ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

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C A P. XLVIII.

An Act to alter and amend so much of an Act, passed in this present Session of Parliament, intituled, *An Act for granting an Aid to His Majesty by a Land Tax, to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety-eight,* as relates to the Qualification of Commissioners. [26th *May* 1798.]

Preamble. 38 Geo. III. Cap. 5.

WHEREAS an Act was passed in this present Session of Parliament, intituled, *An Act for granting an Aid to His Majesty by a Land Tax, to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety-eight:* And whereas by the said Act it is enacted, That certain Persons named and appointed, or to be named and appointed, Commissioners in Manner therein mentioned, should put the said Act in Execution as therein directed; but it is not thereby required that such of the Commissioners as shall act within or for any City, Borough, Cinque Port, or Town Corporate, (except as therein particularly provided), shall be qualified in any other Manner than by being an Inhabitant of such City, Borough, Cinque Port, or Town Corporate, by reason whereof improper Persons sometimes act as Commissioners: For Remedy whereof, 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 no Person shall be capable of acting as a Commissioner in the Execution of the said recited Act,

No Person to act as a Commissioner of the Land Tax

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in certain Places unleſs qualified as herein mentioned.

Act, within any City, Borough, Cinque Port, or Town Corporate, (except the Cities, Liberties, and Places, the Commiſſioners acting within which are reſpectively required to be qualified as in the ſaid Act is particularly mentioned and directed), unleſs ſuch Perſon ſhall, at the Time of his acting, be ſeiſed or poſſeſſed of Lands, Tenements, or Hereditaments, of the Value of Forty Pounds *per Annum*, or more, of his own Eſtate, being Freehold, Copyhold, or Leaſehold, over and above all Ground Rents, Incumbrances, and other Reſervations, payable out of or in reſpect of ſuch Leaſehold Eſtates, or unleſs ſuch Perſon ſhall, at the Time of his acting as aforeſaid, be poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Pounds, nor unleſs he ſhall in either Caſe be an Inhabitant of the City, Borough, Cinque Port, or Town Corporate, within which he ſhall act as a Commiſſioner, nor (except in adminiſtering the Oath or Affirmation herein-after mentioned) until he ſhall have taken and ſubſcribed an Oath or Affirmation in the Words or to the Effect following; *videlicet*,

Oath;

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I truly and *bona fide* am poſſeſſed of, in my own Right, and in the actual Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Pounds.

'So help me GOD.'

which any Commiſſioner may adminiſter.

Which Oath it ſhall and may be lawful for any Commiſſioner to adminiſter to any other, any Thing in the ſaid firſt recited Act, or any other Act, contained to the contrary hereof in anywiſe notwithſtanding; and if any Perſon hereby required to be ſo qualified as aforeſaid, and not being ſo qualified, or not having taken an Oath or Affirmation as herein-before directed, ſhall preſume to act as a Commiſſioner in the Execution of the ſaid recited Act, every ſuch Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to and for the Uſe of ſuch Perſon or Perſons who ſhall ſue for the ſame, to be recovered, together with full Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, over and above ſuch other Pains and Puniſhments as he may be liable to by any Law or Statute of this Realm for wilful and corrupt Perjury; and in every ſuch Action brought againſt any ſuch Perſon ſo acting as a Commiſſioner in the Execution of the ſaid recited Act without being qualified as aforeſaid, the Proof of Qualification ſhall lie on the Perſon againſt whom the ſaid Action ſhall be brought, and it ſhall be ſufficient for the Plaintiff to prove that the Defendant hath acted as ſuch Commiſſioner.

50 *l.* Penalty for acting not being qualified, or not having taken the Oath.

Proof of Qualification to lie on the Defendant.

38 *Geo.* III, Cap. 5.

Clauſe in that Act recited,

II. And whereas by an Act, made in this preſent Seſſion of Parliament, intituled, *An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in* Great Britain, *for the Service of the Year One thouſand ſeven hundred and ninety-eight*, it is amongſt other Things enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of the ſaid Act, or any of the Powers therein contained, in or for any County at large within *England*, the Dominion of *Wales*, (the Counties of *Merioneth*, *Cardigan*, *Carmarthen*, *Glamorgan*, *Montgomery*, *Pembroke*, *Radnor*, and *Monmouth*, excepted), or in or for any of the Ridings of the County of *York*, unleſs ſuch Perſon be ſeiſed or poſſeſſed in the ſame County or Riding,

of Lands, Tenements, or Hereditaments of the Value of One hundred Pounds *per Annum*, or more, of his own Eſtate, being Freehold, Copyhold, or Leaſehold, over and above all Ground Rents, Incumbrances, and other Reſervations, payable out of or in reſpect of ſuch Leaſehold Eſtates which were taxed and did pay by virtue of an Act paſſed in the Thirty-ſeventh Year of His Majeſty's Reign, (intituled, *An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in* Great Britain, *for the Service of the Year One thouſand ſeven hundred and ninety-ſeven*): Be it enacted, That the above recited Clauſe ſhall be, and the ſame is hereby repealed. and repealed.

III. And be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of the ſaid Act, or any of the Powers therein contained, in or for any County at large within *England*, the Dominion of *Wales*, (the Counties of *Merioneth*, *Cardigan*, *Carmarthen*, *Glamorgan*, *Montgomery*, *Pembroke*, *Radnor*, and *Monmouth*, excepted), or in or for any of the Ridings of the County of *York*, unleſs ſuch Perſon be ſeiſed or poſſeſſed of Lands, Tenements, or Hereditaments, of the Value of One hundred Pounds *per Annum*, or more, of his own Eſtate, being Freehold, Copyhold, or Leaſehold, over and above all Ground Rents, Incumbrances, and other Reſervations, payable out of or in reſpect of the ſame, or unleſs ſuch Perſon be Heir apparent of ſome Perſon who ſhall be ſeiſed or poſſeſſed of a like Eſtate of the Value of Three hundred Pounds *per Annum*, One Moiety of which ſaid Eſtate required as Qualifications ſhall be ſituate within ſuch reſpective County or Riding for which ſuch Perſon is appointed a Commiſſioner. No Perſon to act as a Commiſſioner for any County in *England* or *Wales*, (except certain Counties), or for any Riding in *Yorkſhire*, unleſs qualified as herein mentioned.

IV. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and all other Perſons whomſoever, without the ſame being ſpecially pleaded. Publick Act.

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