



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

C A P. CXXVI.

An Act for the further Prevention of the Sale and
Brokerage of Offices. [20th June 1809.]

WHEREAS an Act passed in the Fifth and Sixth Year of the
Reign of King *Edward* the Sixth, intituled, *Against buying
and selling of Offices*: And whereas it was in and by the said
Act enacted, amongst other Things, That if any Person or Persons at any
Time thereafter bargained or sold any Office or Offices, or Deputation
of any Office or Offices, or any Part or Parcel of any of them, or
received, had, or took any Money, Fee, Reward, or any other Profit,
directly or indirectly, or took any Promise, Agreement, Covenant,
Bond, or any Assurance, to receive or have any Money, Fee, Reward,
or other Profit, directly or indirectly, for any Office or Offices, or for the
Deputation of any Office or Offices, or any Part of any of them, or to the
Intent that any Person should have, exercise, or enjoy any Office or Offices,
or the Deputation of any Office or Offices, or any Part of any of them,
which Office or Offices, or any Part or Parcel of them, should in anywise
touch or concern the Administration or Execution of Justice, or the Re-
ceipt, Controlment, or Payment of any of the King's Highness Treasure,
Money, Rent, Revenue, Account, Aulnage, Auditorship, or surveying
of any of the King's Majesty's Honors, Castles, Manors, Lands, Tene-
ments, Woods, or Hereditaments, or any of the King's Majesty's Customs,
or any other Administration or necessary Attendance to be had, done, or
executed in any of the King's Majesty's Custom House or Houses, or the
keeping of any of the King's Majesty's Towns, Castles, or Fortresses, being
used, occupied, or appointed for Places of Strength and Defence, or which
should

5 & 6 Ed. 6.
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should concern or touch any Clerkship to be occupied in any Manner of Court of Record, wherein Justice was to be ministered, that then all and every such Person and Persons that should so bargain or sell any of the said Office or Offices, Deputation or Deputations, or that should take any Money, Fee, Reward, or Profit for any of the said Office or Offices, Deputation or Deputations of any of the said Offices, or any Part of any of them, or that should take any Promise, Covenant, Bond, or Assurance for any Money, Reward, or Profit to be given for any of the said Office or Offices, Deputation or Deputations of any of the said Office or Offices, or any Part of any of them, should not only lose and forfeit all his and their Right, Interest, and Estate which such Person or Persons should then have of, in, or to, any of the said Office or Offices, Deputation or Deputations, or any Part of any of them, or of, in, or to, the Gift or Nomination of any of the said Office or Offices, Deputation or Deputations, for the which Office or Offices, or for the Deputation or Deputations of which Offices, or for any Part of any of them, any such Person or Persons should so make any Bargain or Sale, or take or receive any Sum of Money, Fee, Reward, or Profit, or any Promise, Covenant, or Assurance, to have or receive any Fee, Reward, Money, or Profit, but also that all and every such Person or Persons that should give or pay any Sum of Money, Reward, or Fee, or should make any Promise, Agreement, Bond, or Assurance for any of the said Offices, or for the Deputation or Deputations of any of the said Office or Offices, or any Part of any of them, should immediately by and upon the same Fee, Money, or Reward given or paid, or upon any such Promise, Covenant, Bond, or Agreement had or made for any Fee, Sum of Money, or Reward, to be paid as is aforesaid, be adjudged a disabled Person in the Law to all Intents and Purposes, to have, occupy, or enjoy the said Office or Offices, Deputation or Deputations, or any Part of any of them, for the which such Person or Persons should so give or pay any Sum of Money, Fee, or Reward, or make any Promise, Covenant, Bond, or other Assurance, to give or pay any Sum of Money, Fee, or Reward; and that all and every such Bargains, Sales, Promises, Bonds, Agreements, Covenants, and Assurances as before specified, should be void to and against him and them by whom any such Bargain, Sale, Bond, Promise, Covenant, or Assurance should be had or made: And whereas it was in the said Act provided, that the said Act, or any Thing therein contained, should not in anywise extend to any Office or Offices, whereof any Person or Persons was or should be seized of any Estate of Inheritance, nor to any Office of Parkership, or of the keeping of any Park, House, Manor, Garden, Chase, or Forest, or to any of them: And whereas it was by the said Act further provided, that if any Person or Persons did thereafter offend in any Thing contrary to the Tenor and Effect of the said Act, yet that notwithstanding all Judgments given, and all other Act and Acts executed or done by any such Person or Persons so offending, by Authority or Colour of the Office or Deputation which ought to be forfeited or not occupied or not enjoyed by the Person so offending, after the said Offence so by such Person committed or done, and before such Person so offending for the same Offence should be removed from the Exercise, Administration, and Occupation of the said Office or Deputation, should be and remain good and sufficient in Law, to all Intents, Constructions, and Purposes, in such like Manner and Form as the same would or ought to have remained and been if this Act had never been had or made: And whereas it was by the said Act further provided, that the said Act,

or any Thing therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the Chief Justices of the King's Courts, commonly called the King's Bench or Common Place, or to any of the Justices of Assize, that then were or thereafter should be, but that they and every of them might do in every Behalf touching or concerning any Office or Offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act: Be it therefore declared and 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 from and after the passing of this Act, the said Act and all the Provisions therein contained shall extend and be construed to extend to *Scotland* and *Ireland*, and to all Offices in the Gift of the Crown or of any Office appointed by the Crown, and all Commissions Civil, Naval or Military, and to all Places and Employments, and to all Deputations to any such Offices, Commissions, Places, or Employments in the respective Departments or Offices, or under the Appointment or Superintendance and Controul of the Lord High Treasurer or Commissioners of the Treasury, the Secretary of State, the Lords Commissioners for executing the Office of Lord High Admiral, the Master General and principal Officers of His Majesty's Ordnance, the Commander in Chief, the Secretary at War, the Paymaster General of His Majesty's Forces, the Commissioners for the Affairs of India, the Commissioners of the Excise, the Treasurer of the Navy, the Commissioners of the Navy, the Commissioners for Victualling, the Commissioners of Transports, the Commissary General, the Storekeeper General, and also the principal Officers of any other public Department or Office of His Majesty's Government in any Part of the United Kingdom, or in any of His Majesty's Dominions, Colonies, or Plantations which now belong or may hereafter belong to His Majesty, and also to all Offices, Commissions, Places and Employments belonging to or under the Appointment or Controul of the United Company of Merchants of *England* trading to the *East Indies*, in as full and ample a Manner as if the Provisions of the said Act were repeated as to all such Offices, Commissions, Places, and Employments, and made Part of this Act; and the said Act and this Act, and all the Clauses and Provisions therein respectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

Provisions of
5 & 6 Ed. 6.
c. 16. ex-
tended to
other Offices.

III. Provided always, and be it further enacted, That where the Right, Estate, or Interest of any Person or Persons shall be forfeited under any of the Provisions of the said Act or this Act, the Right of such Appointment shall immediately vest in and belong to His Majesty, His Heirs and Successors.

When Right
of Appoint-
ment forfeit-
ed, to go to
His Majesty.

III. And be it further declared and enacted, That from and after the passing of this Act, if any Person or Persons shall sell or bargain for the Sale of, or receive, have, or take any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, directly or indirectly, or any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or shall by any Way, Device or Means contract or agree to receive or have any Money, Fee, Gratuity, Loan of Money, Reward or Profit, directly or indirectly, and also if any Person or Persons shall purchase or bargain for the Purchase of, or give or pay any Money, Fee, Gratuity, Loan of Money, Reward or Profit

Persons buy-
ing or selling
Offices, or
receiving or
paying Mo-
ney or Re-
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Offices, guilty
of a Misde-
meanor.

Profit, or make or enter into any Promise, Agreement, Covenant, Contract, Bond or Assurance to give or pay any Money, Fee, Gratuity, Loan of Money, Reward or Profit, or shall by any Way, Means or Device, contract or agree to give or pay any Money, Fee, Gratuity, Loan of Money, Reward or Profit, directly or indirectly, for any Office, Commission, Place or Employment specified or described in the said recited Act or this Act, or within the true Intent or Meaning of the said Act or this Act, or for any Deputation thereto, or for any Part, Parcel, or Participation of the Profits thereof, or for any Appointment or Nomination thereto or Resignation thereof, or for the Consent or Consents or Voice or Voices of any Person or Persons to any such Appointment, Nomination or Resignation, then and in every such Case, every such Person, and also every Person who shall wilfully and knowingly aid, abet or assist such Person therein, shall be deemed and adjudged guilty of a Misdemeanor.

Persons receiving or paying Money for soliciting Offices, and any Negotiations or pretended Negotiations relating thereto, guilty of a Misdemeanor.

IV. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall receive, have, or take any Money, Fee, Reward, or Profit, directly or indirectly, or take any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or by any Way, Means, or Device, contract or agree to receive or have any Money, Fee, Gratuity, Loan of Money, Reward or Profit directly or indirectly, for any Interest, Solicitation, Petition, Request, Recommendation, or Negotiation whatever, made or to be made, or pretended to be made, or under any Pretence of making or causing or procuring to be made any Interest, Solicitation, Petition, Request, Recommendation or Negotiation, in or about or in anywise touching, concerning, or relating to any Nomination, Appointment, or Deputation to or Resignation of any such Office, Commission, Place or Employment as aforesaid, or under any Pretence for using or having used any Interest, Solicitation, Petition, Request, Recommendation or Negotiation, in or about any such Nomination, Appointment, Deputation or Resignation, or for the obtaining or having obtained the Consent or Consents or Voice or Voices of any Person or Persons as aforesaid to such Nomination, Appointment, Deputation, or Resignation; and also if any Person or Persons shall give or pay or cause or procure to be given or paid any Money, Fee, Gratuity, Loan of Money, Reward or Profit, or make or cause or procure to be made any Promise, Agreement, Covenant, Contract, Bond or Assurance, or by any Way, Means, or Device, contract or agree or give or pay or cause or procure to be given or paid any Money, Fee, Gratuity, Loan of Money, Reward, or Profit for any Solicitation, Petition, Request, Recommendation or Negotiation whatever, made or to be made, that shall in anywise touch, concern, or relate to any Nomination, Appointment, or Deputation to or Resignation of any such Office, Commission, Place, or Employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the Consent or Consents, or Voice or Voices of any Person or Persons as aforesaid to any such Nomination, Appointment, Deputation, or Resignation; and also if any Person or Persons shall, for or in Expectation of Gain, Fee, Gratuity, Loan of Money, Reward, or Profit, solicit, recommend, or negotiate in any Manner for any Person or Persons in any Matter that shall in anywise touch, concern, or relate to any such Nomination, Appointment, Deputation or Resignation aforesaid, or for the obtaining, directly or indirectly, the Consent or Consents or Voice or Voices of any Person or Persons to any such Nomination, Appointment, or Deputation or Resignation aforesaid, then and in every such

Cafe every fuch Perfon, and alfo every Perfon who fhall wilfully and knowingly aid, abet, or affift fuch Perfon therein, fhall be deemed and adjudged guilty of a Mifdemeanor.

V. And whereas on the Pretence of negotiating or foliciting the Sale, Transfer, or Appointment of any Office or Offices which under the Exception of this Act or otherwife it may be lawful to fell, Offices for negotiating the fame, and Advertisements may be publifhed, by Means and under the Colour of which illegal Tranfactions intended to be prohibited by this Act may be carried on; be it therefore further enacted, That from and after the paffing of this Act, if any Perfon or Perfons fhall open or keep any Houfe, Room, Office, or Place for the foliciting, tranfaacting or negotiating in any Manner whatever any Buifnefs relating to Vacancies in, or the Sale or Purchase of, or Appointment, Nomination, or Deputation to, or Refignation, Transfer, or Exchange of any Offices, Commissions, Places, or Employments whatever in or under any Publick Department, then and in every fuch Cafe every fuch Perfon, and alfo every Perfon who fhall wilfully and knowingly aid, abet, or affift therein, fhall be deemed and adjudged guilty of a Mifdemeanor.

Persons opening or advertising Houfes for tranfaacting Buifnefs relating to the Sale of Offices, guilty of a Mifdemeanor.

VI. And be it further enacted, That if any Perfon or Perfons fhall advertife or publifh, or caufe or procure to be advertifed or in any Manner publifhed any Houfe, Room, Office, or Place to have been or to be opened, fet up, or kept for any of the Purpofes aforefaid, or advertife or publifh, or caufe or procure to be advertifed or publifhed, the Name or Names of any Perfon or Perfons as Broker or Brokers, Agent or Agents, Solicitor or Solicitors for any of the Purpofes aforefaid, or print or caufe or procure or permit or fuffer to be printed or advertifed any Advertisement or Advertisements, Propofal or Propofals for any of the Purpofes aforefaid, then and in fuch Cafe fuch Perfon or Perfons fhall forfeit for every fuch Offence the Sum of Fifty Pounds, to be fued for, levied, or recovered in any of His Majesty's Courts of Record at *Westminster*, as to all Offences committed in *England*, or at *Dublin* as to Offences committed in *Ireland*, or in His Majesty's Courts in *Scotland* as to Offences committed in *Scotland* refpectively; and the Whole of every fuch Penalty fhall go to the Perfon who fhall fue for the fame, with full Cofts of Suit.

Inflicting a Penalty on Perfons advertifing or publifhing the Names of Brokers or Agents.

VII. Provided always, and be it further enacted, That nothing in this Act contained fhall extend or be conftrued to extend to any Purchafes, Sales, or Exchanges of any Commissions or Appointments in the honourable Band of Gentlemen Pensioners, or in His Majesty's Yeoman Guard, or in the Marfhalsea, and the Court of the King of the Palace of the King at *Westminster*, or to extend to any Purchafes, Sales, or Exchanges of any Commissions in His Majesty's Forces for fuch Prices as fhall be regulated and fixed by any Regulation made or to be made by His Majesty in that Behalf, or to any Act or Thing done in relation thereto, by any Agents, provided that fuch Agents fhall be Agents of Regiments authorized by the Commander in Chief of His Majesty's Forces, or by the Colonels or Commandants of Regiments or Corps, and fhall act therein under fuch Regulations only as are or fhall from Time to Time be eftablifhed by His Majesty, and fhall not caufe or procure, or knowingly permit or fuffer to be printed or advertifed, any Advertisement or Advertisements, Propofal or Propofals for any Purchase or Sale or Exchange of any Commission, or any Negotia-

Act not to extend to Purchase or Sale of Commissions for the regulated Prices, or authorized Regimental Agents acting in fuch cafes according to Regulation, without Fee or Reward.

tion relating thereto, and shall not receive or take any Money, Fee, Gratuity, or Reward, or any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or by any Way, Means, or Device, contract or agree to receive or have any Money, Fee, Gratuity, or Reward, for acting in such Behalf.

Officers in Army giving more than regulated Prices, or paying Agents for negotiating, to forfeit their Commissions, and be cashiered; their Commissions to be sold, and Half of the Produce, when not exceeding a certain Sum, to go to Informer.

VIII. Provided also, and be it further enacted, That every Officer in His Majesty's Forces, who shall take, accept, or receive, or pay, or agree to pay, any larger Sum of Money, directly or indirectly, than what is allowed by any Regulations made by His Majesty in relation to the Purchase, Sale, or Exchange of Commissions in His Majesty's Forces, or who shall pay, or cause to be paid, any Sum of Money, to any Agent or Broker, or other Person, for negotiating the Purchase or Sale or Exchange of any such Commission, shall, on being convicted thereof by a General Court Martial, forfeit his Commission, and be cashiered; and as an Encouragement for the Detection of such Practices, such Commission so forfeited shall be sold, and Half the regulated Value (not exceeding Five hundred Pounds) shall be paid to the Informer, and the other Half, or the Remainder, if more than Five hundred Pounds, shall go and be applied as His Majesty shall order and direct, by any Regulations from Time to Time made in that Behalf: Provided also, that every Person who shall sell his Commission in His Majesty's Forces, and not continue to hold any Commission in His Majesty's Forces, and shall, upon or in relation to such Sale, take, accept, or receive, directly or indirectly, any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, or any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or shall by any Device or Means contract or agree to receive or have any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, beyond the regulated Price or Value of the Commission sold, and also every Person who shall wilfully or knowingly aid, abet, or assist such Person therein, shall be deemed and adjudged guilty of a Misdemeanor within the Provisions of this Act.

Act not to extend to Offices excepted in former Act, nor to Securities or Transactions under legal Securities.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Office excepted from the Provisions of the said Act passed in the Sixth Year of the Reign of King *Edward* the Sixth against buying and selling of Offices, or to any Office which was legally saleable before the passing of this Act, and in the Gift of any Person by virtue of any Office of which such Person is or shall be possessed under any Patent or Appointment for his Life, or to render invalid, or in any Manner to affect any Promise, Agreement, Covenant, Contract, Bond, Assurance, or Trust, entered into or declared before the passing of this Act, and which before the passing thereof was a valid Promise, Agreement, Covenant, Contract, Bond, Assurance, or Trust, in Law or Equity, or to any Money paid, or to any Act, Matter, or Thing done in pursuance of any such Promise, Agreement, Covenant, Contract, Bond, or Assurance.

Act not to extend to lawful Deputations where Payment of Principal or Deputy is out of the Fees.

X. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent or make void any Deputation to any Office, in any case in which it is lawful to appoint a Deputy, or any Agreement, Contract, Bond, or Assurance lawfully made in respect of any Allowance, Salary, or Payment made or agreed to be

to be made by or to such Principal or Deputy respectively, out of the Fees or Profits of such Office.

XI. Provided also, and be it further enacted, That nothing in the said Act or in this Act contained shall extend to any annual Reservation, Charge, or Payment made or required to be made out of the Fees, Perquisites, or Profits of any Office to any Person who shall have held such Office, in any Commission or Appointment of any Person succeeding to such Office, or to any Agreement, Contract, Bond, or other Assurance made for securing such Reservation, Charge, or Payment: Provided always, that the Amount of such Reservation, Charge, or Payment, and the Circumstances and Reasons under which the same shall have been permitted, shall be stated in the Commission, Patent, Warrant, or Instrument of Appointment of the Person so succeeding to and holding such Office, and paying or securing such Money as aforesaid.

Act not to extend to annual Payments out of the Fees of any Office, to any Person formerly holding such Office.

XII. And whereas the Parliament of *Ireland* never enacted any Provisions similar to those contained in the said recited Act of the Fifth and Sixth Years of King *Edward* the Sixth: And whereas it hath always been customary in the Appointment of the Masters and Six Clerks, and First and Second Examiners of the Court of Chancery in *Ireland*, to allow the having and receiving of Money, or other valuable Consideration for those Appointments; and although it may be fit and proper that the said Custom should be abolished, yet it is reasonable that the several and respective Persons who now hold the said Offices should be permitted to dispose of the same in like Manner as hath been heretofore done; be it therefore enacted, That it shall and may be lawful for the said Masters and Six Clerks, and First and Second Examiner or any of them, (save and except *George Ellis* Esquire, one of the Masters of the said Court,) so to proceed touching the Disposition and Appointment of their said Offices respectively, in such and the like Manner, to all Intents and Purposes, as hath been heretofore accustomed; but that from and after the Death, Resignation, or Removal of each of them, and the actual Appointment of any Person in the Stead of the Persons so dying, resigning, or being removed, the Powers and Provisions of the said recited Act and of this Act shall be applicable and shall be applied to the said respective Offices in the said Court of Chancery in *Ireland*.

Certain Offices in the Chancery in *Ireland* exempted till after the Events herei mentioned.

XIII. Provided always, and be it enacted, That every Person who shall commit, in *Scotland*, any Offence against this Act, which by the Provisions of the same is constituted a Misdemeanor, shall be liable to be punished by Fine and Imprisonment, or by the one or the other of such Punishments as the Judge or Judges before whom such Offender shall be tried and convicted may direct.

Manner of punishing Offenders in *Scotland*.

XIV. And be it further enacted, That all Offences committed against the Provisions of the said recited Act and this Act, by any Governor, Lieutenant Governors, or Person having the chief Command, Civil or Military, in any of His Majesty's Dominions, Colonies, or Plantations, or his or their Secretary or Secretaries, may and shall be prosecuted and enquired of, and heard and determined in His Majesty's Court of King's Bench at *Westminster*, in like Manner as any Crime, Offence, or Misdemeanor committed by any Person holding a public Employment abroad, may

Offences committed abroad shall be tried in King's Bench.

be prosecuted and enquired of under the Provisions of an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for the trying and punishing in Great Britain Persons holding Public Employments, for Offences committed abroad; and for extending the Provisions of an Act passed in the Twenty-first Year of the Reign of King James, made for the Ease of Justices and others in pleading in Suits brought against them, to all Persons either in or out of this Kingdom, authorized to commit to safe Custody.*

Commence-
ment of the
Act in cer-
tain Places
abroad.

XV. Provided always, and be it further enacted, That nothing in the said recited Act or this Act contained shall extend or be construed to extend to *Gibraltar, Malta*, or any Place or Places in the *Mediterranean*, until Three Months; or to any of His Majesty's Dominions, Colonies, or Plantations in *America* or the *West Indies*, until Four Months; or to the *Cape of Good Hope*, the Island of *Saint Helena*, or any Part of *Africa*, until Six Months; or to any of His Majesty's Dominions in the *East Indies* or beyond the *Cape of Good Hope*, until Twelve Months, after the passing of this Act.

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