



ANNO TRICESIMO OCTAVO

# GEORGII III. REGIS.

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## Cap. 58.

An Act for obviating and removing Doubts respecting the Holding of the Adjournments of the General Court of Quarter Session of the Peace in and for the County Palatine of *Lancaster*; and for authorizing the Justices of the Peace acting in and for the said County to hold an Annual General Session, and also a Special Session, for the Purposes therein mentioned. [21st June 1798.]

**W**HEREAS the General Quarter Sessions of the Peace for the Preamble. County Palatine of *Lancaster* have been for divers and very many Years last past usually holden at the Towns, Places and Times, and in the Manner following; (that is to say,) The First Quarterly Session, commonly called *The Epiphany Session*, at *Lancaster* on *Tuesday* in the First Week next after the Feast of the *Epiphany*, according to the present Stile or Computation of Time used in this Kingdom, by Adjournment at *Preston* on the *Thursday* following, by further Adjournment at *Wigan* on the *Monday* following, and by further Adjournment at *Manchester* on the *Thursday* Sevensnight (but now and of late Years on the *Wednesday* Sevensnight) after the Commencement of the said Session; the Second Quarterly Session, commonly called *The Easter Session*, at *Lancaster* on the *Tuesday* next after *Low Sunday*, by Adjournment at *Preston* on the [Loc. & For.] 9 D *Thursday*

*Thursday* following, by further Adjournment at *Ormskirk* on the *Monday* following, and by further Adjournment at *Manchester* on the *Thursday* Sevensnight (but now and of late Years on the *Wednesday* Sevensnight) after *Low Sunday*; the Third Quarterly Session, commonly called *The Midsummer Session*, at *Lancaster* on the *Tuesday* in the First Week next after the Feast of the Translation of Saint *Thomas* the Martyr, commonly called *Thomas à Beckett*, by Adjournment at *Preston* on the *Thursday* following, by further Adjournment at *Ormskirk* on the *Monday* following, and by further Adjournment at *Manchester* on *Thursday* Sevensnight (but now and of late Years on the *Wednesday* Sevensnight) next after the Commencement of the said Session; and the Fourth Quarterly Session, commonly called *The Michaelmas Session*, at *Lancaster* on the *Tuesday* in the First Week next after the Feast of Saint *Michael* the Archangel, by Adjournment at *Preston* on the *Thursday* following, by further Adjournment at *Wigan* on the *Monday* following, and by further Adjournment at *Manchester* on the *Thursday* Sevensnight (but now and of late Years on the *Wednesday* Sevensnight) after the Commencement of the said Session; and have so continued to be holden to the great Benefit of the County at large, and the convenient Administration of Public Justice: And whereas, in Addition to the said Four General Courts of Quarter Sessions so holden by Adjournment as aforesaid, it has been found expedient that a General Sessions of the Peace should be annually holden at a central and convenient Place in the said County Palatine, for the Purpose of transacting the general Business of the County at large: And whereas the Town of *Preston* being such central and convenient Place in the said County, a General Session of the Peace, called *The Epiphany Session*, hath been for some Years last past annually holden there for the Purpose aforesaid, by Adjournment from *Manchester* to the said Town of *Preston*, to the great Convenience and Advantage of the County at large: And whereas the Legality of the said Adjournments of the said General Courts of Quarter Session hath been attempted to be called in question: And whereas it is expedient that all Doubts regarding the Legality of such Adjournments should be removed: And whereas it is expedient, that in the Lieu and Stead of such Annual General Session, called *The Epiphany Session*, so now holden by Adjournment from *Manchester* to *Preston* as aforesaid, a General Session for the said County Palatine should be annually holden on the *Thursday* next after the Feast of Saint *John* the Baptist, for the Purposes hereinafter mentioned; and that the holding of the same, as well as the holding of a Special Session for the Purposes in that Behalf also hereinafter mentioned, should be fully established and confirmed; but such Doubts cannot be effectually obviated, nor the holding of the said Court of Annual General and Special Session be fully and effectually established and confirmed without the Aid and Authority of Parliament: May it therefore please Your Majesty, that it may be enacted; and 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 the several Courts of General Quarter Session which have been so heretofore, or which shall hereafter be holden in pursuance of any Adjournment of such General Court of Quarter Session, originating at and first made from *Lancaster* to the Towns of *Preston*, *Wigan*, *Ormskirk*, and *Manchester*, or any of them, and also

General  
Quarter Sessions originating at *Lancaster*, and all Adjournments adjudged to be legal and valid.

such

such Annual General Sessions heretofore holden as aforesaid, shall be adjudged, deemed, and taken to have been, and are hereby accordingly declared to be, legal and valid to all Intents and Purposes whatsoever.

II. And be it further enacted, That on *Thursday* the Twenty-eighth Day of *June* One Thousand Seven Hundred and Ninety-eight it shall and may be lawful to and for the Justices of the Peace for the said County Palatine, or any Two or more of them, and they are hereby respectively authorized and empowered to hold an Annual General Session of the Peace for the said County Palatine, at the Town of *Preston* aforesaid, and from thenceforth the same to be there holden on the *Thursday* next following the Feast of *Saint John* the Baptist in every Year, for ever, for the Purposes hereinafter mentioned, and to adjourn the same from Time to Time as Occasion shall require.

Justices empowered to hold an Annual General Session at *Preston*;

III. And be it further enacted and declared, That all Matters and Business lawfully and usually transacted and done by the Justices of the Peace for Counties at any Sessions of the Peace holden for the same, by virtue of or under the several Acts of Parliament which have been heretofore made, or which shall be hereafter made, for or concerning the erecting, building, amending, repairing, enlarging, altering, or removing any of the Gaols, (except the Removal of His Majesty's Gaol from the Castle of *Lancaster*;) Houses of Correction, and Penitentiary Houses, belonging to the County at large, and the Regulation and Government thereof, or for or concerning the erecting, building, amending, repairing, enlarging, altering, or removing any County Bridges, or for or concerning any other Public Works of the County, and all Matters and Business relating to such Gaols, Houses of Correction, and Penitentiary Houses, and County Bridges, and other such Public Works, to the defraying the Charges and Expences whereof the Rates or Assessments of the said County Palatine now are or shall hereafter become in any Manner by Law chargeable; and also all Matters and Business lawfully and usually transacted and done by the Justices of the Peace for Counties at any Sessions of the Peace holden for the same in respect to the auditing, settling, and allowing of the Accounts of the Treasurer for the County, and all other Public Accounts relative to the County at large, the electing, nominating, appointing, and removing and paying of the County Treasurer, of the Chaplains to County Gaols, and of the Keepers of such Houses of Correction and Penitentiary Houses as aforesaid, and of all other Public Officers that now are or hereafter shall be in the Nomination of the Justices of the Peace for the County, and whose Salaries are or shall be payable out of the County Rates or Assessments; and also all other Matters and Business lawfully and usually transacted and done by Justices of the Peace for Counties, at any Sessions of the same, in respect to the rating, laying, and assessing of any County Rates or other Charges upon and for the same, or the raising, levying, and collecting thereof, shall be heard, determined, and carried into Execution in and for the said County Palatine solely and exclusively at the said Annual General Session of the Peace so hereby authorized and appointed to be holden at *Preston* as aforesaid, at the Time aforesaid, or at some Adjournment thereof, and at no other Session, Place, or Time whatsoever, save as hereinafter mentioned.

at which is to be transacted exclusively all Public Business of the County at large.

IV. Provided nevertheless, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the Justices assembled at any such General Annual Session, or at the Special Session hereafter authorized to be holden, to remove His Majesty's Gaol from the Castle of *Lancaster*.

In Cases of Vacancies in the Public Offices, or any unforeseen Accident, a Special General Session may be assembled upon previous Advertisement by the Clerk of the Peace of the Nature of the Business intended to be brought forward at such Special Session.

V. Provided always, and be it further enacted and declared, That if any Vacancy or Vacancies shall happen in any of the said Public Offices, the Nomination or Appointment to which cannot conveniently be deferred to the next Annual General Session, or the Adjournment thereof; or if any other unforeseen Accident, Circumstance, or Emergency shall at any Time hereafter occur, arise, or happen within the said County Palatine, touching or concerning any of the aforesaid Matters and Things so as aforesaid meant and appointed to be within the Power or Jurisdiction of the said Annual General Session so appointed to be holden as aforesaid, and which may require such immediate or speedy Attention thereto and Decision thereupon as may render the holding a Special Session in that Behalf necessary; that in such Case the Clerk of the Peace for the said County, or his Deputy, shall, upon the Order in Writing under the Hands and Seals of any Three or more Justices of the Peace for the said County, to him for that Purpose given, and wherein shall be expressed and contained the Nature, Purport, true Intent, and Meaning of the Business intended to be brought forward at, and heard and determined by the Justices to be assembled at such Special Session, cause an Advertisement for the holding of the same to be inserted Twice at the least in some One of the several Public Newspapers printed at each of the Towns of *Liverpool* and *Manchester* in the said County Palatine respectively, if any such be then there published, and if not, then Twice in like Manner in the *London Gazette*, thereby notifying and declaring the said Order of the said Justices, so to him in that Behalf given, together with the Names of such Justices, and the said intended Business so therein specified; and thereby also, in obedience thereto, requiring the Justices of the Peace for the said County to assemble at *Preston* aforesaid, for the Purpose of their holding a Special Session on a certain Day to be specified in such Advertisement, and of then and there taking the Business of which such Notice shall have been so as aforesaid given into Consideration, and of making such Order and Determination therein as to the Court so then and there to be assembled shall seem meet: Provided always, That the Time to be appointed in such Advertisement of the Clerk of the Peace for holding of such last mentioned Special Session for the Purpose aforesaid, shall not be earlier than Twenty one Days from the Time when such Order of the aforesaid Justices shall have been first delivered to or left at the Office of the said Clerk of the Peace for the said County, nor within a less Time than Fourteen Days from the Time of the first publishing of such Advertisement: Provided also, That such Special Session, when so called together and assembled as aforesaid, shall and may be lawfully holden accordingly for the due Dispatch and ordering of the Business so particularly notified as aforesaid, and no other, and the same shall and may be adjourned from Time to Time by the Justices there present, as to the same Justices shall seem fit.

VI. Pro-

VI. Provided also, and be it further enacted, That in case it shall at any Time hereafter happen that by Reason of the Non-attendance of the Justices, or otherwise, any original Quarter Session of the Peace for the said County Palatine, or any Adjournment of such Quarter Session, shall not be holden; or in case of the holding the same, if the Justices of the Peace there assembled shall neglect or refuse to adjourn, or be prevented from adjourning the same to any other Time or Place; then and in such Case the same Quarter Session shall be adjudged, deemed, and taken to be adjourned to the next Town and Place where the same has been usually holden, and shall accordingly be there holden at such Time and Place as the said Quarter Sessions has heretofore usually been holden by Adjournment, according to the Practice of the said County Palatine in this Behalf, and which is so as aforesaid hereby established and confirmed.

In case of Non-attendance of the Justices or their Neglect or Refusal to adjourn, the same to be deemed to be adjourned to the next usual Place of holding.

VII. Provided always, and it is hereby further enacted, That the Justices of the Peace assembled at *Lancaster* at their several General Courts of Quarter Session of the Peace, or at any of the Adjournments thereof, to be holden in Manner aforesaid, are hereby authorized and required to levy, raise, and collect, and cause to be levied, raised, and collected, in the said County, all such Rates and Assessments as shall by the said Annual General Sessions, or any Adjournment of the same, or any Special Sessions to be so holden as aforesaid, be ordered, required, and directed to be levied, raised, and collected.

Quarter Sessions authorized to levy such Rates as shall be made at the Annual General Sessions.

VIII. And whereas the Salary now and heretofore paid to the Treasurer of the said County Palatine, in pursuance and by virtue of a certain Act of Parliament made and passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, is by that Statute not allowed to exceed the Sum of Twenty Pounds a Year: And whereas the Amount of such Salary has been found to be wholly inadequate to the Labour and Trouble attending the Execution of the said Office, and particularly on Account of the great Increase of the Public Business belonging to the said Office, in consequence of divers Acts of Parliament lately passed; be it therefore enacted, That it shall and may be lawful for the Justices assembled at such Annual General Session as aforesaid to make such further Yearly Allowance to the said Treasurer for the Discharge of the Duties of the said Office (to be paid out of the Rates of the said County Palatine) as to the said Justices so there assembled shall from Time to Time appear reasonable.

Justices at the Annual General Session empowered to increase the Treasurer's Salary out of the County Rates.

IX. And be it further enacted and declared, That the Expences incident to the soliciting, obtaining, and passing of this Act shall be paid out of the County Rates of or for the said County, by and under the Order of the Justices of the Peace for the same County assembled at such Annual General Session to be holden as aforesaid.

Expences of the Act to be paid out of the County Rates.

X. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend in any Manner to take away or destroy any Rights which now do, in virtue of any Charter or Charters or otherwise howsoever, by Law belong to the Mayor, Bailiffs, and Commonalty of the Town of *Lancaster*, but that the said Mayor, Bailiffs,

Rights of the Corporation of *Lancaster* not affected by this Act.

and Commonalty may and shall have, hold, exercise, and enjoy, and continue to have, hold, exercise, and enjoy, all such Rights and Privileges as now by Law belong to the said Mayor, Bailiffs, and Commonalty, in such and the like Manner and Form as if this Act had not been made; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Publick Act. XI. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and shall be judicially noticed as such by all Judges, Justices, and other Persons whomsoever, without being specially pleaded.

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