

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. LXVI.

An Act to explain and amend an Act of the Fiftieth Year of His preſent Majeſty, to regulate the taking of Securities in all Offices in reſpect of which Security ought to be given, and for avoiding the Grant of all ſuch Offices in the Event of ſuch Security not being given within a Time to be limited after the Grant of ſuch Offices. [9th *June* 1812.]

WHEREAS an Act was paſſed in the Fiftieth Year of His Majeſty's Reign, intituled *An Act to regulate the taking of Securities in all Offices in reſpect of which Security ought to be given, and for avoiding the Grant of all ſuch Offices in the Event of ſuch Security not being given within a Time to be limited after the Grant of ſuch Offices:* And whereas it is expedient to extend the Proviſions of the ſaid recited Act to *Scotland*; and ſome of the Enactments of the ſaid Act require to be amended: And whereas conſiderable Expenſe and Inconvenience has been found to attend the regiſtering Memorials of Securities in the Regiſter Office of *Middleſex*, and ſuch Expenſe and Inconvenience will be avoided, and the Purpoſes of the ſaid Act more effectually carried into Execution, if the Regiſter and Account of the Securities given in the ſeveral public Offices or Departments of Government are kept by Perſons employed for that Purpoſe in each reſpective Office or Department, and the State thereof from Time to Time reported to the reſpective Heads of Departments, and to the Lords Commiſſioners of His Majeſty's Treaſury; 50 G. 3. c. 85.

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 all the Proviſions contained in the ſaid recited Act relative to regiſtering Securities, except ſo far as the ſame are repealed or altered by this Act, and alſo the Proviſions of this Act, ſhall extend and be conſtrued to extend to *Scotland*, and to all Offices, Departments, and Perſons of the like Nature and Deſcription belonging to the Government of *Scotland*, as are ſubject thereto in *England*.

Proviſions of recited Act and this Act extended to Scotland;

II. Provided always, and be it enacted, That nothing in the ſaid recited Act or this Act ſhall extend or be conſtrued to extend to any Offices or Departments belonging to the Government of *Ireland*, nor to any Perſons holding or employed in ſuch Offices or Departments, for or in reſpect of ſuch Offices or Departments; any Thing in the ſaid recited Act or this Act to the contrary notwithſtanding.

But not to extend to Ireland.

III. And be it further enacted, That every Perſon who before the paſſing of this Act ſhall have been appointed to, and ſhall hold any Office or Employment, or Commiſſion Civil or Military, in any Public Department belonging to that Part of the United Kingdom called *Scotland*, or any ſuch Office or Employment of Public Truſt under the Crown, or wherein he ſhall be concerned in the Collection, Receipt, Diſburſement or Expenditure of Public Monies, and who by Reaſon thereof ſhall have been, or ſhall be required to give Security with Surety or Sureties or otherwiſe, and who ſhall not before have given ſuch Security, ſhall, within One Month after the paſſing of this Act, if ſuch Perſon ſhall then be in *Scotland*, within Two Months if he ſhall then be in *England* or *Wales*, or within Three Months if he ſhall then be in *Ireland*, or within Six Months if he ſhall then be in any other Part of *Europe*, or in the *Weſt Indies* or *America*, or within Nine Months if he ſhall then be in *Africa*, or within Eighteen Months if he ſhall then be in the *Eaſt Indies*, or in any other Part of *Aſia*, or within Ten Months if he ſhall then be on the High Seas (unleſs he ſhall ſooner arrive in *England*, *Wales*, or *Scotland* or *Ireland*, and then within Three Months after ſuch Arrival) give and execute and enter into a Bond or Bonds, or other Security or Securities in ſuch Sum of Money and with ſuch ſufficient Surety or Sureties, as ſhall be approved by the Lords Commiſſioners of the Treaſury, or any Three or more of them, or by the principal Officer or Officers of the Office or Department to which he belongs, for the due Performance of the Truſt repoſed in him, and for the duly accounting for all the Public Monies entruſted to him or placed under his Controul.

Perſons already appointed to give Security.

IV. And be it further enacted, That ſo much of the ſaid recited Act as requires Memorials of Securities given by any public Officers to be made out and regiſtered with the Regiſter of the County of *Middleſex*, ſhall be and the ſame is hereby repealed.

So much of 50 G. 3. c. 85. as relates to regiſtering Memorials in Middleſex repealed.

V. And be it further enacted, That in every Public Office or Department, the Officers or Perſons belonging to which are required to give Security in Manner directed by the ſaid recited Act or by this Act, ſome Perſon or Perſons belonging to ſuch Office or Department ſhall be appointed

An Officer in every Department to keep Securities.

appointed and authorized and required by the Perſon or Perſons having the Power, Direction, and Controul over ſuch Office or Department, to keep and regiſter the Securities relating to the Office or Department to which he ſhall belong, and from Time to Time to report the State thereof in Manner directed by this Act; and all ſuch Securities as aforeſaid ſhall be delivered to ſuch Perſon or Perſons, to be regiſtered under this Act, within ſuch Periods (except where otherwiſe preſcribed by this Act) and under and ſubject to the ſame Penalties and Forfeitures in caſe of Neglect or Omiſſion to deliver ſuch Securities, as are preſcribed in the ſaid recited Act with reſpect to regiſtering Memorials with the ſaid Regiſter of *Middleſex*.

Such Officer to lay Accounts before Heads of Departments, &c. annually.

VI. And be it further enacted, That the Perſon ſo to be appointed or to be employed to keep and regiſter the Securities given or required to be given by Perſons employed in or belonging to each reſpective Public Office or Department, ſhall immediately after the paſſing of this Act keep a Book of Entry of all Securities given in ſuch Office, and ſhall in the firſt Place enter therein all Securities of Perſons belonging to ſuch Office which have been already regiſtered in the Office of the Regiſter of the County of *Middleſex*, and ſhall thereafter from Time to Time enter therein all ſuch Securities, and alſo all Deaths of Sureties, and all Omiſſions or Neglects in giving Securities or in ſupplying the Places of any Sureties, and all other Particulars neceſſary to ſhew the actual State of the Securities in ſuch reſpective Office or Department; and ſhall within Three Months after the paſſing of this Act, and thereafter once in each Year between the Fifth Day of *January* and the Twenty-fifth Day of *March* lay an Account of the State of the Securities in ſuch Department at the Time of the making out ſuch Account, together with an Abſtract thereof, before the Commiſſioners or other Head Officer or Officers of the Office or Department to which the Securities ſhall relate, or in which the ſame are taken; and ſuch Abſtract ſhall within One Month after the ſaid Twenty-fifth Day of *March* in each Year be tranſmitted to the Lord High Treaſurer, or the Commiſſioners of the Treaſury for the Time being, of *Great Britain*, with a Minute in each Caſe of any Orders which may have been given by the reſpective Commiſſioners or other Head Officer or Officers aforeſaid, in relation to any Omiſſions or Neglects as to ſuch Securities, or the keeping the Account thereof, and of what may have been done upon any ſuch Orders.

Perſons who have already regiſtered not required to regiſter again.

VII. Provided always, and be it further enacted, That no Perſon who ſhall have already regiſtered a Memorial of any Security with the Regiſter of *Middleſex*, under the Proviſions of the ſaid recited Act, ſhall be required to regiſter the ſame Security with the Officer or Perſon appointed or employed to keep Securities under the Proviſions of this Act.

Notice of Death or Bankruptcy of Sureties to be given.

VIII. And be it further enacted, That every ſuch Perſon as aforeſaid, who ſhall have given any Bond or Bonds, or other Security or Securities, with Surety or Sureties, for the due Execution of the Truſt repoſed in him, or for the duly accounting for Public Monies coming to his Hands, ſhall give Notice in Writing to the Head of the Office or Department to which he ſhall belong, of the Death or Bankruptcy of any Surety or Sureties or Perſon or Perſons bound for or with him in any ſuch Security or Securities, within Four Calendar Months after the ſame ſhall have come to his Knowledge, if he ſhall reſide or be in *Great Britain* or *Ireland*,

and if he ſhall be then on the High Seas then within Four Calendar Months after his Arrival in *Great Britain* or *Ireland*, or within Twelve Calendar Months if he ſhall then be in any Parts beyond the Seas, except in the *Eaſt Indies* or Parts beyond the *Cape of Good Hope*, and within Eighteen Months if he ſhall be in the *Eaſt Indies* or in any Parts beyond the *Cape of Good Hope*, unleſs he ſhall ſooner arrive in *Great Britain* or *Ireland*, and then within Four Months after ſuch Arrival; and every ſuch Perſon who ſhall neglect to give ſuch Notice within ſuch Period as aforeſaid, ſhall forfeit One Fourth Part of the Sum for which the Surety ſo dead or become Bankrupt ſhall have given Security, to the Uſe of His Majeſty, to be recovered, if ſuch Neglect ſhall relate to any ſuch Office or Employment in *England*, in any of the Courts at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, at the Suit of His Majeſty's Attorney General; and if ſuch Office or Employment be in *Scotland*, then to be recovered there in the Court of Seſſion or in the Court of Exchequer in *Scotland*, by Action of Debt, Bill, Plaint, or Information, at the Suit of His Majeſty's Advocate; and every ſuch Perſon who ſhall upon the Death or Bankruptcy of any Surety neglect to give the Security of another Surety, to be approved in ſuch Manner as ſuch Surety dying or becoming Bankrupt was approved, within ſuch Period from his having given Notice of the Death or Bankruptcy of the former Surety, as is by the ſaid Act and this Act limited for giving and regiſtering the original Security, the ſame Regard being had to the Place in which ſuch Perſon may then be, ſhall forfeit his Appointment, Office, Employment, or Commiſſion, in like Manner and under and ſubject to the Proviſions in the ſaid recited Act contained for extending ſuch Periods and giving Relief in the Caſes in the ſaid recited Act and this Act ſpecified.

Heads of Departments may allow further Time for giving Securities.

IX. Provided always, and be it further enacted, That if it ſhall appear to the Perſons or Perſon being at the Head of and having the chief Management and Direction of the Public Department in which ſuch Office or Place ſhall be, or to ſuch Number of the Commiſſioners or Perſons at the Head of ſuch Public Department as by the Law, Uſage, or Cuſtom of ſuch Department are authorized or empowered to make any Order relating to the public Buſineſs of ſuch Department, to whom reſpectively Notice ſhall have been given of the Death of any ſuch Surety, that the Period limited by this Act for giving the Security for ſuch new Surety is, in conſequence of particular Accidents, Caſualties, or Circumſtances, inſufficient, or that by Reaſon of the Diſtance, or Loſs of Letters, or Illneſs, or the Refuſal of any Surety to give the Security, or of ſuch Surety being not deemed eligible, and being rejected, or any other Accident or Caſualty, that further Time will be neceſſary to enable the Security of ſuch new Surety to be given, it ſhall be lawful for ſuch Officer or Commiſſioners as aforeſaid, or Perſon or Perſons ſo at the Head of any Public Department as aforeſaid, to allow ſuch further Period for giving the Security of ſuch new Surety as ſhall appear to be reaſonable and proper; provided that ſuch extended Period ſhall in no Caſe exceed Twelve Months beyond the Period allowed by this Act; provided alſo, that the preciſe Period propoſed to be allowed, together with the ſpecial Grounds for allowing the ſame, ſhall be either entered in the Book in which the original Security ſhall have been regiſtered, or indorſed on the Back of the original Bond or other Deed or Security itſelf; and the Perſon required to give the Security of ſuch new Surety

ſhall

ſhall not be ſubject to any Forfeiture or Penalty for not giving the ſame within the Time limited by this Act, if he gives it within ſuch extended Period ſo allowed as aforeſaid.

His Majeſty empowered to remit Forfeitures.

X. Provided always, and be it further enacted, That it ſhall be lawful for His Majeſty to remit any Forfeiture or Penalty, in any Caſe in which the Failure of giving any Security, or regiſtering any Memorial or Security under the ſaid recited Act, or the Delivery of any Security to the proper Officer or Perſon to be regiſtered under this Act, ſhall not have ariſen from any wilful Neglect of the Perſon bound to give ſuch Security or regiſter ſuch Memorial, or deliver ſuch Security.

Bonds in Scotland may be taken according to the Form of the Law of Scotland or of England.

XI. And whereas it has been the Practice in ſome of the Public Offices, in *Scotland* to take Bonds or Securities from Perſons holding Offices there, according to the Forms of the Law of *Scotland*, whereby Property, Real and Perſonal can, if neceſſary, be ſpeedily and effectually attached; and which Practice has been found expedient in ſeveral Inſtances; be it therefore further enacted, That it ſhall and may be lawful to take Bonds and Securities, to be granted by Perſons holding Public Offices in *Scotland*, according to the Forms obſerved in *Scotland* or hitherto adopted, or according to the Forms obſerved in *England*, as it ſhall be deemed moſt expedient; and alſo to proſecute, ſue for, and recover upon the Bonds already granted or to be granted, according to the Forms obſerved in the Law of *Scotland*, or according to the Forms obſerved in the Law of *England*, either in the Court of Seſſion or Court of Exchequer in *Scotland*, and according to the Proceſs and Diligence uſed in theſe reſpective Courts, as ſhall appear beſt calculated in the Circumſtances of the Caſe to obtain the ſpeedy and effectual Recovery of the Public Money.

Acts not to extend to Bonds of Receiver General of Aſſeſſed Taxes.

XII. Provided always, and be it further enacted, That nothing in the ſaid recited Act or this Act contained ſhall extend to the Bonds or other Securities of any Receiver General of the Duties under the Management of the Commiſſioners for Affairs of Taxes, or of their Sureties, but the ſame ſhall continue to be taken under the Authority of Warrants of the Lords Commiſſioners of His Majeſty's Treaſury, by the King's Remembrancer of the Court of Exchequer, and to be recorded in his Office in like Manner as they have heretofore been.

The Period for Regiſtry of Securities to be eſtimated from the Time of the Execution by the laſt Perſon.

XIII. Provided always, and be it further enacted, That where the Securities of the Principal and Sureties are executed at different Times, whether the ſame are taken in one and the ſame Bond, Deed, or other Inſtrument, or in different ones, the Period limited for regiſtering ſuch Securities ſhall be eſtimated from the Time of the Execution thereof by the Perſon who ſhall have been the laſt to execute any ſuch Bond, Deed, or other Inſtrument.

No Irregularity to avoid Securities.

XIV. Provided always, and be it further enacted, That no Neglect, Omiſſion, or Irregularity, in giving or renewing the Bonds or other Securities, or regiſtering the ſame within the Periods or in the Manner preſcribed by the ſaid recited Act or this Act, ſhall be conſtrued to have vacated or made void, or to vacate or make void any ſuch Bond or other Security, or to have diſcharged or to diſcharge any Surety from the Obligations of any ſuch Bond or Security.

Deeds to be registered although the Period shall have expired.

XV. Provided also, and be it further enacted, That all Deeds, Bonds, or other Securities required to be registered shall be registered by the proper Officer, notwithstanding the Period prescribed for registering the same shall have expired; but no such registering of any such Deed, Bond, or other Instrument, shall be deemed or construed to waive any Forfeiture or Penalty, or to exempt the Person on whose Behalf the same shall have been registered from any Forfeiture or Penalty under any of the Provisions of the said recited Act or this Act.

Indemnification for Persons omitting to give Securities.

XVI. And whereas divers Persons, who by reason of their Appointments to or holding certain Offices or Employments, or Commissions Civil or Military, in any Public Department or of Public Trust, or who by reason of being concerned in the Collection, Receipt, Disbursement, or Expenditure of any Public Money or otherwise, are or may be required or bound under the Provisions of the said recited Act of the Fiftieth Year aforesaid, to give any such Security or to register any such Memorial as is mentioned in that Act, or to give Notice of the Death of any Surety, or upon the Death of any such Surety to give Security of another Surety, and to register a Memorial of the Security of such new Surety, have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted or may omit to give such Securities, and to cause such Memorials thereof to be duly registered, or to give Notice of the Death of any Surety as aforesaid within such Time and in such Manner as in and by the said Act is required; whereby they have incurred or may be in Danger of incurring divers Penalties and Disabilities; And whereas an Act passed in the last Session of Parliament, intituled *An Act to indemnify such Persons in the United Kingdom as have omitted to give Securities and to register Memorials thereof, under an Act of the last Session of Parliament, and for extending the Times limited for those Purposes respectively until Two Months after the Commencement of the next Session of Parliament*; and the said last recited Act has expired, and it is necessary that further Indemnity should be given to Persons who shall comply with the Provisions of the said Act and this Act within limited Periods; be it further enacted, That all and every Person or Persons who, at or before the passing of this Act, hath or have omitted to give such Security, and to cause such Memorial thereof to be duly registered in such Manner as in and by the said recited Act is required, or to give Notice of the Death of any such Surety as aforesaid, and who after being appointed to, and accepting any such Office, Place or Employment, or undertaking any Thing on account of which such Security ought to have been or ought to be given, and such Memorial thereof registered, at any Time before the passing of this Act, or who at any Time before the Expiration of Two Months from the passing of this Act shall give such Security and deliver the same as required by this Act, or give such Notice as aforesaid in such Manner as is appointed by this Act, shall be, and are hereby indemnified, freed and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred, for or by Reason of any Neglect or Omission of giving any such Security, or registering any such Memorial, or giving any such Notice, according to the above-mentioned Act; and such Person and Persons is and are and shall be fully restored to the same State and Condition as he, she, or they were in before such Neglect or Omission; and that all Acts done or to be done by any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of

51 G. 3. c. 98.

them would have been if such Person or Persons respectively had given such Security and registered such Memorial, or given such Notice, according to the Directions of the said Act.

XVII. Provided always, and be it further enacted, That all such Securities shall and may be given and delivered to and registered by the same Officers and Persons, in the same Manner, and under the like Rules, Regulations and Provisions, and within the extended Periods allowed by this Act for the giving or registering Securities, and shall in such Case be as valid and effectual as if such Securities had been given and registered within the respective Periods limited for those Purposes in the said recited Act. Securities to be registered.

XVIII. And be it further enacted, That in case of any Action, Suit, Bill of Indictment or Information, shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated or restored, for or on account of any Forfeiture, Penalty, Incapacity or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon. General Issue.

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