

to be issued for the navy, ordnance, forces, or upon any of the said publick registers, so that the payments must not be deferred till the chests are opened the next morning, then the said clerk of the pells and deputy chamberlains, upon such occasion, shall go up forthwith to the teller's offices, and see the chests opened for that money, and the publick service dispatched without delay, and the chests to be secured again in manner as aforesaid; and when the said clerk of the pells, by reason of sickness, cannot attend, or shall have leave of absence, it is hereby appointed, That his eldest clerk shall keep his keys of the said chests, and when the said deputy chamberlain shall happen to be sick, or have any leave to be absent, then his keys of the said chests shall be kept by his fellow the other deputy chamberlain; and that no money shall be taken out of the said chests, but in the presence and view of the said respective teller (or his clerk) and of the clerk of the pells, or (in case of sickness, or absence with leave, as aforesaid) of his eldest clerk, and likewise of the eldest deputy chamberlain, or (in case of his sickness, or absence with leave, as aforesaid) of the other deputy chamberlain, in the manner and form before mentioned.

Payments not to be deferred.

Clerk of the pells, &c. not attending, eldest clerk &c. to keep the keys. No money to be taken out, but in presence of the teller, &c.

XIII. And be it enacted by the authority aforesaid, That the auditor of the receipt, by himself, or his chief clerk, from and after the twentieth day of *April*, one thousand six hundred ninety seven, do at least once in every eight and twenty days call the proper officers of the said receipt together, and visit every teller's cash, and by numbering the bags, opening them, or some of them promiscuously, and if he thinks it necessary (by weighing or telling the money, or any part thereof, do see that the respective tellers have, in real money, the remains where-with he charges them, and that he do, as frequently as he thinks fit, but at least once in every three months, carefully examine the teller's vouchers for the payments which he allows them in his weekly certificates.

Auditor once in 28 days to visit every teller's cash, and once in 3 months examine their vouchers. 1 Geo. I. c. 29.

CAP. XXIX.

An act for the repair of the piers of Bridlington, alias Burlington, in the East Riding of the county of York.

A farthing per chaldron on coals loaden at Newcastle, &c. to be paid till 1 May, 1704. for rebuilding Burlington pier. The monies raised by this act to be laid out for repairing the pier. Justices of the East Riding of Yorkshire once a year may inspect the book, and make orders for the better management of the duties. Commissioners may convey the duties as security for money borrowed. Commissioners to survey and inspect the repairs of the said pier, and certify the same to the justices, who are to sell the lands mentioned in the grant of King James I. to the earl of Holderness, and on nonpayment to distrain. *Continued by 5 Geo. I. cap. 10. s. 2. for 25 years, from June, 1730.*

CAP. XXX.

An act for supplying some defects in the laws for the relief of the poor of this kingdom.

FORASMUCH as many poor persons chargeable to the parish, township or place, where they live, meerly for want of work, would in any other place where sufficient employment is to be had, maintain themselves and families, without being burthensome to any parish, town-

That this Stat. ought to be pleaded as of the 8th year of the King, when

the session began. v. ld.
Fortesc. Rep.

372.
Persons coming to inhabit in any parish or place, and bringing with them a certificate under the churchwardens hands, &c. owning them to be inhabitants of such other parish, &c. the said other parish to provide for them whenever they ask relief of the parish to which such certificate was given.

Explained by
9 & 10 W. 3.
c. 51. and 12
Anne, stat. 1.
c. 18. f. 2.

Such witness to swear to the execution of certificates, &c.

3 Geo. 2. c. 29.
f. 8.

And shall not be removed before.

Persons receiving alms to wear a badge on the shoulder of the right sleeve.

township or place, but not being able to give such security as will or may be expected and required upon their coming to settle themselves in any other place, and the certificates that have been usually given in such cases having been oftentimes construed into a notice in hand writing, they are for the most part confined to live in their own parishes, townships or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places, where the increase of manufactures would employ more hands: 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 the commons, in this present parliament assembled, That if any person or persons whatsoever, that from and after the first day of *May*, which shall be in the year of our Lord one thousand six hundred ninety seven, shall come into any parish or other place there to inhabit and reside, shall at the same time procure, bring and deliver to the churchwardens or overseers of the poor of the parish or place where any such person shall come to inhabit, or to any or either of them, a certificate under the hands and seals of the churchwardens and overseers of the poor of any other parish, township or place, or the major part of them, or under the hands and seals of the overseers of the poor of any other place where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons mentioned in the said certificate to be an inhabitant or inhabitants legally settled in that parish, township or place, every such certificate, having been allowed of and subscribed by two or more of the justices of the peace, of the county, city, liberty, borough or town corporate, wherein the parish or place, from whence any such certificate shall come, doth lie, shall oblige the said parish or place to receive and provide for the person mentioned in the said certificate, together with his or her family, as inhabitants of that parish, whenever he, she, or they shall happen to become chargeable to, or be forced to ask relief of the parish, township or place, to which such certificate was given; and then, and not before, it shall and may be lawful for any such person, and his or her children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed and settled, in the parish or place from whence such certificate was brought.

II. And to the end that the money raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy and disorderly beggars; be it further enacted by the authority aforesaid, That every such person as from and after the first day of *September*, one thousand six hundred ninety seven, shall be upon the collection, and receive relief of any parish or place, and the wife and children of any such person cohabiting in the same house (such child only excepted, as shall be by the churchwardens and overseers of the poor permitted to live at home, in order to have the care of and attend an impotent and helpless parent) shall upon the shoulder of the right sleeve of the uppermost garment of every such person,

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in an open and visible manner, wear such badge or mark as is herein after mentioned and expressed, that is to say, a large Roman P. together with the first letter of the name of the parish or place whereof such poor person is an inhabitant, cut either in red or blue cloth, as by the churchwardens and overseers of the poor it shall be directed and appointed: and if any such poor person shall at any time neglect or refuse to wear such badge or mark, as aforesaid, and in manner as aforesaid, it shall and may be lawful for any justice of the peace of the county, city, liberty, or town corporate, where any such offence shall be committed, upon complaint to him for that purpose to be made, to punish every such offender for every such offence, either by ordering of his or her relief or usual allowance on the collection to be abridged, suspended or withdrawn, or otherwise by committing of any such offender to the house of correction, there to be whipt and kept to hard labour, for any number of days not exceeding one and twenty, as to the said justice in his discretion it shall seem most meet; and if any such churchwarden or overseer of the poor, from and after the said first day of *September*, shall relieve any such poor person, not having and wearing such badge or mark, as aforesaid, being thereof convicted, upon the oath of one or more credible witness or witnesses, before any justice of the peace of the county, city, liberty, or town corporate, where any such offence shall be committed, shall forfeit for every such offence the sum of twenty shillings, to be levied by distress and sale of the goods of every such offender, by warrant under the hand and seal of any such justice, one moiety thereof to be to the use of the informer, and the other to the poor of the parish where the offence shall be committed.

Penalty on refusing to wear the badge.

Penalty on churchwarden, &c. relieving poor persons not wearing such badge.

III. And for the more effectual preventing of vexatious removals and frivolous appeals; be it further enacted by the authority aforesaid, That the justices of the peace of any county or riding, in their general or quarter sessions of the peace, upon any appeal before them there to be had, for and concerning the settlement of any poor person, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officer to the churchwardens or overseers of the poor of any parish or place (though they did not afterwards prosecute such appeal) shall, at the same quarter sessions, award and order to the party for whom and in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, as aforesaid, such costs and charges in the law, as by the said justices in their discretion shall be thought most reasonable and just, to be paid by the churchwardens, overseers of the poor, or any other person, against whom such appeal shall be determined, or by the person that did give such notice, as aforesaid; and if the person ordered to pay such costs shall happen to live in any county, riding, city, or town corporate, or elsewhere, out of the jurisdiction of the said court, it shall and may be lawful for any justice of the peace of the county, riding, city, liberty, or town corporate, wherein such person shall inhabit,

Justices, on appeal to them concerning the settlement of any poor person to award costs.

Person ordered to pay costs living out of the jurisdiction, justice of the county, &c. where

such person in habits, may cause the money to be levied;

if no distress, offender to be committed to gaol.

Single persons not deemed to have a good settlement in any parish under 1 year's continuance.

43 Eliz. c. 2.

Poor children bound apprentices pursuant to the act 43 Eliz. c. 2. those to whom they are bound, to provide for them according to the indenture signed by the justices, &c.

Penalty on offender. Persons to whom poor children are bound, being aggrieved, may appeal to the justices.

Appeal against any order for removal of poor person to be determined at the quarter sessions.

bit, and every such justice is hereby required, upon request to him for that purpose to be made, and a true copy of the order for the payment of such costs produced, and proved by some credible witness upon oath, by warrant under his hand and seal to cause the money mentioned in that order to be levied by distress and sale of the goods of the person that is ordered and ought to pay the same; and if no such distress can or may be had, to commit such person to the common gaol of that county or liberty, there to remain by the space of twenty days.

IV. *And whereas some doubts have arisen touching the settlement of unmarried persons: not having child or children, lawfully hired into any parish or town for one year; be it therefore enacted and declared by the authority aforesaid, That no such person so hired as aforesaid, shall be adjudged or deemed to have a good settlement in any such parish or township, unless such person shall continue and abide in the same service during the space of one whole year.*

V. *And whereas by an act made in the three and fortieth year of the reign of Queen Elizabeth, intituled, An act for the relief of the poor, it is amongst other things enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, or the greater part of them, by the assent of two justices of the peace, whereof one to be of the quorum, to bind poor children apprentices, where they shall see convenient; but there being doubts whether the persons to whom such children are to be bound, are compellable to receive such children as apprentices, that law hath failed of its due execution; be it therefore enacted and declared by the authority aforesaid, That where any poor children shall be appointed to be bound apprentices, pursuant to the said act, the person or persons, to whom they are so appointed to be bound, shall receive and provide for them, according to the indenture signed and confirmed by the two justices of the peace, and also execute the other part of the said indentures; and if he or she shall refuse so to do, oath being thereof made by one of the churchwardens, or overseers of the poor, before any two of the justices of the peace for that county, liberty, or riding, he or she for every such offence shall forfeit the sum of ten pounds, to be levied by distress and sale of the goods of any such offender, by warrant under the hands and seals of the said justices, the same to be applied to the use of the poor of that parish or place where such offence was committed; saving always to the person, to whom any poor child shall be appointed to be bound an apprentice, as aforesaid, if he or she shall think themselves aggrieved thereby, his or her appeal to the next general or quarter sessions of the peace for that county or riding, whose order therein shall be final, and conclude all parties.*

VI. *And be it further enacted by the authority aforesaid, That from and after the first day of May, one thousand six hundred ninety seven, the appeal against any order for the removal of any poor person from out of any parish, township, or place, shall be had, prosecuted, and determined, at the general or quarter sessions of the peace for the county, division, or riding,*

riding, wherein the parish, township, or place, from whence such poor person shall be removed, doth lie, and not elsewhere, any former law or statute to the contrary thereof in any wise notwithstanding.

VII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to make void any promise or engagement already made by the churchwardens or overseers of the poor of any parish, township, or place, to receive and take back any persons, in case they should become poor, and want relief.

VIII. Provided, that this act, nor any thing therein contained, shall be construed to hinder the justices of the peace within the liberty of Saint *Albans*, from hearing and determining any appeals for the settlement of the poor in their quarter sessions, as they might have done before the making of this act; any thing therein contained to the contrary in any wise notwithstanding.

C A P. XXXI.

An act for the easier obtaining partitions of lands in coparcenary, joint tenancy, and tenancy in common.

WHEREAS the proceedings upon writs of partition between coparceners by the common law or custom, joint tenants, and tenants in common, are found by experience to be tedious, chargeable, and oftentimes ineffectual, by reason of the difficulty of discovering the persons and estates of the tenants of the manors, messuages, lands, tenements, and hereditaments, to be divided, and the defective or dilatory executing and returning of the process of summons, attachment, and distress, and other impediments, in making and establishing of partitions, by reason of which divers persons having undivided parts or purparts are greatly oppressed and prejudiced, and the premises are frequently wasted and destroyed, or lie uncultivated and unmanured, so that the profits of the same are totally or in a great measure lost: for remedy whereof be it 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 first day of *May*, one thousand six hundred ninety seven, after process of *Pone* or attachment returned upon a writ of partition, affidavit being made by any credible person of due notice given of the said writ of partition to the tenant or tenants to the action, and a copy thereof left with the occupier, or tenant or tenants, or if they cannot be found, to the wife, son or daughter (being of the age of one and twenty years or upwards) of the tenant or tenants, or to the tenant in actual possession, by virtue of any estate of freehold, or for term of years, or uncertain interest, or at will, of the manors, lands, tenements or hereditaments, whereof the partition is demanded, (unless the said tenant in actual possession be demandant in the action) at least forty days before the day of return of the said *Pone* or attachment, if the tenant or tenants to such writ, or any of them,

This act not to make void church wardens, &c.

Promise to take back any person in case of poverty;

nor to hinder justices of the peace at St. Albans from hearing appeals for settling their poor.

By 9 Geo. 1. c. 7. 1. 7. The like provision is made for the borough of St. Peter and hundred of Nassau Borough in Northamptonshire.

After process of *Pone* or attachment returned on writ of partition,