ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

****

Cap. lxxxviii.

An Act for the Administration of the Laws relating to the Poor in the Parish of *Liverpool* in the County of *Lancaster*. [30th *June* 1842.]

WHEREAS it is expedient that special Provision should be made for the Administration of the Laws relating to the Poor in the Parish of *Liverpool* in the County of *Lancaster*, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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 Parliament assembled, and by the Authority of the same, That the Rectors, the Churchwardens, and the Overseers of the Poor of the said Parish for the Time being, together with Twenty-one Persons to be elected in the Manner by this Act directed, shall be the Select Vestry for carrying into execution the Provisions of this Act, and shall be styled "The Select Vestry of the Parish of *Liverpool*," and shall be and shall be deemed to be a Board of Guardians for the Relief and Management of the Poor, and, subject to the Rules, Orders, and Regulations of the Poor Law Commissioners, shall have, exercise, and perform all the same Rights, Powers, Privileges, Authorities, Duties, Immunities, Protections, and Remedies as are given to or imposed upon Guardians of the Poor in and by an Act passed in the Fourth and Fifth Years of the Reign

Constitution of Select Vestry.

4 & 5 W. 4. c. 76.

of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, and in and by any other Acts now or hereafter to be passed with respect to Guardians of the Poor (save and except so far as such Rights, Powers, Privileges, Authorities, Duties, Immunities, Protections, and Remedies are inconsistent with the Provisions of this Act).

Qualification of Select Vestrymen.

II. And be it enacted, That every Select Vestryman elected under this Act shall either be seised or possessed of, or be in the Enjoyment of the Rents and Profits (for an Estate not less than a Life in being for his own Use) of, or shall be the Occupier of Lands or Hereditaments in the said Parish rated to the Rate made for the Relief of the Poor of the same Parish in the annual Sum of Fifty Pounds or upwards.

No Bankrupt or Insolvent to be a Select Vestryman.

III. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein mentioned, shall be capable of being elected, or, being elected, of continuing a Select Vestryman.

No Person holding Office, or concerned in a Contract, to be a Select Vestryman.

IV. And be it enacted, That if any Select Vestryman shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall forfeit and pay the Sum of Fifty Pounds for every such Offence; and in case he shall have been elected a Select Vestryman under this Act he shall cease to be a Select Vestryman, and his Office of Select Vestryman shall thereupon become vacant.

Shareholders in Companies established under Act of Parliament not disqualified by reason of Contracts.

V. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, shall be prevented from acting as a Select Vestryman by reason of any Contract entered into between such Company and the Select Vestry; but no such Select Vestryman, being a Member of such Company, shall vote on any Question relating to the Execution of this Act in which such Company shall be interested.

Select Vestrymen may act as Justices.

VI. And be it enacted, That no Person shall be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Select Vestryman.

Declaration by Rectors, Churchwardens, and Overseers.

VII. And be it enacted, That no Rector, Churchwarden, or Overseer of the Poor of the said Parish for the Time being shall be capable of acting as a Select Vestryman (except in administering the Declarations herein-after mentioned) until he shall have made and signed before One of the Select Vestrymen a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Select Vestryman by virtue of an Act of Parliament, intituled [*here insert the Title of the Act.*]'

VIII. And

Declaration by the other Select Vestrymen.

VIII. And be it enacted, That no Person (except the Rectors, Churchwardens, and Overseers of the Poor of the said Parish for the Time being) shall be capable of acting as a Select Vestryman (except in administering the Declarations in this Act mentioned) until he shall have made and signed before One of the Select Vestrymen a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities vested in me as a Select Vestryman by virtue of an Act of Parliament, intituled [*here insert the Title of the Act*], and that I am either seised or possessed of [*or* am in the Enjoyment of the Rents and Profits of], for an Estate not less than a Life in being for my own Use [*or* am in the Occupation of], Lands or Hereditaments in the said Parish rated to the Rate made for the Relief of the Poor of the same Parish in the annual Sum of Fifty Pounds or upwards.'

False Declaration a Misdemeanor.

IX. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Declaration to be made at first Meeting.

X. And be it enacted, That at the Meeting of the Select Vestry at which any Person shall first attend as a Select Vestryman, such Person shall make and subscribe the Declaration herein required to be made and subscribed by him; and it shall be lawful for any Person attending as a Select Vestryman, whether he shall himself have made the required Declaration or not, to administer such Declaration.

Penalty on Select Vestrymen, not being qualified, acting.

XI. And be it enacted, That if any Person shall act as a Select Vestryman, being incapacitated to act by any of the Causes herein mentioned, or not being duly qualified, or before he shall have made and subscribed the Declaration herein required to be made and subscribed by him, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the required Declaration, or he shall pay the said Penalty and Costs, without any other Proof on the Part of the Plaintiff than that such Person had acted as a Select Vestryman in the Execution of this Act; nevertheless, all Acts or Proceedings of any Person acting as a Select Vestryman, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Select Vestrymen neglecting to attend.

XII. And be it enacted, That if any Select Vestryman (except the said Rectors, Churchwardens, and Overseers,) fail to act in the Execution of this Act for Two Calendar Months, such Select Vestryman shall be deemed to have refused to act, and thereupon shall cease to

to be a Select Vestryman until he shall be re-elected as herein mentioned.

Period of Service and Time of going out of Select Vestrymen.

XIII. And be it enacted, That the Select Vestrymen to be elected by virtue of this Act shall go out of Office by Rotation as follows; (that is to say,) in the Month of *April* in the Year One thousand eight hundred and forty-three One Third of such Select Vestrymen shall go out of Office; and at the same Time in the following Year One Half of the remaining Select Vestrymen first elected by virtue of this Act shall go out of Office; and at the same Time in the following Year the Remainder of the Select Vestrymen so first elected shall go out of Office; and at the same Time in every subsequent Year One Third of the Select Vestrymen elected by virtue of this Act, being those who have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Select Vestrymen shall be supplied by the Election of a similar Number of Select Vestryman, as herein-after provided.

Select Vestrymen re-eligible.

XIV. And be it enacted, That every Select Vestrymen going out of Office may be re-elected; and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Select Vestryman.

Select Vestrymen may resign.

XV. And be it enacted, That if any Person who shall be elected a Select Vestryman for the Purposes of this Act shall be desirous of resigning such Office, it shall be lawful for him so to do, upon giving Notice in Writing to that Effect to the Vestry Clerk of the said Parish for the Time being, and thereupon the Office of such Select Vestryman shall become vacant.

Rotation of Select Vestrymen,

XVI. And in order to determine the Rotation by which the Select Vestrymen are required to go out of Office, be it enacted, That within Two Months after the first Election of the Select Vestrymen by virtue of this Act the Select Vestrymen shall meet at the Parish Office, or some other convenient Place within the said Parish, for the Purpose of forming a Rotation List of the Select Vestrymen; and at such Meeting the Vestry Clerk of the said Parish, or some other Person previously appoint by the Select Vestry for that Purpose, shall write the Names of all the Select Vestrymen (except the said Rectors, Churchwardens, and Overseers,) on separate Slips of Paper, all as nearly as may be of equal Size, and, having folded them up in the same Manner, he shall put them in a Box, and shall draw out such Slips in succession, and the Names upon the Slips so drawn out shall be inserted by such Vestry Clerk or other Person in a List in the Order in which they shall be so drawn; and such List shall be kept by such Vestry Clerk for the Purposes of this Act; and the Names in such List shall be numbered consecutively, and the Select Vestrymen shall retire from Office in the Order in which their Names appear on such List, according to the Proportion herein-before mentioned.

Election of first Select Vestry.

XVII. And be it enacted, That for the Purpose of electing the Persons who shall (together with the said Rectors, Churchwardens, and

and Overseers, as aforesaid,) constitute the first Select Vestry under this Act, a Meeting of the Inhabitants of the said Parish, assessed and contributing to the Relief of the Poor within the same, shall be held at the usual Place for holding Vestry Meetings within the said Parish on the Fourth *Thursday* next after the passing of this Act; and the Persons then and there assembled shall proceed to elect Twenty-one Persons, qualified as herein mentioned, to be the first Select Vestrymen for the Purposes of this Act, in addition to the Rectors, the Churchwardens, and the Overseers of the Poor for the Time being of the said Parish, as herein-before mentioned; and the Persons so elected shall continue in Office until others are appointed in their Place, as by this Act directed.

Election of Select Vestrymen to supply periodical Vacancies.

XVIII. And be it enacted, That for the Purpose of the Election of Select Vestrymen to supply the Places of those going out of Office by Rotation, as herein directed, a Meeting of the Persons entitled to vote thereat shall be held at the usual Place for holding Vestry Meetings within the said Parish in the Month of *April* in each Year, and the Persons then and there assembled shall proceed to elect so many Persons, duly qualified as aforesaid, as may be necessary, to supply the Places of the Select Vestrymen who shall have gone out of Office by Rotation as aforesaid.

Mode of supplying occasional Vacancies.

XIX. And be it enacted, That if any of the Select Vestrymen to be elected by virtue of this Act shall die, or resign, or be disqualified, or cease to be a Select Vestryman from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Select Vestrymen, and they are hereby required, within One Month after such Vacancy shall have become known to them, to elect another Select Vestryman to supply his Place; and every Select Vestryman so elected shall continue in Office until the next Annual Meeting for the Election of Select Vestrymen in the Place of those going out of Office by Rotation, as herein provided, and his Place shall at such Annual Meeting be supplied in the same Manner as is herein-before provided with respect to the Election of Select Vestrymen in the Place of those going out of Office by Rotation; and the Person so substituted at such annual Meeting shall continue in Office so long only as the Person originally creating such Vacancy would have been entitled to remain in Office had he not died, or resigned, or become disqualified, or ceased to be a Select Vestryman.

Elections of Select Vestrymen to be as prescribed in 7 W. 4. & 1 Vict. c. 45., 58 G. 3. c. 69., and 59 G. 3. c. 85.

XX. And be it enacted, That the Manner of convening all Meetings for the Election of Select Vestrymen under this Act shall be the same as is prescribed in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to alter the Mode of giving Notices for the holding of Vestries, of making Proclamations in Cases of Outlawry, and of giving Notices on* Sundays *with respect to various Matters*, and the Mode of proceeding at all such Meetings, and the Manner and Right of voting thereat, shall be the same as are prescribed in an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, and in an Act passed in the Fifty-ninth Year

of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend and correct an Act of the last Session of Parliament, for the Regulation of Parish Vestries in* England.

First Meeting of Select Vestry.

XXI. And be it enacted, That the Select Vestry shall hold their First Meeting at the Parish Office or some other convenient Place within the said Parish on the *Tuesday* next after their Election, between the Hours of Ten of the Clock in the Morning and Two of the Clock in the Afternoon; and from and after the Day of such First Meeting of the Select Vestry it shall not be lawful for the several Persons who shall have been appointed to and shall then fill the Office of Guardians of the Poor of the said Parish under the Provisions of the said Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, to exercise any of the Powers and Authorities by the said Act granted to Boards of Guardians; provided that nothing herein contained shall extend to prevent any of the Persons filling the Office of Guardians of the Poor from being elected, or from acting as Select Vestrymen for the Purposes of this Act.

Discontinuance of Board of Guardians.

Annual and other Meetings.

XXII. And be it enacted, That a yearly General Meeting of the Select Vestry shall be held on the *Tuesday* next after the Day of the annual Election of Select Vestrymen in the Place of those going out of Office by Rotation as herein directed, for the Appointment of Committees, and other general Purposes connected with this Act, and it shall be lawful for the Select Vestrymen present at such First or any subsequent Meeting, from Time to Time to adjourn such Meeting to the same or any other Place within the said Parish, and if at any such Meeting there shall not be Five Select Vestrymen present, then it shall be lawful for the Select Vestryman or Select Vestrymen present to adjourn such Meeting to another Day, and if the Meeting shall not be adjourned then it shall be lawful for any Two of the Select Vestrymen, or for the Vestry Clerk, to appoint a Meeting to be held at any convenient Place within the said Parish, and not less that Seven Days Notice shall be given of such intended Meeting.

Other Meetings.

XXIII. And be it enacted, That the Select Vestry shall hold Meetings at such Times and Places as they shall appoint for the Purpose, and any Two or more of the Select Vestrymen may require a Special Meeting to be held, but no such Special Meeting shall be held unless Three Days Notice thereof shall be given: Provided nevertheless, that it shall be lawful for the Rectors and Churchwardens of the said Parish for the Time being, or any Two of them, to convene a Special Meeting of the Select Vestry whenever they shall think fit so to do, without its being necessary to give Three Days Notice thereof as before mentioned.

How Notices of Meetings of Select Vestry are to be given.

XXIV. And be it enacted, That all Notices of any Meeting of the Select Vestry shall be in Writing, and shall be delivered at or sent by the Post to the usual Place of Abode of each of the Select Vestrymen; and every Notice shall specify the Time and Place of meeting, and in case of a Special Meeting shall specify the Object thereof,

thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Order of Business at Meetings of Select Vestry and Committees.

XXV. And be it enacted, That at every Meeting of the Select Vestry the senior Rector of the said Parish, or in the Absence of the Rectors the senior Churchwarden of the said Parish, or in the Absence of the Rectors and Churchwardens the senior Overseer of the Poor of the said Parish, shall be the Chairman, or in the Absence of all the Rectors, Churchwardens, and Overseers, one of the Select Vestrymen present shall be elected Chairman by the Majority of the Votes of the Select Vestrymen present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there shall be an equal Division of Votes, the Chairman, in addition to his own Vote as a Select Vestryman, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that one of the Select Vestrymen having an equal Number of Votes whose Name would stand first if the Names of the Select Vestrymen present were alphabetically arranged shall be Chairman of such Meeting.

No Resolution of the Select Vestry to be revoked unless under certain Circumstances.

XXVI. And be it enacted, That no Resolution or other Act of any Meeting of the Select Vestry shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Revocation or Alteration by Notice given Seven Days at least previous to the holding thereof.

Materials to be considered the Property of the Select Vestry.

XXVII. And be it enacted, That during the Execution of any Contract the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near to such Works for the Purpose of being used in the Execution of such Contract, shall, for the Purpose of protecting the same from Injury by Indictment as herein-after mentioned, be held to be the Property of the Select Vestry.

Indictments how to be preferred.

XXVIII. And be it enacted, That it shall be lawful for the Select Vestry, by their Clerk, to prefer any Bill of Indictment against any Person who shall take or carry away, deface, or injure any Property, Article, or Thing belonging to the Select Vestry; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Select Vestry, without naming the Members thereof.

Select Vestry not to be personally liable.

XXIX. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on behalf of the Select Vestry, for any of the Purposes of this Act, shall extend to charge or affect the Persons of any of the Select Vestrymen, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit, in consequence of any such Instrument, or which any such Select Vestryman shall otherwise be

be put to by virtue of this Act, shall respectively be discharged out of the Monies which shall be received from the Rates or Assessments made for the Relief of the Poor of the said Parish, unless such Action or Suit, or any Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Select Vestrymen incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Select Vestry.

Actions or Suits to be brought in the Name of any Two Select Vestrymen or the Vestry Clerk.

XXX. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, or of the Powers and Authorities vested in the Select Vestry by virtue hereof, to be brought by or against the Select Vestry, it shall be sufficient to state the Names of any Two of the Select Vestrymen, or the Name of the Vestry Clerk, as the Plaintiff or Defendant representing the Select Vestry in such Action or Suit; and no such Actions shall abate or be discontinued by the Death of any such Select Vestryman, or by the Death, Suspension, or Removal of such Vestry Clerk.

Executions against Goods of Select Vestry.

XXXI. And be it enacted, That Executions upon every Judgment or Decree against the Select Vestry in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Select Vestry by virtue of their Office.

Indemnity to Select Vestrymen and Clerk.

XXXII. And be it enacted, That every such Select Vestryman or Vestry Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Select Vestry, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the said Parish by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Select Vestryman or Vestry Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Select Vestryman or Vestry Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by Two Select Vestrymen, or more, as aforesaid, or by the Vestry Clerk, it have been so brought without the Order or Direction of the Select Vestry.

Proceedings to be entered in a Book, and to be open for Inspection.

XXXIII. And be it enacted, That the Select Vestry shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders of all General and Special Meetings of the Select Vestry, to be duly entered in Books to be from Time to Time provided for that Purpose, which shall be kept under the Superintendence of the Select Vestry, and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry was made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Select Vestrymen, or Members of Committee respectively, or of the Signature

Signature of the Chairman, all of which last-mentioned Matters shall be presumed.

Appointment of Chaplain.

XXXIV. And be it enacted, That it shall be lawful for the Select Vestry to appoint some Clergyman of the Church of the United Kingdom of *Great Britain* and *Ireland* to be the Chaplain of the Workhouse of the said Parish, to perform therein all the Duties usually exercised and performed by Chaplains of Workhouses, with such Stipend as the Select Vestry shall from Time to Time assign, such Appointment to be nevertheless subject to the Approval of the Bishop of the Diocese for the Time being.

Select Vestry to appoint Vestry Clerk, Treasurer, and other Officers.

XXXV. And be it enacted, That it shall be lawful for the Select Vestry from Time to Time to appoint a Vestry Clerk and Treasurer, and Assistant Overseers, and all such other Officers (as well honorary as stipendiary) and Servants as they shall think fit (except the Churchwardens and Overseers of the Poor), and to assign to such stipendiary Officers and Servants such Employments and Duties respectively, and to pay and allow to them respectively such Salaries and Allowances, as the Select Vestry shall think fit and reasonable; subject always to all the Powers of the said Commissioners with respect to paid Officers appointed by Boards of Guardians.

Office of Vestry Clerk and Treasurer to be separate.

XXXVI. And be it enacted, That neither the Person who shall hold the Office of Vestry Clerk, nor the Partner of such Vestry Clerk, nor any Person in the Service or Employ of such Vestry Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Vestry Clerk; and if any Person shall offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Vestry Clerk and Treasurer:

If any Person, being the Partner of such Vestry Clerk, or in the Service or Employ of such Vestry Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Vestry Clerk, or act as Deputy of such Vestry Clerk, or in any Manner officiate for such Vestry Clerk:

If any such Vestry Clerk or Treasurer hold any Place of Profit or Trust under the Select Vestry other than that of Vestry Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Present Officers to continue.

XXXVII. And be it enacted, That every Person who at the Time of the Commencement of this Act shall hold, exercise, or enjoy the

Office, Place, Employment, or Occupation of Vestry Clerk, Treasurer, or Assistant Overseer of the Poor of the said Parish, and every paid Officer of the Board of Guardians, (except as herein-after mentioned,) shall respectively continue to hold, exercise, and enjoy the same Office, Place, Employment, or Occupation, and exercise and perform the several Duties, Functions, and Powers attached thereto respectively, in like Manner as if he had been appointed by the Select Vestry.

Officer interested in any Parish Contract to lose his Office. Penalty.

XXXVIII. And be it enacted, That if any Officer employed or appointed by the Select Vestry by virtue of this Act shall be in anywise concerned or interested in any Bargain or Contract made by the Select Vestry, he shall be incapable of being afterwards employed by the Select Vestry, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Select Vestry to take Security from all Officers intrusted with Money.

XXXIX. And be it enacted, That the Select Vestry shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Select Vestry shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Select Vestry so to do, of all the Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XL. And be it enacted, That every Officer appointed or employed by the Select Vestry by virtue of this Act shall, from Time to Time, when required by the Select Vestry, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Select Vestry; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of, and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Select Vestry, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him on the Balance of such Accounts; provided that nothing herein contained shall exempt any such Officer from his Liability to account to the Auditor for the Time being of the said Parish.

Remedy against Officers failing to account.

XLI. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required; or if for Three Days after being thereunto required he shall fail to deliver up to the Select Vestry, or to any Person appointed by them to receive the same, all Papers and Writings, Property and Effects, Matters and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Select Vestry, then, on Complaint being made

made thereof to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Summons or Warrant under his Hand and Seal, cause such Officer to be brought before any Two or more Justices; or if such Officer cannot be found, then in his Absence such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Select Vestry are in the Hands of such Officer, or owing by him to the Select Vestry, such Justices may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justices at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Accounts in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Select Vestry, in his Possession or Power,

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he shall have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

XLII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Select Vestry of any Remedy which they might otherwise have against any Surety of such Officer.

Books of Accounts to be kept, and to be open to Inspection.

XLIII. And be it enacted, That the Select Vestry shall cause a Book to be kept by their Treasurer, in which such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the several Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all reasonable Times be open to the Inspection of the Select Vestry, and of every Creditor on the Rates or Assessments made for the Relief of the Poor of the said Parish, and of every Person paying such Rates or Assessments, without any Fee being demanded for such Inspection; and it shall be lawful for any Select Vestryman, Creditor, and other Person aforesaid, at reasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same; and if, on

on Request for that Purpose, the Treasurer shall fail to permit any Select Vestryman, Creditor, or other Person aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Treasurer shall for each such Default forfeit a Sum not exceeding Five Pounds.

Appointment of District Registrar of Births and Deaths, and of Superintendent Registrar of Births, Deaths, and Marriages. 6 & 7 W. 4. c. 86. and 4 & 5 W. 4. c. 76.

XLIV. And whereas by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England, it was enacted, that the Guardians of every Parish in which a Board of Guardians should be established under the Provisions of an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, should, within Six Calendar Months next after the Establishment of the Board, divide the Parish into Districts, as therein mentioned, and should appoint a Person, qualified as therein provided, to be Registrar of Births and Deaths within such District, with Power to such Board to supply Vacancies, and that the Clerk to the Guardians of such Parish should, if he should think fit to accept the Office, and be qualified as therein mentioned, be the Superintendent Registrar of Births, Deaths, and Marriages for such Parish, with Power to the said Board, in case of his Refusal or Disqualification, to appoint some duly qualified Person to such Office: And whereas, in pursuance of the said Act, the said Parish of *Liverpool* has been divided into Districts, and a Registrar of Births and Deaths has been appointed in each District, and the Clerk of the Board of Guardians has accepted and now fills the Office of Superintendent Registrar of the said Parish: And whereas it is expedient that Provision should be made for separating the Office of Superintendent Registrar from that of Clerk to the Board acting as Guardians of the Poor of the Parish of *Liverpool;* be it therefore enacted, That if at the Time of the passing of this Act any Person shall then hold both the Offices of Clerk of the Guardians and of Superintendent Registrar, he shall, within Fourteen Days after Notice in Writing from the Select Vestry, or any Three of them, requiring him so to do, declare in Writing under his Hand, delivered to the Churchwardens and Overseers of the said Parish, or any One of them, which of the said Two Offices he elects to retain, and thereupon the Office which he shall not have elected to retain shall be deemed to be vacant; provided always, that if such Person shall neglect to deliver such Declaration it shall be lawful for the Select Vestry to declare either of the said Offices to be vacant, and thereupon such Person shall hold only the other of the said Offices; and in every Case of Vacancy of the Office of Superintendent Registrar the Select Vestry shall forthwith nominate and appoint, some Person, with such Qualifications as the Registrar General, acting under the Authority of the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, may, by any general Rule then in force, have declared to be necessary, to be the Superintendent Registrar of Births, Deaths, and Marriages of the said Parish; and whenever any Vacancy shall occur in the Office of District Registrar of Births and Deaths in the said Parish, the Select Vestry shall forthwith proceed to appoint a Person, with

with such Qualifications as the said Registrar General may, by any general Rule then in force, have declared to be necessary, to be a District Registrar of Births and Deaths in the Place of the Person creating such Vacancy; and every Person who shall after the passing of this Act hold the said Office of Superintendent Registrar, or of District Registrar of Births and Deaths respectively, by virtue of this Act, shall have and exercise and enjoy all the same Rights, Privileges, and Emoluments, and shall execute and perform all the same Duties, Matters, and Things, and shall be liable and subject to all the same Rules, Regulations, Directions, Penalties, and Forfeitures, as if he had been appointed under the Authority of the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth; and whenever any Vacancy shall occur in the Office of Registrar of Marriages in the said Parish the Registrar General shall forthwith fill up such Vacancy.

Such Officers not to hold other paid Offices.

XLV. Provided always, and be it enacted, That no Person who shall hold the Office of Superintendent Registrar or District Registrar of Births and Deaths in the said Parish shall be capable of holding any other paid Office whatsoever under the Select Vestry.

Select Vestry neglecting to fill up Vacancies.

XLVI. Provided also, and be it enacted, That if the Select Vestry shall refuse or neglect during Fourteen Days after any Vacancy to appoint a Superintendent Registrar or District Registrar of Births and Deaths, properly qualified, the Appointment shall lapse to the Registrar General.

Workhouse and other Property of the Parish vested in the Select Vestry.

XLVII. And be it enacted, That upon the Election of the Select Vestry, as herein provided, the Workhouse of the said Parish, and the Buildings, Lands, and Hereditaments used and occupied therewith by or for the Accommodation of the Poor in the said Parish, and all Estates, Property, Books, Papers, Documents, Goods, Chattels, and Effects, which immediately before the Commencement of this Act were vested in any Board of Guardians, or other Persons intrusted with the Administration of the Laws relating to the Relief of the Poor in the said Parish, or in any Corporation or Person in Trust for them or any of them, or for the said Parish, (save and except the charitable Bequests of every Nature and Kind soever now or hereafter to be vested for specific Purposes in the Rectors, Churchwardens, and Overseers of the said Parish, or any of them, or in any Trustee or Trustees, either individually or collectively, for the Time being,) shall vest in the said Select Vestry and their Successors, according to the Nature of such Estates and other Property, and the Interest of the said Board of Guardians, or other Persons, Parish, Corporation, or Person therein; and that all Poor Rates and Assessments which shall have been ordered to be made, collected, and levied, and all Costs and Sums of Money which shall have been incurred or become due before the Commencement of this Act, and which shall remain uncollected or in arrear, unpaid or unrecovered, at the Time of the Election of the said Select Vestry, shall and may be collected, received, and recovered in the same Manner and by the same Ways and Means as if this Act had not been passed: Provided always, that all Contracts and Securities duly entered into and

given by such Board of Guardians or other Persons, and which at the Time of the Election of the said Select Vestry shall remain unsatisfied, shall continue in force, and all Rates, Costs, and Sums of Money collected or received by the Select Vestry, or any Person acting under them, by virtue of this Act, shall be liable to the Satisfaction thereof.

Select Vestry may cause a Valuation of the Parish to be made.

XLVIII. And be it enacted, That it shall be lawful for the Select Vestry from Time to Time, if they shall think proper, to cause a Valuation to be made of all or any Part of the Property within the said Parish rateable to the Rates made for the Relief of the Poor thereof, by some competent Person to be appointed by them for that Purpose.

Select Vestry may excuse Payment of Rates on the ground of Poverty.

XLIX. And be it enacted, That it shall be lawful for any Three Members of the Select Vestry from Time to Time to hear and determine all Applications which shall be made against the Payment of the Poor Rates on the ground of Poverty, and if it shall be made to appear to their Satisfaction that any Person rated or assessed to the Rates made for the Relief of the Poor of the said Parish is unable through Poverty to pay the Amount of the Rate made upon him, it shall be lawful for such Select Vestrymen to order and direct that such Person shall be wholly excused from the Payment of such Rate, or from such proportionate Part thereof as to them may seem proper; and the Sum at which such Person may have been so rated or assessed, or such proportionate Part thereof from the Payment of which such Person may be so excused as aforesaid, shall not be collected, nor shall any Person be charged therewith, or in any Manner be called upon or be liable to account for the same.

Accounts to be audited half-yearly.

L. And be it enacted, That the Auditor for the Time being of the said Parish shall Twice in every Year proceed to audit the Accounts of the Select Vestry for the Six Months then next preceding, and the Select Vestry shall make and render, or cause to be made and rendered, to the said Auditor, a full and distinct Account in Writing of all Monies, Matters, and Things committed to their Charge, or received, held, or expended by them, or by any Treasurer, Collector, Churchwarden, Overseer, Surveyor, or any other Person on behalf of the said Parish; and the Select Vestry shall by their Treasurer or other Officer produce and lay before the Auditor proper Vouchers in support of the said Account, and all Books, Papers, and Writings in their Custody or Power relating thereto.

Penalties to be summarily recovered before One Justice or more.

LI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures to which any Person may become liable in pursuance of the Provisions of this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the

same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

LII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two or more Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

LIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return (such Day not being more than Eight Days from the Time of taking such Security); but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

LIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Treasurer of the Borough of *Liverpool*, to be applied in aid of the Borough Fund.

Penalties to be sued for within Six Months.

LV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture which he may have incurred in pursuance of the Provisions of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

LVI. And

Justices may administer an Oath.

LVI. And be it enacted, That any Justice may administer an Oath to any Person appearing as a Witness before him in any Matter of which he shall have Cognizance by means of this Act.

Penalty on Witnesses making default.

LVII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined on Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Form of Conviction.

LVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed.

Informalities.

LIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

LX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

LXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions, on giving Security.

LXII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act he may appeal to the General Quarter Sessions for the said Borough of *Liverpool*, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days

Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

LXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Applicant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Interpretation of Act.

LXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure.

Expences of Act.

LXV. And be it enacted, That all the Costs, Charges, and Expences which shall be incurred in preparing, applying for, and obtaining this Act, or in any way incident thereto, all Payments to be made and all Expences to be incurred in carrying the same into execution, shall be paid and defrayed out of the Money to be raised by means of the Rates and Assessments to be from Time to Time made for the Relief of the Poor of the said Parish.

Commencement of Act.

LXVI. And be it enacted, That this Act shall commence and take effect on the Fourth *Thursday* next after the passing hereof.

Public Act.

LXVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE referred to by the foregoing Act.

Form of Conviction.

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord *A.B.* is convicted before me, *C.D.*, One of Her Majesty's Justices of the Peace for [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to an Act passed in the Year of the Reign of Queen Victoria, intituled "An Act" [*here insert the Title of this Act*]. Given under my Hand and Seal the Day and Year first above written.

C. D.

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