Where it appears to Court of Session, &c. that the Estate ought to be distributed in England or Ireland, Sequestration may be recalled.

II. If in any Case where Sequestration has been or shall be awarded in *Scotland* it shall appear to the Court of Session or to the Lord Ordinary, upon a summary Petition by the Accountant in Bankruptcy, or any Creditor or other Person having Interest, presented to either Division of the said Court or to the Lord Ordinary at any Time within Three Months after the Date of the Sequestration, that a Majority of the Creditors in Number and Value reside in *England* or in *Ireland*, and that from the Situation of the Property of the Bankrupt or other Causes his Estate and Effects ought to be distributed among the Creditors under the Bankrupt or Insolvent Laws of *England* or *Ireland*, the said Court in either Division thereof or the Lord Ordinary, after such Inquiry as to them shall seem fit, may recal the Sequestration.

Discharge of Bankrupt may in certain Cases be refused, although no Opposition be made by Creditors.

III. The said Court, in either Division thereof, or the Lord Ordinary, or the Sheriff, may refuse the Application for the Discharge of any Bankrupt, although Two Years have elapsed from the Date of the Sequestration, and although no Appearance or Opposition shall be made by or on the Part of any of the Creditors, if it shall appear from the Report of the Accountant in Bankruptcy or other sufficient Evidence that the Bankrupt has fraudulently concealed any Part of his Estate or Effects, or has wilfully failed to comply with any of the Provisions of "The Bankruptcy (*Scotland*) Act, 1856."

Interlocutors subject to Review.

IV. All Interlocutors pronounced by the Lord Ordinary or the Sheriff under the Provisions of this Act shall be subject to the Review of the said Court of Session.

"Gazette" in said Act to mean Edinburgh Gazette.

V. To remove Doubts which have arisen, it is declared that the Word "Gazette" in the Sixty-seventh Section of the said Act shall be held to mean the "*Edinburgh Gazette*;" and the Provisions contained in the said Act relative to Deeds of Arrangement shall extend to and include Settlements or Arrangements by way of Composition.

Fee to Sheriff abolished.

VI. The Fee provided to be paid to the Sheriff under Schedule I. of the said Act is hereby abolished; but no Claim shall exist in respect of any such Fee which shall have been paid prior to the passing of this Act.

Fee payable to Sheriff for Attendances, &c.

VII. For attending any Meeting of Creditors or Examination a Fee of One Pound One Shilling shall be payable to the Sheriff for each such Meeting or Diet of Examination not being on the same Day.

Recited Act to remain in force.

VIII. "The Bankruptcy (*Scotland*) Act, 1856," except in so far as altered by this Act, shall be and remain in full Force and Effect, and shall be construed with this Act; and Words interpreted in the said Act shall when used in this Act have the same Meanings as are assigned to them respectively by the said Act.

CAP. XXXIV.

An Act to amend the Law relating to Petitions of Right, to simplify the Proceedings, and to make Provisions for the Costs thereof. [3d *July* 1860.]

'WHEREAS it is expedient to amend the Law relating to Petitions of Right, to simplify the Procedure therein, to make Provision for the Recovery of Costs in such Cases, and to assimilate the Proceedings, as nearly as may be, to the Course of Practice and Procedure now in force in Actions and Suits between Subject and Subject:' 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, as follows:

Petitions of Right may be intituled in any of the Superior Courts at Westminster.

I. A Petition of Right may, if the Suppliant think fit, be intituled in any One of the Superior Courts of Common Law or Equity at *Westminster* in which the Subject Matter of such Petition or any material Part thereof would have been cognizable if the same had been a Matter in dispute between Subject and Subject, and if intituled in a Court of Common

Common Law shall state in the Margin the Venue for the Trial of such Petition; and such Petition shall be addressed to Her Majesty in the Form or to the Effect in the Schedule to this Act annexed (No. 1.), and shall state the Christian and Surname and usual Place of Abode of the Suppliant and of his Attorney, if any, by whom the same shall be presented, and shall set forth with convenient Certainty the Facts entitling the Suppliant to Relief, and shall be signed by such Suppliant, his Counsel or Attorney.

The Form, Nature, and Contents of the Petition as in Schedule No. 1.

II. The said Petition shall be left with the Secretary of State for the Home Department, in order that the same may be submitted to Her Majesty for Her Majesty's gracious Consideration, and in order that Her Majesty, if She shall think fit, may grant Her Fiat that Right be done, and no Fee or Sum of Money shall be payable by the Suppliant on so leaving such Petition, or upon his receiving back the same.

Petition to be left with the Secretary of State for the Home Department for Her Majesty's Fiat.

III. Upon Her Majesty's Fiat being obtained to such Petition, a Copy of such Petition and Fiat shall be left at the Office of the Solicitor to the Treasury, with an Endorsement thereon in the Form or to the Effect in the Schedule (No. 2.) to this Act annexed, praying for a Plea or Answer on behalf of Her Majesty within Twenty-eight Days, and it shall thereupon be the Duty of the said Solicitor to transmit such Petition to the particular Department to which the Subject Matter of such Petition may relate, and the same shall be prosecuted in the Court in which the same shall be intituled, or in such other Court as the Lord Chancellor may direct.

Upon Fiat being obtained, Petition, &c. to be left at Office of Solicitor of the Treasury endorsed as in Schedule No. 2.

IV. The Time for answering, pleading, or demurring to such Petition, on behalf of Her Majesty, shall be the said Period of Twenty-eight Days after the same, with such Prayer of a Plea or Answer as aforesaid, shall have been left at the Office of the Solicitor to the Treasury, or such further Time as shall be allowed by the Court or a Judge: Provided always, that it shall be lawful for the Lord Chancellor, on the Application of the Attorney General or of the Suppliant, to change the Court in which such Petition shall be prosecuted, or the Venue for the Trial of the same.

Time for answering by the Crown.

Power to change the Court or Venue.

V. In case any such Petition of Right shall be presented for the Recovery of any Real or Personal Property, or any Right in or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty or Her Predecessors, a Copy of such Petition, Allowance, and Fiat shall be served upon or left at the last or usual or last known Place of Abode of the Person in the Possession, Occupation, or Enjoyment of such Property or Right, endorsed with a Notice in the Form set forth in the Schedule (No. 3.), requiring such Person to appear thereto within Eight Days, and to plead or answer thereto in the Court in which the same shall be prosecuted within Fourteen Days after the same shall have been so served or left as aforesaid; and it shall not be necessary to issue any Scire facias or other Process to such Person for the Purpose of requiring him to appear and plead or answer to such Petition, but he shall within the Time so limited, if it be intended by him to contest such Petition, enter an Appearance to the same in the Form set forth in Schedule (No. 4.) to this Act annexed, or to the like Effect, and shall plead, answer, or demur to the said Petition within the Time specified in such Notice, or such further Time as shall be allowed by the Court or a Judge.

Time for answering by other Persons, Parties to the Petition.

VI. Such Petition may be answered by way of Answer, Plea, or Demurrer in a Court of Equity, or in a Court of Common Law by way of Plea or Demurrer, or by both Pleas and Demurrer, by or in the Name of Her Majesty's Attorney General on behalf of Her Majesty, and by or on behalf of any other Person who may in pursuance hereof be called upon to plead or answer thereto, in the same Manner as if such Petition in a Court of Equity were a Bill filed therein, or if the Petition be prosecuted in a Court of Common Law as if the same were a Declaration in a Personal Action, and without the Necessity for any Inquisition finding the Truth of such Petition or the Right of the Suppliant, and such and the same Matter as would be sufficient Ground of Answer or Defence in point of Law or Fact to such Petition on the Behalf of Her Majesty may be alleged on behalf of any such other Person as aforesaid called on to plead or answer thereto.

The Answer or Plea to such Petition.

VII. So far as the same may be applicable, and except in so far as may be inconsistent with this Act, the Laws and Statutes in force as to Pleading, Evidence, Hearing, and Trial,

The Practice and Course of Procedure in Action and

Suit between Subject and Subject shall extend to Petitions of Right so far as applicable.

Trial, Security for Costs, Amendment, Arbitration, Special Cases, the Means of procuring and taking Evidence, Set-off, Appeal, and Proceedings in Error in Suits in Equity, and Personal Actions between Subject and Subject, and the Practice and Course of Procedure of the said Courts of Law and Equity respectively for the Time being in reference to such Suits and Personal Actions, shall, unless the Court in which the Petition is prosecuted shall otherwise order, be applicable and apply and extend to such Petition of Right: Provided always, that nothing in this Statute shall be construed to give to the Subject any Remedy against the Crown in any Case in which he would not have been entitled to such Remedy before the passing of this Act.

Decrees or Judgments by Default.

VIII. In case of a Failure on the Behalf of Her Majesty, or of any such other Person as aforesaid called upon to answer or plead to such Petition, to plead, answer, or demur in due Time, either to such Petition, or at any subsequent Stage of the Proceedings thereon, the Suppliant shall be at liberty to apply to the Court or a Judge for an Order that the Petition may be taken as confessed; and it shall be lawful for such Court or Judge, on being satisfied that there has been such Failure to plead, answer, or demur in due Time, to order that such Petition may be taken as confessed as against Her Majesty or such other Party so making default; and in case of Default on the Behalf of Her Majesty and any other such Person (if any) called upon as aforesaid to answer or plead thereto, a Decree may be made by the Court, or Leave may be given by the Court, on the Application of the Suppliant, to sign Judgment in favour of the Suppliant: Provided always, that such Decree or Judgment may afterwards be set aside by such Court or a Judge, in their or his Discretion, on such Terms as to them or him shall seem fit.

Form of Judgment or Decree.

IX. Upon every such Petition of Right the Decree or Judgment of the Court, whether given upon Demurrer upon the Pleadings or upon a Default to answer or plead in Time, or after Hearing or Verdict, or in Error, shall be that the Suppliant is or is not entitled either to the whole or to some Portion of the Relief sought by his Petition, or such other Relief as the Court may think right, and such Court may give a Decree or Judgment that the Suppliant is entitled to such Relief, and upon such Terms and Conditions (if any) as such Court shall think just.

Effect of Judgment of Amoveas manus.

X. In all Cases in which the Judgment commonly called a Judgment of Amoveas manus has heretofore been pronounced or given upon a Petition of Right, a Judgment that the Suppliant is entitled to Relief as herein-before provided shall be of such and the same Effect as such Judgment of Amoveas manus.

Costs recoverable by the Crown and any other Person Party to the Petition.

XI. Upon any such Petition of Right the Attorney General or other Person appearing on behalf of Her Majesty, and every such other Person as aforesaid who shall appear and plead or answer to such Petition, shall be entitled respectively to recover Costs against the Suppliant in the same Manner, and subject to the same Restrictions and Discretion, and under the same Rules, Regulations, and Provisions, so far as they are applicable, as are or may be usually adopted or in force touching the Payment or Receipt of Costs in Proceedings between Subject and Subject, and for the Recovery of such Costs, such and the same Remedies and Writs of Execution as are authorized for enforcing Payment of Costs upon Judgments in Personal Actions or Decrees, Rules or Orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of Her Majesty and of such other Person as aforesaid as shall appear and plead to such Petition, and any Costs recovered on behalf of Her Majesty shall be paid into the Exchequer, and shall become Part of the Consolidated Fund, except where such Petition shall be defended on behalf of Her Majesty in Her private Capacity, in which Case such Costs shall be paid to the Treasurer of Her Majesty's Household, or such other Person as Her Majesty shall appoint to receive the same.

The Suppliant to be entitled to Costs against the Crown and other Parties to the Proceedings.

XII. Upon any such Petition of Right the Suppliant shall be entitled to Costs against Her Majesty, and also against any other Person appearing or pleading or answering to any such Petition of Right, in like Manner, and subject to the same Rules, Regulations, and Provisions, Restrictions, and Discretion, as far as they are applicable, as are or may be usually adopted or in force touching the Right to recover Costs in Proceedings between Subject and Subject; and for the Recovery of any such Costs from any such Person, other than

than Her Majesty, appearing or pleading or answering in pursuance hereof, to any such Petition of Right, such and the same Remedies and Writs of Execution as are authorized for enforcing Payment of Costs upon Rules, Orders, Decrees, or Judgments in Personal Actions between Subject and Subject shall and may be prosecuted, sued out, and executed on behalf of such Suppliant.

Decree or Judgment in favour of the Suppliant to be certified to the Treasury or the Treasurer of the Household in Form of Schedule No. 5.

XIII. Whenever, upon any such Petition of Right, a Judgment, Order, or Decree shall be given or made that the Suppliant is entitled to Relief, and there shall be no Rehearing, Appeal, or Writ of Error, or in case of an Appeal or Proceedings in Error a Judgment, Order, or Decree shall have been affirmed, given, or made that the Suppliant is entitled to Relief, or upon any Rule or Order being made entitling the Suppliant to Costs, any One of the Judges of the Court in which such Petition shall have been prosecuted shall and may, upon Application in behalf of the Suppliant, after the Lapse of Fourteen Days from the making, giving, or affirming of such Judgment or Decree, Rule, or Order, certify to the Commissioners of Her Majesty's Treasury, or to the Treasurer of Her Majesty's Household, as the Case may require, the Tenor and Purport of the same, in the Form in the Schedule (No. 5) to this Act annexed, or to the like Effect; and such Certificate may be sent to or left at the Office of the Commissioners of Her Majesty's Treasury, or of the Treasurer of Her Majesty's Household, as the Case may be.

Satisfaction of the Judgment and Costs.

XIV. It shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to pay the Amount of any Moneys and Costs as to which a Judgment or Decree, Rule, or Order shall be given or made that the Suppliant in any such Petition of Right is entitled, and of which Judgment or Decree, Rule, or Order the Tenor and Purport shall have been so certified to them as aforesaid, out of any Moneys in their Hands for the Time being legally applicable thereto, or which may be hereafter voted by Parliament for that Purpose, provided such Petition shall relate to any public Matter; and in case the same shall relate to any private Property of or enjoyed by Her Majesty, or any Contract or Engagement made by or on behalf of Her Majesty, or any Matter affecting Her Majesty in Her private Capacity, a Certificate in the Form aforesaid may be sent to or left at the Office of the Treasurer of Her Majesty's Household, or such other Person as Her Majesty shall from Time to Time appoint to receive the same, and the Amount to which the Suppliant is entitled shall be paid to him out of such Funds or Moneys as Her Majesty shall be graciously pleased to direct to be applied for that Purpose.

Power to Judges to make Rules and Regulations, &c.

XV. It shall be lawful for the Judges of the said Courts of Law and Equity respectively, or any Three or more of the Judges of the Court of Chancery, of whom the Lord Chancellor shall be One, and for any Eight or more of the Judges of the Courts of Common Law, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to make all such General Rules and Orders in their said respective Courts of Law and Equity, for regulating the Pleading and Practice on such Petitions of Right, and for the effectual Execution of this Act and of the Intention and Object hereof, and for fixing the Costs to be allowed for and in respect of the several Matters herein contained, and the Performance thereof, and for the Government and Conduct of the Officers of their respective Courts in and relating to the Distribution and Performance of the Duties and Business to be done or performed in execution of this Act, as such Judges may think fit, reasonable, necessary, or proper, and to frame such Writs and Forms of Proceedings as to them may seem expedient for the Purposes aforesaid; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have effect until Three Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall from and after such Time aforesaid be binding and obligatory on the said Courts, and on any Courts of Error or Appeal into which any Judgments or Decrees of the said Courts shall be carried by any Writ of Error or Appeal, and be of the like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the *London Gazette*, or for either of the Houses of Parliament, by any

any Resolution passed at any Time within Three Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the whole or any Part of such Rules, Orders, or Regulations, and in such Case the whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts.

Interpretation of Terms.

XVI. In the Construction of this Act the Words "Her Majesty" shall extend to and include Her Majesty's Successors; and the Words "Lord High Chancellor" and "Lord Chancellor" respectively shall mean and include Keeper of the Great Seal and Commissioners for executing the Office of Lord Chancellor or Keeper of the Great Seal; the Word "Court" shall be understood to mean any One of the Superior Courts of Common Law or Equity at *Westminster* in which any such Petition is presented; the Word "Relief" shall comprehend every Species of Relief claimed or prayed for in any such Petition of Right, whether a Restitution of any Incorporeal Right, or a Return of Lands or Chattels, or a Payment of Money or Damages, or otherwise; and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts respectively; and wherever in this Act, in describing or referring to any Person, Party, or Thing, any Word importing the Singular Number or Masculine or Feminine Gender is used, the same shall be understood to include and be applicable to several Persons and Parties as well as One Person or Party, and to Females as well as Males, and Males as well as Females, and Bodies Corporate as well as Individuals, and several Matters and Things as well as One Matter or Thing, unless it otherwise be provided, or there be something in the Subject or Context repugnant to such Construction.

Short Title.

XVII. In citing this Act in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Petitions of Right Act, 1860."

Nothing to prevent Suppliant proceeding as before.

XVIII. Nothing in this Act contained shall prevent any Suppliant from proceeding as before the passing of this Act.

SCHEDULE referred to in the foregoing Act.

No. 1.

Petition.

In the Queen's Bench [*or* Common Pleas, *or* Exchequer of Pleas, *or* in Chancery].

To the Queen's most Excellent Majesty.

[*Middlesex*] to wit. The humble Petition of *A.B.* of , by his Attorney, *E.F.* of , showeth that [*state the Facts.*]

Conclusion.

Your Suppliant therefore humbly prays that, *&c.*

Dated the Day of A.D. .

(Signed) *A.B.*

or C.D., Counsel for *A.B.*

or E.F., Attorney for *A.B.*

No. 2.

THE Suppliant prays for a Plea or Answer on behalf of Her Majesty within Twenty-eight Days after the Date hereof, or otherwise that the Petition may be taken as confessed.

No.

No. 3.

To *A.B.*

YOU are hereby required to appear to the within Petition, in Her Majesty's Court of Queen's Bench [Common Pleas, *or* Exchequer, *or* High Court of Chancery], within Eight Days, and to plead or answer thereto within Fourteen after the Date hereof.

Take notice, that if you fail to appear or plead or answer in due Time the said Petition may, as against you, be ordered to be taken as confessed.

Dated, *&c.*

No. 4.

In the Queen's Bench [*or* Common Pleas, *or* Exchequer of Pleas, *or* in Chancery].

Petition of Right.

A.B., Suppliant, *v.* The Queen. } *C.D.* appears in Person. *E.F.*, Attorney for *C.D.*, appears for him.

If the Appearance be in Person, the Address of the Party appearing to be given.

Entered the Day of 186 .

No. 5.

Certificate of a Judge of the Court of the Tenor and Purport of the Judgment or Decree.

To the Commissioners of Her Majesty's Treasury [*or* the Treasurer of Her Majesty's Household].

Petition of Right of *A.B.* in Her Majesty's Court of Queen's Bench [Common Pleas, *or* Exchequer, *or* High Court of Chancery] at Westminster.

I HUMBLY certify, That on the Day of A.D. it was, by the said Court of Queen's Bench [Common Pleas, *or* Exchequer, *or* High Court of Chancery] adjudged [*or* decreed *or* ordered] that the above-named Suppliant was entitled to, *&c.*

Judge's Signature.

CAP. XXXV.

An Act further to amend an Act of the Eighteenth Year of Her present Majesty, to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons and for the Suppression of illicit Distillation in *Ireland*.

[23d *July* 1860.]

'WHEREAS an Act was passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-two, intituled *An Act to amend an Act of the Eighteenth Year of Her Majesty, to amend the Laws for the Prevention of the Sale of Spirits by unlicensed Persons and for the Suppression of illicit Distillation in* Ireland, and it is expedient further to amend the same:' 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 this present Parliament assembled, and by the Authority of the same, as follows: 18 & 19 Vict. c. 62.

I. In case any Person shall appeal against an Order made by the Justices at Petty Sessions, or by the Divisional Justices, as the Case may be, refusing him the Certificate which is required by Law to entitle him to obtain a Renewal of a Licence to sell Beer, Cider, As to Appeals from informal Orders of Justices refusing Licenses.