



Sale of Offices Act 1809

1809 CHAPTER 126

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 felling 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 fold 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 mould 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, mould in any wife touch or concern the Administration or Execution of Justice, or the Receipt, 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, Lauds, Tenements, 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 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 fell any of the said Office or Offices, Deputation or Deputations, or that mould 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 -mould 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, mould not only lose and forfeit all his and their Right, Interest, and Estate which such Person or Persons mould 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

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have or receive any Fee, Reward, Money, or Profit, but also that all and every such Person or Persons that mould 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 Moneys 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 any wise extend to any Office or Offices, whereof any Person or Persons was or should be seised of any Estate of Inheritance, nor to any Office of Parkership, or of the keeping of any Park, House, Manor, Garden; Chafe, 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 Content of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Provisions of 5 & 6 Ed. 6. c. 16. extended to other Offices.

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 Mailer 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 reflectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

II When Right of Appointment forfeited, to go to His Majesty.

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-vert in and belong to His Majesty, His Heirs and Successors.

III Persons buying or felling Offices, or receiving or paying Money or Rewards for Offices, guilty of a Misdemeanor.

And be it farther declared and enacted, That from and after the passing of this Act if any Person or Persons shall fell 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, 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 Cafe, 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.

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

And be it further enacted, That from and after the palling 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,

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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 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.

V Persons opening or advertising Houses for transacting Business relating to the Sale of Offices, guilty of a Misdemeanor.

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 otherwise it may be lawful to fell, Offices for negotiating the same, and Advertisements may be published, by Means and under the Colour, of which illegal Transactions intended to be prohibited by this Act may be carried on; be it therefore further enacted, That from and after the palling of this Act, if any Person or Persons shall open or keep any House, Room, Office, or Place for the foliciting, transacting or negotiating in any Manner whatever any Business relating to Vacancies in, or the Sale or Purchase of, or Appointment, Nomination, or Deputation to, or Resignation, Transfer, or Exchange of any Offices, Commissions, Places, or Employments whatever in or under any Publick Department, then and in every such Cafe every such Person, and also every Person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a Misdemeanor.

VI Inflicting a Penalty on Persons advertising or publishing the Names of Brokers or Agents.

And be it further enacted, That if any Person or Persons shall advertise or publish, or cause or procure to be advertised or in any Manner published any House, Room, Office, or Place to have been or to be opened, set up, or kept for any of the Purposes aforesaid, or advertise or publish, or cause or procure to be advertised or published,

the Name or Names of any Person or Persons as Broker or Brokers, Agent or Agents, Solicitor or Solicitors for any of the Purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any Advertisement or Advertisements, Proposal or Proposals for any of the Purposes aforesaid, then and in such Case such Person or Persons shall forfeit for every such Offence the Sum of Fifty Pounds, to be fined 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* respectively and the Whole of every such Penalty shall go to the Person who shall sue for the same, with full Costs of Suit.

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

Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Purchases, 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 Marshalsea, and the Court of the King of the Palace of the King at *Westminster*, or to extend to any Purchases, Sales, or Exchanges of any Commissions in His Majesty's Forces for such Prices as shall 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 such Agents shall 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 shall act therein under such Regulations only as are or shall from Time to Time be established by His Majesty, and shall not cause or procure, or knowingly permit or suffer to be printed or advertised, any Advertisement or Advertisements, Proposal or Proposals for any Purchase or Sale or Exchange of any Commission, or any Negotiation 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.

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

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 fold, 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 fold, 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.

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

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 felling 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.

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

Provided also, and he it further enacted, That nothing in this Act contained mail 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 made by or to such Principal or Deputy respectively, out of the Fees or Profits of such Office.

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

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.

XII Certain Offices in the Chancery in Ireland exempted till after the Events here mentioned.

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 Mailers 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 Mailers 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 reflectively, in such and the like Manner, to all Intents and Purposes, as hath been heretofore accustomed; but that front 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*.

XIII Manner of punishing Offenders in Scotland.

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 hi tried and convicted may direct.

XIV Offences committed abroad mail he tried in King's Bench.

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 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 Tear 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.*

XV Commencement of the Act in certain Places abroad.

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;

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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.