



ANNO TERTIO

# GEORGII IV. REGIS.

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C A P. XXXIII.

An Act for altering and amending several Acts passed in the First and Ninth Years of the Reign of King *George* the First, and in the Forty-first, Fifty-second, Fifty-sixth, and Fifty-seventh Years of the Reign of His late Majesty King *George* the Third, so far as the same relate to the Recovery of Damages committed by riotous and tumultuous Assemblies and unlawful and malicious Offenders.

[24th *May* 1822.]

**W**HEREAS an Act was passed in the Twenty-seventh Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act for the following of Hue and Cry*: And 27 Eliz. c.13. whereas by one other Act, passed in the First Year of the Reign of His late Majesty King *George* the First, intituled *An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters*, it is enacted, that if any Church, Chapel, or any Building for religious Worship, certified and registered as therein directed, or any Dwelling House, Barn, Stable, or Outhouse, should be demolished or pulled down, wholly or in part, by any Person or Persons so unlawfully, riotously, and tumultuously assembled as therein described, such Damages should be recovered from the Inhabitants of the Hundred in which such Damages should have 1 G. 1. c. 5. been

been done ; and in case such Damages should have been done in any City or Town that is either a County of itself, or not within any Hundred, then such Damages should be recovered from the Inhabitants of such City or Town, by an Action to be brought in any of His Majesty's Courts of Record at *Westminster*, by the Person or Persons so damnified, and the same were directed to be raised and levied in Manner provided by the said recited Act made in the Twenty-seventh Year of the Reign of Queen *Elizabeth*: And whereas

- 9 G. 1. c. 22. *George* the First, intituled *An Act for the more effectual punishing wicked and evil-disposed Persons going armed in disguise, and doing Injuries and Violence to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice*, it is enacted, that from and after the First Day of *June* One thousand seven hundred and twenty-three, the Inhabitants of every Hundred within that Part of *Great Britain* called *England* shall make full Satisfaction and Amends to all and every the Person and Persons, their Executors and Administrators, for the Damages they shall have sustained or suffered by the killing or maiming of any Cattle, cutting down or destroying any Trees, or setting fire to any House, Barn, or Outhouse, Hovel, Cock, Mow, or Stack of Corn, Straw, Hay, or Wood, which shall be committed or done by any Offender or Offenders against that Act; and that every Person and Persons who should sustain Damages by any of the Offences last mentioned, were enabled to sue for and recover such his or their Damages, the Sum to be recovered not exceeding the Sum of Two hundred Pounds, against the Inhabitants of the Hundred; and if such Person or Persons should recover in such Actions, the Damages were directed to be levied and raised by such Ways and Means and in Manner prescribed by the said recited Act made in the Twenty-seventh Year of the Reign of Queen *Elizabeth*: And whereas by one other Act made in the Forty-first Year of the Reign of His late Majesty King *George* the
- 41 G. 3. c. 24. Third, intituled *An Act for the indemnifying of Persons injured by the forcible pulling down and demolishing of Mills, or of Works there unto belonging, by Persons unlawfully and riotously assembled*, it is enacted, that if any Wind Saw Mill or other Wind Mill, or any Water Mill or other Mill, or any of the Works thereunto belonging, shall be demolished or pulled down, wholly or in part, by any Persons unlawfully, riotously, and tumultuously assembled as therein described, then the Damages sustained by the Person or Persons injured or damnified thereby, should be sued for, recovered, levied, raised, and reimbursed in such Manner and Form, and by such Ways and Means, as are provided, directed, or referred to by the said Act made in the First Year of the Reign of King *George* the First, in respect to the several Descriptions of Buildings therein mentioned: And whereas
- 52 G. 3. c. 130. His said late Majesty King *George* the Third, intituled *An Act for the more effectual Punishment of Persons destroying the Properties of His Majesty's Subjects, and enabling the Owners of such Properties to recover Damages for the Injury sustained*, it is enacted, that if any Person or Persons unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the public Peace, shall unlawfully and with Force demolish or pull down, or begin to demolish

demolish or pull down, any Erection and Building or Engine which shall be used or employed in carrying on or conducting of any Trade or Manufactory, or any Branch or Department of any Trade or Manufactory, of Goods, Wares, or Merchandize of any Kind or Description whatsoever, or in which any Goods, Wares, or Merchandize shall be warehoused or deposited, then that the Person or Persons injured or damnified thereby should recover the Value of such Erection, Building, or Engine, and of the Machinery belonging thereto, so destroyed, or the Damage done thereto, and such Value and Damage are directed to be recovered, levied, raised, and reimbursed in such Manner and by such Ways and Means as are provided, directed, or referred to by the said Act, made in the First Year of the Reign of King *George* the First, in respect to the several Descriptions of Buildings therein mentioned: And whereas by one other Act made in the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the more effectual Punishment of Persons riotously destroying or damaging Buildings, Engines, and Machinery used in and about Collieries and other Mines, Waggon Ways, Bridges, and other Works used in conveying and shipping Coals and other Minerals, and for enabling the Owners of such Property to recover Damages for the Injury sustained*, it is enacted, that if any Person or Persons unlawfully, riotously, and tumultuously assembled together, in disturbance of the Public Peace, shall unlawfully and with Force demolish, pull down, destroy, or damage, or begin to demolish, pull down, destroy, or damage, any Fire Engine or other Engine erected or to be erected for making, sinking, or working Collieries, Coal Mines, or other Mines, or any Bridge, Waggon Way, or Trunk erected or made, or to be erected or made for conveying Coals or other Minerals from any Colliery, Coal Mine, or other Mine, to any Place, or for shipping the same, or any Staith or other Erection or Building for depositing Coals or other Minerals, or used in the Management or conducting of the Business of any such Colliery, Coal Mine, or other Mine, whether the same Engines, Bridges, Waggon Ways, Trunks, Staiths, Erections, and other Buildings or Works shall be respectively completed and finished, or only begun to be set up, made, and erected, then that the Person or Persons injured or damnified thereby, shall be entitled to recover the Value of the Property so destroyed or damaged, and the Amount of the Damages done; and such Value or Damage is to be recovered, levied, raised, and reimbursed in such Manner and Form, and by such Ways and Means, as are provided, directed, or referred to in the said recited Act, made in the First Year of the Reign of King *George* the First, in respect of the several Descriptions of Buildings therein mentioned: And whereas by one other Act, passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectually preventing Seditious Meetings and Assemblies*, it is (amongst other Things) enacted, that in every Case where any House, Shop, or other Building whatever, or any Part thereof, shall be destroyed, or shall be in any Manner damaged or injured, or where any Fixtures thereto attached, or any Furniture, Goods, or Commodities whatever which shall be therein, shall be destroyed, taken away, or damaged, by the Act or Acts of any riotous or tumultuous Assembly of Persons, or by the Act or Acts of any Person or Persons engaged

engaged in or making Part of such riotous or tumultuous Assembly, the Inhabitants of the City or Town in which such House, Shop, or Building shall be situate, if such City or Town shall be a County of itself, or is not within any Hundred, or otherwise the Inhabitants of the Hundred in which such Damage shall be done, shall be liable to yield full Compensation in Damages to the Person or Persons injured or damnified by such Destruction, Taking away, or Damage, and such Damages shall and may be demanded, sued for, and recovered by the same Means and under the same Provisions as are provided in and by the said recited Act, passed in the First Year of King *George* the First, with respect to Persons injured or damnified by the demolishing or pulling down of any Dwelling House by Persons unlawfully, riotously, and tumultuously assembled: And whereas great Expences are incurred in recovering a Compensation for small Damages by proceeding under Actions at Law, in compliance with the Directions of the said recited Acts, the Costs greatly exceeding, in many Instances, the Amount of the Damages: And whereas for the Relief of the Inhabitants of the several Cities, Towns, Cinque Ports, Ancient Towns, Corporate Towns, Hundreds, Rapes, Wapentakes, Lathes, Ridings, Divisions, and Liberties in which such Mischief may be done by riotous and disorderly Persons, or may be done unlawfully and maliciously, it will be attended with great public Benefit, that the Damages not exceeding a certain Amount should be recovered by a shorter and more summary Process than as directed by the said recited Acts; 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 from and after the passing of this Act, it shall not be lawful for any Person or Persons whomsoever in *England*, where the Loss, Injury, or Damage claimed and alleged to have been sustained shall not exceed the Sum of Thirty Pounds, to commence, bring, or prosecute any Action or Actions at Law in any of His Majesty's Courts of Record, against the Inhabitants of the City, Town, Cinque Port, Ancient Town, Corporate Town, or Liberty of any Cinque Port, Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, where such Loss, Injury, or Damage shall have been done or committed, as directed by the said recited Acts respectively, for or on account of the Loss, Injury, or Damage sustained by the demolishing, pulling down, destroying, or damaging, wholly or in part, of any Church, Chapel, or any Building for Religious Worship duly certified and registered, or any Dwelling House, Barn, Stable, or Outhouse, by any Persons unlawfully, riotously, and tumultuously assembled; or for or on account of any Loss, Injury, or Damage sustained by the demolishing or pulling down, wholly or in part, of any Wind Saw Mill or other Wind Mill, or any Water Mill or other Mill, or any of the Works thereunto belonging, by any Persons unlawfully, riotously, and tumultuously assembled; or for or on account of the Loss, Injury, or Damage sustained by the unlawfully and with Force demolishing or pulling down, or beginning to demolish or pull down any Erection and Building or Engine used or employed in carrying on or conducting of any Trade or Manufactory, or any Branch or Department of any Trade or Manufactory of Goods, Wares, or Merchandizes of any Kind or Description whatsoever, in

No Action to be brought against the Inhabitants of any Place unless Damage exceed 30*l.*

which any Wares, Goods, or Merchandize shall be warehoused or deposited, by any Person or Persons unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the Public Peace; or for or on account of the Loss, Injury, or Damage sustained by the unlawfully and with Force demolishing, pulling down, destroying, or damaging any Fire Engine or other Engine erected or to be erected for the making, sinking, or working Collieries, Coal Mines, or other Mines, or any Bridge, Waggon Way, or Trunk erected or made, or to be erected or made, for conveying Coals or other Minerals from any Colliery, Coal Mine, or other Mine, to any Place, or for shipping the same, or any Staith or other Erection or Building for depositing Coals or other Minerals, or used in the Management or conducting of the Business of any such Colliery, Coal Mine, or other Mine, by any Person or Persons unlawfully, riotously, and tumultuously assembled together, in Disturbance of the Public Peace; or for or on account of any House, Shop, or other Building whatsoever, or any Part thereof, being destroyed or in any Manner damaged or injured, or any Fixtures thereto attached, or any Furniture, Goods, or Commodities which shall be therein, being destroyed, taken away, or damaged, by the Act or Acts of any riotous or tumultuous Assembly of Persons, or by the Act or Acts of any Person or Persons engaged in or making Part of such riotous or tumultuous Assembly; or for or on account of the Loss, Injury, or Damage sustained by the unlawfully or maliciously killing or maiming of any Cattle, cutting down or destroying any Trees, setting fire to any House, Barn, or Outhouse, Hovel, Cock, Mow or Stack of Corn, Straw, Hay, or Wood; or for or on account of the Loss, Injury, or Damage sustained by the setting fire to or destroying any Ricks or Thrashing Machines, by the Act or Acts of any riotous or tumultuous Assembly of Persons; but that the Amount of such Damage or Injury shall and may be recovered only by the Ways and Means herein-after directed.

II. And be it further enacted, That in every Case in *England* where any House, Shop, or other Building whatever, or any Part thereof, shall be destroyed, or shall be in any Manner damaged or injured, or where any Fixtures thereto attached, or any Furniture, Goods, or Commodities whatsoever which shall be therein, shall be destroyed, taken away, or damaged, or any Church, Chapel, or any Building for Religious Worship, Dwelling House, Barn, Stable, or Outhouse, or any such Wind Saw Mill or other Wind Mill, or any Water Mill or other Mill, or any of the Works thereto belonging, or any such Erection or Building or Engine, or any such Fire Engine or other Engine, erected or to be erected as aforesaid, or any such Bridge, Waggon Way, or Trunk, or any such Staith or other Erection or Building for depositing Coals or other Minerals as aforesaid; so pulled down, demolished, destroyed, or damaged, wholly or in part; or any such killing or maiming of any Cattle, cutting down or destroying any Trees, setting fire to any House, Barn, or Outhouse, Hovel, Cock, Mow, or Stack of Corn, Straw, Hay, or Wood, done or committed, or setting fire to or destroying any Ricks or Thrashing Machines; and where the Loss, Injury, or Damage claimed or alleged to have been sustained, shall not exceed in Amount the Sum of Thirty Pounds, it shall and may be lawful for the Party or Parties damnified or injured, and he, she, and they are hereby directed, within One Calendar

Where Damages are sustained, the Parties injured to give Notice to the High Constable, Mayor, or Chief Magistrate;

who are thereupon to give Notice to the Magistrates, who are to summon a Petty Session.

Month next after such Damage or Injury shall have been sustained, to give Notice in Writing, in the Form in the Schedule hereunto annexed, to the High Constable of the Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, or to the Mayor or other Chief Magistrate of such City, Town, or Place in which such Loss, Injury, or Damage shall have been suffered or sustained, and where there is no High Constable, to the Churchwardens or Overseers, or to any Two substantial Householders not being interested, or left at their respective last or usual Places of Abode, of such riotous or tumultuous Assembly having taken place, and the Nature and Amount of the Loss, Injury, or Damage sustained, and of his, her, and their Intention of calling upon the Inhabitants of such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, to make good such Loss, Injury, or Damage; and the said High Constable, Mayor, or other Chief Magistrate, Churchwardens or Overseers, or Inhabitants, as the Case may be, is and are forthwith to give Notice in Writing thereof to the Magistrates residing in or acting for such City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, who shall thereupon appoint a Special Petty Session to be holden within Thirty Days next after the Receipt of such Notice, of all the Magistrates residing in or acting for such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, to hear and determine of any Complaint which may be then and there brought before them, for or on account of any such Damage or Injury having been sustained by or through the Means aforesaid; and the Party or Parties so damnified and injured is and are hereby directed to give Notice, or cause a Notice in Writing, in the Form in the Schedule hereunto annexed, to be placed on the Church or Chapel Door, or most conspicuous Place of the Parish, Township, or Place in which such Loss, Injury, or Damage shall have been sustained, on Two successive *Sundays* next preceding the Day of holding of such Special Petty Session, of the Intent and Purpose for which such Special Petty Session is to be held.

Neglecting to give Notice, High Constable, &c. may be sued for Damages.

III. Provided always, and be it further enacted, That in case the High Constable, Mayor, or other Chief Magistrate, Churchwardens, Overseers, or substantial Householders as aforesaid, shall neglect or refuse to give such Notice as last herein-before directed and required, then it shall and may be lawful to and for the Party or Parties so damnified to sue such High Constable, Mayor, or other Chief Magistrate, Churchwardens, Overseers, or substantial Householders (as the Case may be), for the Amount of such Damages, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, Wager of Law, or more than one Impar lance shall be allowed.

Prescribing the Power of the Magistrates in such Petty Session.

IV. And be it further enacted, That it shall and may be lawful to and for the Justices, or any Two of them, at such Special Petty Session, or any Adjournment thereof, in *England*, to hear and examine the Party or Parties aggrieved, and the Churchwardens or Overseers or Inhabitants of the Parish, Township, or Place, and his or their several Witnesses, upon Oath or Affirmation (which Oath or Affirmation the said Justices are hereby authorized and empowered

to administer), touching or concerning such riotous and tumultuous Assembly, and the Damage thereby sustained; and thereupon the said Justices, or any Two of them, shall, if they find that the Complainant or Complainants hath or have suffered any Loss, Injury, or Damage by the Means aforesaid, make an Order or Adjudication of the Sum or Sums of Money to be paid to the Party or Parties aggrieved, together with his, her, or their reasonable Costs and Charges; and also the Costs and Charges (if any) of the High Constable, Churchwardens, Overseers, or Inhabitants, to be allowed by such Justices, and to direct such Sum or Sums to be raised in the Manner in which it is at present raised, or if not, to direct such Order or Orders to the Treasurer of the County, City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, or where there shall be no Treasurer of any such City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, then to the Treasurer of the County, who, on the Receipt of such Order or Orders, is hereby authorized and required forthwith to pay such Sum or Sums of Money as shall be therein respectively mentioned, to the Party or Parties to whom he shall be directed to pay the same, and such Treasurer shall be allowed the same in passing his Accounts; and the Justices of the Peace, at their then next General or Quarter Sessions of the Peace to be holden for such County, or any Adjournment thereof, shall order and direct such Sum or Sums of Money as shall have been paid by such Treasurer, under or by virtue of such Order or Orders, to be raised on the City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, in which such Damage or Injury shall have been sustained, over, above, and in addition to the County Rate to be paid by such City, Town, Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, in common with the rest of such County; or where any such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division, or Liberty, shall not be liable to contribute to the general Rate for the County, then such Sum or Sums of Money as shall have been paid by such Treasurer, shall be raised by such Ways and Means and in the same Manner as County Rates are directed to be raised by the Act passed in the Twelfth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for the more easy assessing, collecting, and levying County Rates*, and shall be forthwith repaid to such Treasurer.

Justices may order Damages to be paid.

12 G. 2. c. 29.

V. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace in *England*, at any Time or Times, to issue a Summons under his or their Hand and Seal, or Hands and Seals, to any Person or Persons whomsoever, to attend as a Witness or Witnesses, and to give Evidence, upon Oath or Affirmation, before such Justices assembled at such Special Petty Session, or any Adjournment thereof, touching any Matter of Fact contained in any Information or Complaint then and there made, whether on the Behalf of the Party aggrieved, or such Churchwardens or Overseers, or Inhabitants as aforesaid; and which Summons such Justice or Justices as aforesaid are hereby required to grant, if thereunto required; and if such Person or Persons so summoned as aforesaid, upon being paid or tendered such Sum for his, her, or their Costs and Charges, Trouble and Attendance, as the said Justice or Justices shall

Magistrates may issue Summons for Witnesses.

Penalty on Witnesses for not appearing, &c.

Application  
of the  
Penalty.

shall think reasonable, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without such Excuse for such his, her, or their Refusal or Neglect, as shall be approved by such Justice or Justices, or appearing shall refuse to be examined on Oath or Affirmation, or to give Evidence before such Justices, then and in every such Case, every such Person shall forfeit for every such Offence any Sum not exceeding Ten Pounds, as in the Discretion of such Justices shall seem proper; which Penalty shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace, acting in and for such City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty; which Warrant such Justice is hereby empowered and required to grant, at the Request of the Party or Parties aggrieved, or such Churchwardens or Overseers or Inhabitants as aforesaid; and the Penalty or Forfeiture, when recovered, after rendering the Overplus (if any) upon Demand, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall be paid to such Churchwardens and Overseers of the Poor, or Inhabitants, for the Use and Benefit of the Poor of the Parish, Township, or Place in which such Damage or Injury shall have been done; and in case sufficient Distress shall not be found, or such Penalty or Forfeiture shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty and Forfeiture and all reasonable Charges shall be sooner fully paid and satisfied.

Inhabitants  
may suffer  
Judgment to  
go by Default.

VI. Provided always, and be it further enacted, That in any Action or Actions hereafter to be brought in *England* against the Inhabitants of any City, Town, Cinque Port, Ancient Town, Corporate Town, Hundred, Rape, Wapentake, Lathe, Riding, Division or Liberty, under or by virtue of any or either of the before recited Acts of Parliament, it shall and may be lawful for the Defendants in such Action or Actions, by and with the Consent and Approbation of One or more of the Justices of the Peace acting in and for the Parish, Township, or Place in which the Damages shall be alleged by the Plaintiffs in such Actions to have been sustained, to suffer Judgment to go by Default, instead of appearing and defending the same, as directed by the said recited Acts; but the Plaintiffs in such Actions shall nevertheless be required to produce the same Proof before the Sheriff or other Officer taking the Inquisition, in establishing his Claim, as would be required if such Actions had been defended; and that in taxing the Costs, no more Witnesses shall be allowed for, than the Sheriff or other Officer shall certify to have been necessary to the Support of the Plaintiff's Case; any thing herein or in the said recited Acts contained to the contrary thereof notwithstanding.

Persons ag-  
grieved may  
appeal to the

VII. Provided always, and be it further enacted, That if any Person or Persons in *England* shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, such Person





sustained in  
Scotland.

First, that all Prosecutions for repairing the Damages of any Church or Chapel, or any Building for Religious Worship, or any Dwelling House, Barn, Stable, or Outhouse, which shall be demolished or pulled down, in whole or in part, within *Scotland*, by any Persons unlawfully, riotously, or tumultuously assembled, should and might be by summary Action at the Instance of the Party aggrieved, his or her Heirs or Executors, against the County, City, or Burgh respectively; and it is expedient that the said Provisions should be altered and amended, and farther Provisions made for the Relief of Persons injured or damnified by any unlawful, riotous, or tumultuous Assembly in *Scotland*; be it therefore enacted, That in every Case where any Damage or Injury shall be done to any Church, Chapel, or Building for Religious Worship, or to any House, Shop, or other Building whatsoever, or any Fixtures attached thereto, or any Furniture, Goods, or Commodities therein, by the Act or Acts of any unlawful, riotous, or tumultuous Assembly of Persons, or by the Act or Acts of any Person or Persons engaged in or making Part of such unlawful, riotous, or tumultuous Assembly, the Party injured or damnified thereby shall be entitled to recover full Compensation for the Loss or Injury, by summary Action against the Town Clerk of the City or Burgh within which the Loss or Injury shall have been sustained, or the Clerk of Supply of the County or Stewartry wherein the Loss or Injury shall have been sustained, if the same shall not have been within any City or Burgh; which Action shall and may be brought before the Justices of the Peace acting in Execution of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more easy and expeditious Recovery of Small Debts, and determining small Causes in that Part of Great Britain called Scotland*, subject to all the Provisions of the said Act, where the Sum claimed shall not exceed Five Pounds, and shall and may be brought before the Judge Ordinary where the Amount claimed shall exceed that Sum.

39 & 40 G. 3.  
c. 46:

Proceeding  
after Decree,  
and Mode of  
Assessment.

XI. And be it enacted, That it shall and may be lawful for the Pursuer of any such Action in *Scotland*, so soon as he or she shall have obtained a final Decree therein, to lodge an Extract thereof with the Clerk of Supply of the County or Stewartry, or with the Town Clerk of the City or Burgh, as the Case may be; and the said Clerk of Supply, or Town Clerk, shall intimate the same forthwith to the Convener of the Commissioners of Supply, or acting Chief Magistrate respectively, and the said Convener or acting Chief Magistrate is hereby authorized and required to summon a Meeting of the Commissioners of Supply of the County or Stewartry, or of the Magistrates of the City or Burgh, as the Case may be, to be holden within Six Calendar Months after receiving Intimation as aforesaid, who are hereby authorized and required so to meet, and to make an Assessment for the Payment of every Sum so decreed for, in Manner following; that is to say, by the Commissioners of Supply so assembled, upon the Land, according to the valued Rent thereof, and upon the Houses situated therein, not being within any City or Burgh, according to the actual or real Rent of such Houses, to be paid by the Occupiers of such Land and Houses respectively, so that for every Shilling levied in respect of such valued Rent, there shall be levied One Penny for and in respect of such actual Rent of such Houses; and in any City or Burgh wherein any such Assessment shall be required, the same shall

be made by the Magistrates so assembled upon the actual or real Rent of Houses within the same, to be paid by the Occupier thereof, according to a Per-centage to such Amount as shall be necessary to pay every such Sum so decreed for.

XII. And be it enacted, That it shall and may be lawful for such Magistrates and such Commissioners of Supply as aforesaid respectively, to add to the Amount of every such Assessment such Sum of Poundage as shall be usually paid at the Time to the Collector of the Cess in such County or Stewartry, or in such City or Burgh, for and in respect of their respective Collections; and every Assessment so made shall be forthwith collected therefrom, and by means thereof every such Claim of Damage or Injury, according to the Amount thereof decerned for as aforesaid, shall be paid by the Collector, as soon as conveniently may be, to the Person or Persons entitled thereto; and if any such Assessment shall not be paid by any Person liable therein within Six Days after the same shall have been demanded by such Collector, the same shall and may be recovered by a Pounding and Sale of the Goods and Effects of the Defaulter, upon the Warrant of any Two Justices of the Peace of the County or Stewartry, or any Two of the Magistrates of the City or Burgh wherein the same may be, upon the Oath of the Collector, who is hereby authorized, upon such Warrant, to cause so much of the Goods and Effects as may be necessary to be apprizd and sold within Ten Days after the Date of every such Warrant; and after paying the Amount of such Assessment, with the Expences attending such Pounding and Sale, such Collector shall account for the Overplus, if any be, to the Owner or Owners of such Goods or Effects.

Expence and  
Mode of Col-  
lection.

XIII. And be it enacted, That in case any Clerk of Supply, Town Clerk, Convener, Chief Magistrate, Commissioners of Supply, or Magistrates, or any Collector, shall omit or neglect to do what is herein required of such Persons respectively, it shall and may be lawful for any Party aggrieved to apply by summary Complaint to the Court of Session, which Court is hereby directed, in such Case, to do therein as to such Court shall seem just.

Provision in  
case of Omi-  
sion or Neg-  
lect.

XIV. And be it enacted, That in the Case of any such Damage or Injury done to any Church, Chapel, or Building for Religious Worship; in *Scotland*, every such Compensation shall and may be recovered in the Name of the Clergyman or Minister officiating therein.

Persons who  
may recover  
in the Case of  
a Church.

XV. And be it enacted, That every Action for any Claim of Damage under this Act in *Scotland*, shall be commenced within One Calendar Month after the Damage shall have been done or Injury suffered, otherwise the Person claiming such Damage shall not be entitled to Relief under this Act.

Time within  
which Action  
shall be com-  
menced.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to that Part of the United Kingdom called *Ireland*.

Act not to  
extend to  
*Ireland*.

XVII. And be it further enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be  
altered in the  
present Ses-  
sion.

SCHEDULES

SCHEDULES referred to by this Act.

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SCHEDULE (A.)

FORM of Notice to the High Constable, Mayor, or other Chief Magistrate, or Principal Inhabitant, Churchwardens, Overseers, or substantial Householders, for summoning a Petty Sessions of Magistrates.

To the High Constable, *etc.* (*as the Case may be.*)

City or County of } I DO hereby give you Notice to summon a Special  
to wit. } Session or Petty Session of the Magistrates re-  
siding in or acting for [*here specify the City, Hundred, or Place, as  
the Case may be*], on or before [*here specify the Time, the same to be  
within Thirty Days after the Receipt of the Notice*], for the Purpose of  
hearing and determining the Complaint which shall then and there  
be brought before them, for or on account of the Damages sustained  
by me through or by means of [*here state the Means*], on the  
Day of \_\_\_\_\_ last. Given under my Hand this \_\_\_\_\_ Day  
of \_\_\_\_\_ in the Year \_\_\_\_\_

(Signed) A. B.

SCHEDULE (B.)

FORM of Notice to be placed on the Church or Chapel Door, or other conspicuous Part of the Parish, Township, or Place (*as the Case may be*).

City or County of } I DO hereby give Notice that Application will be  
to wit. } made by me to the Magistrates for the  
at a Special or Petty Session to be holden for the Purpose of hearing  
and determining the Amount of the Damages or Injury sustained by  
me by or through the Means [*state the Means*], on the  
Day of \_\_\_\_\_, in the Parish, Township, or Place (*as the Case  
may be*). Given under my Hand, this \_\_\_\_\_ Day of

(Signed) A. B.