ANNO QUINQUAGESIMO

GEORGII III. REGIS.

CAP. XLIX.

An Act to amend the Laws for the Relief of the Poor, ſo far as relate to the examining and allowing the Accounts of Churchwardens and Overſeers by Juſtices of the Peace. [9th *June* 1810.]

WHEREAS by an Act made in the Forty-third Year of the Reign of Her late Majeſty Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, it is enacted, that Churchwardens and Overſeers of the Poor of every Pariſh ſhall within Four Days after their Year, and after other Overſeers nominated, make and yield up to Two Juſtices of the Peace a true and perfect Account of all Sums of Money by them received, or rated and ſeſſed and not received, and of all other Things concerning their ſaid Office: And whereas by an Act made in the Seventeenth Year of His late Majeſty King *George* the Second, for remedying ſome Defects in the ſaid recited Act made in the Forty-third Year of the Reign of Queen *Elizabeth*, it is enacted, that the Churchwardens and Overſeers of the Poor ſhall Yearly and every Year, within Fourteen Days after other Overſeers ſhall be nominated and appointed to ſucceed them, deliver in to ſuch ſucceeding Overſeers a juſt, true, and perfect Account in Writing under the Hands of the Churchwardens and Overſeers directed to account, of all Sums of Money by them received or rated and aſſeſſed and not received, and of all other Things concerning their ſaid Office; which ſaid Account ſhall be verified by Oath, or by the Affirmation of Perſons called Quakers, before One or more of His Majeſty's Juſtices of the Peace, which ſaid Oath or Affirmation ſuch Juſtice or Juſtices is and are by the ſaid Act authorized and required to adminiſter, and to ſign and atteſt the Caption of the ſame at the Foot of the ſaid Account: And whereas it is expedient that Two or more Juſtices ſhould be empowered to examine and correct and to allow and approve every ſuch

43 Eliz. c. 2.

17 G. 2. c. 38.

Account, before the ſame ſhall be ſigned and atteſted; be it therefore 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 in all Caſes where any ſuch Account is required to be made and yielded, and to be ſigned and atteſted as aforeſaid by virtue of the ſaid laſt recited Act, every ſuch Account ſhall be ſubmitted by the Churchwardens and Overſeers to Two or more Juſtices of the Peace of the County, dwelling in or near the Pariſh or Place to which ſuch Account ſhall relate, at a Special Seſſions for that Purpoſe to be holden within the Fourteen Days appointed by the ſaid laſt recited Act for delivering in ſuch Account; and ſuch Juſtices ſhall and they are hereby authorized and empowered, if they ſhall ſo think fit, to examine into the Matter of every ſuch Account, and to adminiſter an Oath or Affirmation to ſuch Churchwardens and Overſeers of the Truth of ſuch Account, and to diſallow and ſtrike out of every ſuch Account all ſuch Charges and Payments as they ſhall deem to be unfounded, and to reduce ſuch as they ſhall deem to be exorbitant, ſpecifying upon or at the Foot of ſuch Account every ſuch Charge or Payment and its Amount, ſo far as ſuch Juſtices ſhall diſallow or reduce the ſame, and the Cauſe for which the ſame is diſallowed or reduced; and it ſhall be lawful for ſuch Two or more Juſtices and they are hereby required to ſignify their Allowance and Approbation of any ſuch Account under their Hands, and to ſign and atteſt the Caption of the ſame at the foot of ſuch Account, in manner directed by the ſaid laſt recited Act: And in caſe ſuch Churchwardens and Overſeers or any of them, ſhall refuſe or neglect to make and yield up or to ſubmit ſuch Account, or to verify the ſame by Oath as aforeſaid, or to deliver over to their Succeſſors within Ten Days from the ſigning and atteſting ſuch Accounts, any Goods, Chattels, or other Things, which on the Examination and Allowance of ſuch Account in manner aforeſaid ſhall appear to be remaining in the Hands of ſuch Churchwardens or Overſeers, it ſhall and may be lawful for any Two or more Juſtices of the Peace to commit him, her, or them, to the Common Gaol, until he, ſhe, or they ſhall have made and yielded ſuch Account, and verified the ſame as aforeſaid, or ſhall have delivered over ſuch Goods, Chattels, and other Things which ſhall appear to be ſo remaining in his, her, or their Hands as aforeſaid; and in caſe ſuch Churchwardens and Overſeers, or any of them, ſhall refuſe or neglect to pay to their Succeſſors within Fourteen Days from the ſigning and atteſting ſuch Account, any Sum or Sums of Money or Arrearages which on the Examination and Allowance of ſuch Account in Manner aforeſaid ſhall appear or be found to be due and owing from ſuch Churchwardens or Overſeers, or any of them, or remaining in their Hands, it ſhall and may be lawful for the ſubſequent Churchwardens and Overſeers by Warrant from any Two or more Juſtices of the Peace, to levy all ſuch Sum and Sums of Money by Diſtreſs and Sale of the Offenders Goods, rendering to the Parties the Overplus, and in Default of ſuch Diſtreſs, it ſhall be lawful for any ſuch Two Juſtices of the Peace, to commit the Offender or Offenders to the Common Gaol of the County, there to remain without Bail or Mainprize, until Payment of ſuch Sum or Sums of Money or Arrearages as aforeſaid.

Accounts of Churchwardens and Overſeers of the Poor, to be ſubmitted by them to Two or more Juſtices at a Special Seſſions held under laſt recited Act.

Penalty for Neglect, &c.

II. Provided always, and be it enacted, That if ſuch Churchwardens or Overſeers, or any of them, ſhall feel themſelves, himſelf, or herſelf aggrieved by the Diſallowance or Reduction of any ſuch Charges or Payments, and

Churchwardens, &c. may appeal to Quarter Seſſions.

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be desirous of appealing against any Order in that respect, made by any such Two or more Justices of the Peace, it shall and may be lawful for him, her, or them, to enter an Appeal against such Order, at the next General or Quarter Sessions to be holden next after the Tenth Day from the making of such Order, he, she, or they, having first paid or delivered over to the succeeding Churchwardens and Overseers, such Sum and Sums of Money, Goods, Chattels, and other Things, as on the Face of the Account which shall have been submitted by him, her, or them, to such Two or more Justices in Manner aforesaid, shall appear and be admitted to be due and owing from him, her, or them, or remaining in his, her, or their Hands, and having also entered into a Recognizance before One or more such Justice or Justices, with Two sufficient Securities to be approved of by such Justice or Justices before whom such Recognizance shall be acknowledged, in not less than double the Sum or Value in Dispute, to enter such Appeal at such next General or Quarter Sessions, and abide by such Order as shall at that or any subsequent Sessions be made on such Appeal; and it shall and may be lawful for the Justices of the Peace assembled at such General or Quarter Sessions, on Proof of the Matters aforesaid, and on the Production of such Recognizance and Proof of the same having been duly entered into, to adjourn such Appeal if they shall see Occasion, or to hear the same, and to examine into and to confirm or reverse such Disallowance or Reduction in the Whole or in Part, as to such Justices at such Sessions shall seem just; and in any such Case, the said Justices at such Sessions may (if they shall think fit) make an Order that such Churchwardens and Overseers shall have the Costs by them incurred, upon any such Appeal defrayed out of the Poor Rates of the Parish or Place; and the Order of the General Quarter Sessions in Execution of the Powers given to them by this Act shall be binding on all Parties.

Appeal may also lie to any other Person.

III. Provided also, and be it enacted, That nothing herein contained shall take away or be construed to take away any Power of Appeal against any such Account, by any other Person entitled to appeal against the same by virtue of the said recited Acts or either of them.

Magistrates of Corporations shall have the same Jurisdiction as Two or more Justices.

IV. And be it further enacted, That every Mayor, Bailiff, or other Head Officer of every Town and Place Corporate and City in *Great Britain*, or any Two Magistrates of such Town or Place Corporate or City, being Justice or Justices of Peace respectively, shall have the same Authority by virtue of this Act within the Limits and Precincts of their Jurisdictions as is by this Act limited, prescribed, or appointed to Justices of the Peace of the County, or any Two or more of them, for the Execution of this Act; subject nevertheless to an Appeal to the General or Quarter Sessions in every such Town or Place Corporate or City respectively as aforesaid: Provided always, that in any Town or Place Corporate, or City, where there are not Four Justices of the Peace, it shall and may be lawful for any Person or Persons where an Appeal is given by this Act, to appeal, if he or they shall think fit, to the next General or Quarter Sessions of the Peace for the County, Riding, or Division wherein such Town or Place Corporate or City is situate.

Proceedings of Quarter Sessions final.

V. And be it further enacted, That no *Certiorari* shall be granted to remove any Order or Proceeding of any General or Quarter Sessions or of

of any Juſtices, made or had under this Act, into any ſuperior Court of Record; but that all Orders and Proceedings of ſuch Seſſions, and all Orders and Proceedings of ſuch Juſtices (ſubject to ſuch Appeal as aforeſaid) under this Act, ſhall be final and concluſive to all Intents and Purpoſes.

Not to extend to Churchwardens, &c. exempted from accounting under the recited Acts.

VI. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend or apply, or be conſtrued to extend or apply to the Accounts of any Churchwarden or Overſeer of the Poor in any Pariſh or Place where, by the Proviſions of any Act or Acts relating to the Poor of ſuch Pariſh or Place, or by the Conſtruction of any ſuch Act or Acts, ſuch Churchwardens and Overſeers are exempted from the rendering the Accounts required by the herein-before recited Acts of the Forty-third Year of the Reign of Her late Majeſty Queen *Elizabeth*, and of the Seventeenth Year of the Reign of His late Majeſty King *George* the Second, or either of them; any Thing herein-before contained to the contrary notwithſtanding: Provided alſo, that nothing in this Act contained ſhall extend or be conſtrued to extend to the City of *London*.

Nor to the City of London.

Recited Acts unleſs where it is hereby expreſsly mentioned not to be affected.

VII. Provided alſo, and be it enacted, That nothing in this Act contained ſhall alter or repeal any of the Proviſions or Regulations contained in the ſaid recited Acts of the Forty-third Year of the Reign of Her late Majeſty Queen *Elizabeth*, and of the Seventeenth Year of the Reign of His late Majeſty King *George* the Second, or either of them, other than and except only ſuch Proviſions or Regulations as are expreſsly mentioned in this Act, and ſo far as the ſame are expreſsly amended or altered by this Act.

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