of Years determinable upon the Death of One, Two, or Three Lives, upon reserved Rents, and which were of the clear yearly Value of Three hundred Pounds; and who should not before he takes upon himself to act as a Justice of Peace, after the said Twenty fifth Day of March, at some General or Quarter Sessions for the County, Riding, or Division, for which he did, or should intend to act, first take and subscribe the Oath in the said Act mentioned; which Oath so taken and subscribed as aforesaid, should be kept by the Clerk of the Peace for the said County, Riding, or Division, for the time being, among the Records of the Sessions, for the said County, Riding, or Division: And it was by the said Act further enacted, That from and after the said Twenty fifth Day of March, any Person who should act as a Justice of the Peace for any County, Riding, or Division, within that Part of Great Britain called England, or the Principality of Wales, without having taken and subscribed the said Oath as aforesaid, or without being qualified according to the true Intent and Meaning of the said Act, should, for every such Offence, forfeit the Sum of One hundred Pounds, to be recovered with Full Costs of Suit, and applied in the Manner in the said Act mentioned: And whereas Doubts have arisen, whether Persons who were Justices of the Peace at the Time of the Demise of his said late Majesty King George the Second, and who have been, or shall be constituted Justices of the Peace, by or under any Commission of the Peace granted, or which shall be granted, by his present Majesty, can act as Justices of the Peace, and open and hold any General or Quarter Session of the Peace, before they shall have taken and subscribed the said Oath, in Manner and at the Place as by the said in part recited Act is directed and required, for want of which there may be

be a Failure of the due Execution of the Laws of this Realm: Now for clearing such Doubts, and preventing any Inconveniencies that may arise; 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 Persons who were Justices of the Peace at the Time of the Demise of His said late Majesty King George the Second, or who shall be Justices of the Peace at the Time of the Demise of His present Majesty, or any of His Successors, Kings or Queens of this Realm, and shall afterwards be appointed Justices of the Peace, by any Commission granted, or which shall be granted, by His said present Majesty, or which, after his Demise, shall be granted by any of His Successors, Kings or Queens of this Realm, and who shall take the Oaths of Office of a Justice of the Peace, for any County, City and County, Town and County, Riding, or Division, before the Clerk of the Peace of the respective County, City and County, Town and County, Riding, or Division, for which any such Justice or Justices of the Peace shall act, or intend to act, or the Deputy of such respective Clerk of the Peace, and who shall have taken and subscribed at some General or Quarter Session of the Peace the said Oath, by the said herein before in Part recited Act, of the Eighteenth Year of His said late Majesty's Reign, directed and required to be there taken and subscribed, shall and may act as a Justice of the Peace for such County, City and County, Town, and County, Riding, or Division, without being obliged to take and subscribe again the said Oath, without incurring any Penalty or Forfeiture, for the not taking and subscribing thereof; the said herein before in part recited Act, or any other Statute, Law, or Usage, to the contrary thereof in any wise notwithstanding: And that all Acts, Matters, and Things, done or to be done, by all and every such Justice and Justices, or by Authority derived, or to be derived, from him or them, are and shall be deemed and taken to all Intents and Purposes to be of the same Force, Effect, and Validity, to all Intents and Purposes, as the same respectively would have been, if such Person or Persons had taken and subscribed such Oath, by the said herein before in part recited Act required to be taken and subscribed, at some General or Quarter Session for such County, City and County, Town and County, Riding or Division, for which he or they did or should act, or intend to act.

All who were Justices at the Demise of the late King, or shall be such at the Demise of His present Majesty, &c. and being afterwards in the Commission of the Peace, shall take the Oaths of Office, before the Clerk of the Peace;

and those who shall have taken and subscribed at the Quarter Sessions, the Oath required by the recited Act of 18 *Geo.* II,

may act as Justice, without taking and subscribing again the Oath aforesaid;

and all Acts done by them are declared to be valid.

Such as have once taken the uſual Oaths under a Writ of *Dedimus Poteſtatem*, are exempted from ſuing out another Writ for adminiſtering again the ſaid Oaths to them as Juſtices;

And be it further enacted by the Authority aforeſaid, That from and after the paſſing this Act, no Perſon who hath already taken, or ſhall hereafter take, the Oaths uſually taken by a Juſtice of the Peace, under a Writ or Commiſſion of Dedimus Poteſtatem, iſſued, or which ſhall be iſſued from the Clerk of the Crown, ſhall be obliged or compellable to ſue out or have any other Dedimus Poteſtatem from the ſaid Clerk of the Crown to authorize any Perſon or Perſons therein to be named to adminiſter again to any ſuch Juſtice, on any new Commiſſion of the Peace being iſſued under the Great Seal of Great Britain, for any County, City and County, Town and County, Riding, or Diviſion, in England or Wales, the Oaths uſually annexed to ſuch Dedimus, and taken by a Juſtice of the Peace; but that the Clerk of the Peace, or his Deputy, of every County, City and County, Town and County, Riding, or Diviſion, in England and Wales, for which any ſuch Juſtice of the Peace hath already acted and qualified, or hereafter, before the iſſuing any ſuch new Commiſſion of the Peace, ſhall act and qualify himſelf as before-mentioned, ſhall, on every ſuch new Commiſſion of the Peace being iſſued, prepare a Parchment Roll, with the Oaths annexed to, and uſually taken under, the ſaid Writ, or Commiſſion of Dedimus Poteſtatem, by Juſtices of the Peace, ingroſſed on ſuch Roll, and ſhall adminiſter, without Fee or Reward, the Oaths in ſuch Roll ſpecified to every ſuch Juſtice of the Peace within the reſpective Counties, Cities and Counties, Towns and Counties, Ridings, or Diviſions, for which he ſhall reſpectively act, or intend to act, and who ſhall deſire to take ſuch Oaths; and that every ſuch Juſtice of the Peace, after the taking the Oaths contained in the ſaid Roll, ſhall ſubſcribe his Name on the ſaid Parchment Roll; and the ſaid Roll, with the Oaths ſo taken and ſubſcribed, ſhall be kept by the reſpective Clerks of the Peace of the reſpective Counties, Cities and Counties, Towns and Counties, Ridings and Diviſions, in England and Wales, for the time being, amongſt the Records of the Seſſions for the ſaid reſpective Counties, Cities and Counties, Towns and Counties, Ridings and Diviſions.

but upon every new Commiſſion a Roll, with the Oaths annexed, is to be prepared, which all Juſtices, as they qualify themſelves, are to ſubſcribe;

and the ſaid Rolls are to be preſerved amongſt the Records of the Seſſions.

FINIS.