



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cxlviii.

An Act for insuring the due Proof of Gun Barrels
in *England*, and for other Purposes.

[16th *July* 1855.]

WHEREAS by Royal Charter, dated the Fourteenth Day of
March One thousand six hundred and thirty-seven, the
Master, Wardens, and Society of the Mistery of Gun-
makers of the City of *London* (in this Act called the Gunmakers Com-
pany) were incorporated, with perpetual Succession, and with Powers
of searching for and viewing and proving and marking all manner of
Hand Guns whatsoever, great and small Daggs and Pistols, and every
Part thereof, whether made in *London* or the Suburbs, or within Ten
Miles thereof, or imported from Foreign Parts or otherwise brought
thither for Sale, and a Scale for such Proof was thereby established,
and a Stamp was thereby authorized to be used for such marking by
that Company: And whereas the Gunmakers Company, in pursuance
of the Provisions of their Charter, have established a Proof House
near the City of *London* for such proving: And whereas in or before
the Year One thousand eight hundred and thirteen, Money was sub-
scribed in *Birmingham* for the Erection and Establishment in that
Town of a public Proof House for Fire-arms: And whereas by an Act
of the Fifty-third Year of the Reign of King *George* the Third, Chapter

Charter,
dated 14th
March 1637.

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One hundred and fifteen, intituled *An Act to insure the proper and careful manufacturing of Fire-arms in England, and for making Provision for proving the Barrels of such Fire-arms*, the Guardians, Trustees, and Wardens of the Gun Barrel Proof House of the Town of *Birmingham* (in this Act called the *Birmingham Company*) were incorporated, with perpetual Succession, for the Purpose of proving and marking Barrels of Fire-arms, and were empowered to erect and establish in *Birmingham* a proper Proof House, and to apply for that Purpose the Money so subscribed, and Provision was thereby made for the Repayment thereof with Interest: And whereas by that Act Provision was made for the proving at the *Birmingham* Proof House of the Barrels of Fire-arms not proved at the Proof House of the Gunmakers Company or at some other public Proof House established by Law, and for the marking of such Barrels as proved, and a Scale for such Proof was established, and a Stamp was authorized to be used for such marking by the *Birmingham Company*, and Penalties were imposed in respect of the Sale of Barrels of Fire-arms not proved and marked as proved at the Proof House of the Gunmakers Company, the *Birmingham* Proof House, or some other public Proof House: And whereas the *Birmingham Company* in pursuance of that Act established a Proof House in *Birmingham* (in this Act called the *Birmingham* Proof House) for such proving: And whereas the Money so subscribed for the Purposes of the *Birmingham* Proof House, with the Interest thereon, was paid off: And whereas by an Act of the Fifty-fifth Year of the Reign of King *George the Third*, Chapter Fifty-nine, intituled *An Act for amending an Act of His present Majesty, to insure the proper and careful manufacturing of Fire-arms in England, and for making Provision for proving the Barrels of such Fire-arms*, further Provision was made for the proving, and marking as proved, by the *Birmingham Company* and the Gunmakers Company (in this Act called the Two Companies) respectively of the Barrels of Fire-arms, and further Penalties were imposed for the Purpose of securing the due proving of such Barrels, and the Constitution of the *Birmingham Company* was altered: And whereas the recited Acts have been put in execution by the *Birmingham Company*, and they are now possessed of the *Birmingham* Proof House situate in *Banbury Street* in the Borough of *Birmingham*, which is vested in Trustees for them and is used for the Purposes of those Acts: And whereas the recited Acts have also been put in execution by the Gunmakers Company so far as they regarded that Company, and they have ever since the granting of their Charter been and are now possessed of a proper Proof House in *Church Lane, Whitechapel*, near the City of *London*, (in this Act called the Proof House of the Gunmakers Company,) which is used for the Purposes of those Acts and of their Charter: And whereas by reason of progressive Improvements in the Manufacture of Small Arms since the

passing

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passing of the secondly-recited Act, some of the Provisions of the recited Acts respectively are not applicable to every Description of Small Arm now in use, or are in other respects insufficient; and it is expedient that better Provision be made for insuring that Small Arms made in *England* be properly and carefully manufactured, and in order thereto that better Provision be made for the proving and marking as proved of all such Parts of Small Arms as for securing the safe User thereof ought to be proved, and that further Powers be conferred on the Two Companies respectively for insuring Compliance with the Requirements of this Act: And whereas it is expedient that the Scale of Proof required by the recited Acts be amended: And whereas it is expedient that all smooth bored single Barrels be proved once only, and by definitive Proof, and only when in the State in that Behalf by this Act provided, and that all rifled Barrels and double Barrels be proved by provisional and also by definitive Proof as respectively by this Act provided: And whereas it is expedient that the *Birmingham* Proof House be vested in the *Birmingham* Company: And whereas, in order to avoid the Inconvenience of several Acts relating to the same Matter being in force at the same Time, it is expedient that the recited Acts be repealed, and that Parts thereof be re-enacted with Amendments: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

I. This Act may be cited for any Purpose as "The Gun Barrel Short Title. Proof Act, 1855."

II. This Act shall commence and have Effect on and after the Commence-
Fourth *Wednesday* next after the passing thereof. ment of Act.

III. This Act shall not in any way interfere with the Power of Reserving
Her Majesty, Her Heirs and Successors, from Time to Time to Power for
establish public Proof Houses in such Places and under such Regu- Crown to
lations as to the Care and Management thereof as to Her Majesty, establish
Her Heirs and Successors, may seem fit. public Proof
Houses.

IV. In the Construction of this Act the following Words and Interpretation of
Expressions have the following Meanings, unless there be in the Terms.
Subject or Context something repugnant to or inconsistent with such
Construction; to wit,

"Official Members of the *Birmingham* Company" means the
several Persons who by virtue of their respective Offices are
from Time to Time Members of the *Birmingham* Company:

"Ordinary

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- “ Ordinary Members of the *Birmingham Company* ” means the several Persons other than the Official Members who from Time to Time are Members of the *Birmingham Company* :
- “ Small Arms ” includes Small Arms of every Description, and whether of present Use or of future Invention, respectively adapted for the Discharge of Bullets, Shots, or other Projectiles, either by means of the Explosion, Ignition, or other Action of Gunpowder, Gun-cotton, fulminating Powder, or other Substance, whether of present Use or of future Invention or Application, or by means of the Expansion of Steam or Gas, or by any other Means not being merely mechanical Means, except Air Guns as at present manufactured :
- “ Barrel ” includes every Barrel of every Small Arm and every Breech of every Small Arm and every Part of every Small Arm, which Part would in the User of the Small Arm contain all or any Part of the Charge of the Small Arm, and every Part of every Small Arm in, from, or through which Part, in the User of the Small Arm, all or any Part of the Charge thereof would be exploded or discharged :
- “ Barrel ” also includes all Barrels welded, forged, or cast, finished or unfinished, or in any other progressive State of Manufacture, and any and every Part of a Barrel :
- “ Double Barrel ” includes every Barrel constructed for every Small Arm consisting of Two or more Barrels :
- “ Provisional Proof ” means Proof of a Barrel liable in any subsequent Stage of Manufacture to be reduced in Strength before it forms Part of a Small Arm in a finished State :
- “ Definitive Proof ” means Proof of a Barrel not liable in any subsequent Stage of Manufacture to be reduced in Strength before it forms Part of a Small Arm in a finished State :
- “ Proof ” includes “ provisional Proof ” and “ definitive Proof,” and means, as the Case requires, “ provisional Proof ” or “ definitive Proof ” :
- “ Stamp ” includes every Stamp, Die, Punch, Tool, and other Instrument whatsoever, by means whereof any Mark can be made on any Metal whatsoever :
- “ Mark ” includes every Mark and other Impression of and made with any Stamp or produced by any other Means whatsoever on any Metal whatsoever :
- The “ *Birmingham Gun Trade* ” means Master Gunmakers or Master Gun Barrel Makers carrying on Business in or within Ten Miles of the Borough of *Birmingham* rated to the Relief of the Poor of the Parish in which they shall carry on Business upon the annual Value of not less than Fifteen Pounds, and registered as by this Act provided :

The

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The "Trade List" means the List of Candidates for Election as ordinary Members of the *Birmingham* Company nominated by the *Birmingham* Gun Trade as by this Act provided:

The several Weights by this Act prescribed are Avoirdupois Weights.

V. The several Words and Expressions to which, by the Acts incorporated with this Act, Meanings are assigned, have in this Act the same respective Meanings; and the several Words and Expressions to which by this Act Meanings are assigned, have in the Schedule to this Act annexed the same respective Meanings, unless in any such Case there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Same Meanings to Words in incorporated Acts and in Schedule.

VI. "The Commissioners Clauses Act, 1847," shall be incorporated with this Act, except the following Clauses thereof; that is to say, the Clauses—

10 & 11 Vict. c. 16, incorporated.

With respect to the Qualification of Commissioners:

With respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Class of Electors:

With respect to the Meetings and other Proceedings of the Commissioners and their Liabilities:

With respect to the Appointment and Accountability of the Officers of the Commissioners:

With respect to the Mortgages to be executed by the Commissioners:

With respect to the Accounts to be kept by the Commissioners:

With respect to the making of Byelaws:

With respect to the Notices to be given by Advertisement:

And the Expression "the Commissioners" in that Act means, for the Purposes of this Act only, the *Birmingham* Company.

VII. "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act, but not so as to authorize the purchasing of any Lands otherwise than by Agreement.

8 & 9 Vict. c. 18. incorporated.

VIII. Provided always, That the Clauses and Provisions incorporated with this Act of "The Lands Clauses Consolidation Act, 1845," and "The Commissioners Clauses Act, 1847," respectively, do not extend or apply to the Gunmakers Company or any of the Officers or Servants thereof.

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 16. incorporated.

IX. The recited Acts are by this Act repealed.

Recited Acts repealed.

X. Provided always, That, notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided,
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General Saving of Rights under recited Acts. everything

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everything before the Commencement of this Act done and suffered respectively under the recited Acts or either of them shall be as valid as if this Act were not passed; and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done and suffered respectively; and all such Rights, Liabilities, Claims, and Demands shall be enforceable and recoverable for or against the *Birmingham* Company in the same Manner and to the same Extent as they would have been enforceable against that Company in case this Act had not passed: Provided also, that the Generality of the preceding Provision shall not be affected by the Particularity of any of the other Provisions of this Act.

Existing
Scale of
Proof to re-
main in force
until 1st Jan.
1856.

XI. Notwithstanding the Repeal of the recited Acts, the Scale of Proofs in the first-recited Act contained shall be the Scale for Proof according to this Act until the First Day of *January* One thousand eight hundred and fifty-six.

Birmingham
Company to
continue
incorporated.

XII. Notwithstanding the Repeal of the recited Acts, but subject to the Provisions of this Act, the *Birmingham* Company shall be and continue incorporated by the Name of the Guardians of the *Birmingham* Proof House, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal.

Birmingham
Company to
remain enti-
tled to their
Property.

XIII. Notwithstanding the Repeal of the recited Acts, the *Birmingham* Company shall remain and be possessed of and entitled to the *Birmingham* Proof House, and all Works and Conveniences, Lands, Buildings, Estates, Monies, Property, Effects, Claims, and Demands whatsoever, of or to which they, or any Persons upon trust for them, shall, by virtue of the recited Acts or either of them, or otherwise howsoever, be, immediately before the Commencement of this Act, seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not passed, and may, according to the Provisions of this Act, maintain and use that Proof House and the Works and Conveniences thereof.

Birmingham
Company to
continue
entitled to
Rights under
other Acts.

XIV. Notwithstanding the Repeal of the recited Acts, but subject to the Provisions of this Act, the several Clauses and Provisions whatsoever relating to the *Birmingham* Company contained in any Act or Acts other than the recited Acts, and which shall immediately before the Commencement of this Act be in force, shall, on and after the Commencement and for the Purposes of this Act, continue and be in force accordingly; and that Company, by themselves, their Officers
and

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and Servants, may and shall accordingly and for the Purposes of this Act, be entitled to, and have, exercise, enjoy, and be subject to, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, Privileges, Obligations, and Liabilities whatsoever, as, in case this Act were not passed, that Company, by themselves, their Officers and Servants, under or by virtue of the same, might be entitled to, or might have, exercise, enjoy, and be subject to.

XV. Notwithstanding the Repeal of the recited Acts, all Contracts, Conveyances, Leases, Deeds, Appointments, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act, to, with, in favour of, or by, for, or on behalf of the *Birmingham* Company or any Person on their Behalf, shall be and remain as good, valid, and effectual, in favour of, against, and with reference to that Company, and may be proceeded on and enforced in like Manner, to all Intents and Purposes, as if this Act were not passed.

Contracts,
Conveyances,
&c. to re-
main in force.

XVI. Any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the *Birmingham* Company before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against that Company, in the same Manner to all Intents and Purposes as if this Act were not passed.

Actions, &c.
not to abate.

XVII. Notwithstanding the Repeal of the recited Acts, all Persons who shall immediately before the Commencement of this Act owe any Sum of Money to the *Birmingham* Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to that Company; and all Debts and Monies which immediately before the Commencement of this Act are due or owing by or recoverable from that Company, or for the Payment of which that Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from that Company.

Debts due to
and by Bir-
mingham
Company to
be paid to
and by them.

XVIII. Notwithstanding the Repeal of the recited Acts, all Byelaws, Ordinances, Rules, Resolutions, Orders, Notices, and Proceedings of the *Birmingham* Company and their Officers and Agents, made and taken before the Commencement of this Act, shall for the Purposes of this Act continue of full Force and Effect as if this Act were not passed, and such Byelaws may be enforced and all Penalties thereunder may be recovered accordingly: Provided always, that any Byelaw of the *Birmingham* Company made under the Authority and for

Byelaws, &c.
to remain in
force.

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for any of the Purposes of the recited Acts or either of them, shall not, unless and except only so far as the same shall within Six Months after the Commencement of this Act be duly re-enacted, be of any force after the Expiration of those Six Months.

Books to be
Evidence.

XIX. Notwithstanding the Repeal of the recited Acts, all Books, Certificates, Writings, and Documents by those Acts respectively directed or authorized to be kept or made, and which, if this Act were not passed, would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers to
continue.

XX. Notwithstanding the Repeal of the recited Acts, every Officer and Servant of the *Birmingham* Company appointed by virtue of or acting under the Authority of those Acts or either of them, shall hold and enjoy his respective Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of that Company, until he be removed by that Company from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever as if he were appointed by that Company under this Act.

Members of
Birmingham
Company.

XXI. On and after the Commencement of this Act the Lords Lieutenant of the several Counties of *Warwick*, *Worcester*, and *Stafford*, and the several Persons from Time to Time serving in Parliament for the several Divisions of those Counties respectively and for the Borough of *Birmingham*, and all acting Justices residing in or within Seven Miles from the Town of *Birmingham*, and the several other Persons who shall on the Commencement of this Act be Members of the *Birmingham* Company, and their Successors, to be from Time to Time elected as by this Act provided ordinary Members thereof, shall be the Members of the *Birmingham* Company.

Yearly
Election of
ordinary
Members
of the *Bir-
mingham*
Company.

XXII. At every yearly Meeting of the *Birmingham* Company Three of the ordinary Members shall retire from that Company, but they may attend and vote at such Meeting, and they shall be eligible for Re-election if duly nominated and qualified as by this Act provided; the Order of Retirement of the Persons who upon the passing of this Act shall be the ordinary Members shall be determined by Ballot at their First Meeting, and the Order of Retirement of ordinary Members who shall be elected after the Time of the passing of this Act shall be determined by the Seniority of their Election; the Vacancies created by such Retirement, or by any other Means, shall be filled up at such yearly Meeting from the Trade List, but if no Trade List should have been given in, then the Vacancies shall be filled up by qualified Persons to be elected by the *Birmingham* Company.

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pany : Provided always, that Two Thirds of the Persons elected from Time to Time shall be Members of the *Birmingham Gun Trade* : Provided also, that no Person shall be entitled to be elected or to continue an ordinary Member of the *Birmingham Company* unless he shall reside within the Borough of *Birmingham* or within Twenty Miles thereof, and unless he shall be seised or possessed of Real or Personal Estate, or both, to the Amount of One thousand Pounds, or be rated to the Relief of the Poor of the Parish in which he shall reside upon the annual Value of not less than Thirty Pounds.

XXIII. A Meeting of the *Birmingham Gun Trade* shall be held in the Committee Room of the Town Hall, *Birmingham*, on the Ninth Day of *March* in every Year, unless such a Day be a *Sunday* or a Day appointed for a General Fast or Thanksgiving, and then on the next Day, not being one of such Days, at Twelve o'Clock at Noon, for the Purpose of nominating Nine Candidates for Election as ordinary Members of the *Birmingham Company*; and the Law Clerk of the *Birmingham Company* shall insert a Notice of such Meeting in Two of the Newspapers published in *Birmingham*, not later than the First Day of *March* in every Year, and at such Meeting every Member of the *Birmingham Gun Trade* may attend and vote, and the Persons present and voting at such Meeting shall, by written Lists, nominate Nine Persons qualified to act as ordinary Members of the *Birmingham Company* under the Provisions of this Act, of whom Six shall be Members of the *Birmingham Gun Trade*; at such Meeting the First Business shall be the Election of a Chairman; all Questions shall be decided by a Majority of Votes of the Members present and voting, the Chairman having a Second or Casting Vote in Cases of Equality of Votes, and the Meeting may adjourn; and it shall be the Duty of the Chairman to make and sign a Record of the Proceedings, to sign the Trade List, and to send such List to the Law Clerk of the *Birmingham Company* at the *Birmingham Proof House* within Two Days after the Meeting, and such Chairman shall also have the Custody of all Documents belonging to the *Birmingham Gun Trade* until their next yearly Meeting.

XXIV. Every Person claiming to be a Member of the *Birmingham Gun Trade* shall, on or before the Twenty-ninth Day of *September* in every Year, deliver at the *Birmingham Proof House* a Claim in the Form in the Schedule (A. Part 1) to this Act annexed, together with the Sum of Twenty-one Shillings as a Registration Fee, and the Law Clerk shall, on or before the Thirty-first Day of *October* in every Year, make out a List of Claimants and suspend it in the Board Room at the *Birmingham Proof House* for the Inspection of all Persons interested therein; and on the First *Monday* in the Month of *December* in every Year, at Twelve o'Clock at Noon, the Proof

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Master

Birmingham Gun Trade to meet and nominate Candidates for Election as ordinary Members of the *Birmingham Company*.

Provisions for Registry of the *Birmingham Gun Trade*.

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Master of the *Birmingham* Company, the Chairman of the last preceding yearly Meeting of the *Birmingham* Gun Trade, and an Assessor to be by them appointed, shall attend at the Board Room at the *Birmingham* Proof House to receive Objections to the Title of any Claimant, and any Claimant may object to the Title of any other Claimant in the Form in the Schedule (A. Part 2) to this Act annexed; and the Proof Master, Chairman, and Assessor, or any Two of them, shall then and there decide upon the Title of all Claimants, and retain or expunge the Name of any Claimant, and shall sign the List when settled; and thereupon the Law Clerk of the *Birmingham* Company shall enter the Names retained into a Book to be called "The Register of the *Birmingham* Gun Trade," and which Register shall at all reasonable Times be open to the Inspection of every Member of the *Birmingham* Gun Trade, and a Copy thereof shall be made and delivered to the Chairman of the last preceding yearly Meeting of the *Birmingham* Gun Trade.

No Bank-
rupts, &c. to
be Members.

XXV. An uncertificated Bankrupt or insolvent Debtor who has not obtained his Discharge or Final Order, or a Person not qualified as required by this Act, shall not be capable of being or continuing a Member of the *Birmingham* Company.

As to the
Qualification
of Members
of the
Birmingham
Company or
Gun Trade.

XXVI. If the Qualification of any Person as Member of the *Birmingham* Company or of the *Birmingham* Gun Trade with respect to Rating shall depend upon a Rating which shall be a joint Rating of himself and any other Person or Persons, then any such Person shall, subject to the Provisions herein contained, be eligible, provided such joint Rating, when divided by the Number of Persons rated, shall give to each a sufficient rateable yearly Value according to the Provisions herein contained.

Members
not to be
concerned in
Contracts.

XXVII. Any Person who, being a Member of the *Birmingham* Company, at any Time accepts or continues to hold any Office or Place of Profit under this Act other than the Office of Proof Master or Warden, or is concerned or participates in any Manner in any Contract or in the Profit thereof, or of any Work to be done under this Act, shall thenceforth cease to be a Member of the *Birmingham* Company, and if he be an ordinary Member thereof his Office shall thereupon become vacant.

Shareholders
in Companies
not disquali-
fied.

XXVIII. Provided always, That a Person, being a Shareholder or Member of any Joint Stock Company established by or under Act of Parliament, shall not be prevented from being or acting as a Member of the *Birmingham* Company by reason of any Contract entered into between the *Birmingham* Company and such established Company; but any such Member of the *Birmingham* Company being
a Member

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a Member of such established Company, shall not vote on any Question relating to the Execution of this Act in which such established Company is interested.

XXIX. A Person shall not be incapable of acting in any way as a Justice in the Execution of this Act by reason of his being a Member of either of the Two Companies.

Members not incapable of acting as Justices.

XXX. A Person shall not be capable of acting as a Member of the *Birmingham* Company, except in administering the following Declaration, until he have made and signed, before One of the Members of the *Birmingham* Company, a Declaration to the Effect following :

Declaration to be made by Members before acting.

‘ I *A.B.* of [*stating Residence*] do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Member of the Company incorporated by the Name of “ The Guardians of the Birmingham Proof House,” by virtue of “ The Gun Barrel Proof Act, 1855 ;” and also that I [*here set forth a Statement of the Possession of the Qualification required by this Act in the Terms thereof.*]

XXXI. Any Person who falsely or corruptly makes and subscribes such Declaration, knowing the same to be untrue in any material Particular, or knowingly and wilfully acts contrary thereto, shall be deemed guilty of a Misdemeanor.

False Declaration a Misdemeanor.

XXXII. Every Member of the *Birmingham* Company shall, at the Meeting of that Company at which he first attends after the Commencement of this Act as a Member of that Company, make and subscribe such Declaration; and any Member of that Company, whether he himself have made such Declaration or not, may administer such Declaration.

Declaration to be made at First Meeting.

XXXIII. Every Person who acts as a Member of the *Birmingham* Company being incapacitated or not duly qualified to act, or before he has made and subscribed such Declaration, or after having become disqualified, shall for every such Offence be liable to a Penalty of Fifty Pounds, to be recovered by any Person, with full Costs of Suit, in any Court of competent Jurisdiction; and in every Action for such Penalty the Person sued shall prove that at the Time of so acting he was qualified and had made and subscribed such Declaration, or shall pay that Penalty and Costs without any other Evidence being required from the Plaintiff than that such Person acted in the Execution of this Act as a Member of the *Birmingham* Company.

Penalty on Members acting not being qualified.

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Proceedings
valid not-
withstanding
Disqualifi-
cation.

XXXIV. Provided always, That all Acts as a Member of the *Birmingham* Company of any Person incapacitated or not duly qualified, or not having made or subscribed such Declaration previously to the Recovery of such Penalty, shall be as valid as if such Person had been duly qualified.

Ordinary
Members
failing to act
to cease to
be Members.

XXXV. Every ordinary Member of the *Birmingham* Company who for Three Months after his Election fails to make and subscribe such Declaration, or who for Six Months in succession is absent from all Meetings, or who by Notice in Writing left at the *Birmingham* Proof House resigns his Appointment, shall cease to be a Member of that Company.

Vacancy on
ordinary
Members
becoming
official
Members.

XXXVI. When any Person, being an ordinary Member of the *Birmingham* Company, becomes entitled to be an official Member thereof, his Office as ordinary Member shall thereupon become vacant; and with respect to his making and subscribing the Declaration by this Act required, he shall be deemed to have newly become a Member of the *Birmingham* Company.

Fifteen
ordinary
Members.

XXXVII. There shall from Time to Time be Fifteen ordinary Members of the *Birmingham* Company: Provided always, that the Powers of the *Birmingham* Company shall not be dependent on the Number of ordinary Members thereof from Time to Time amounting to Fifteen.

Election as
ordinary
Members of
those ceasing
to be official
Members.

XXXVIII. Every Person ceasing to be an official Member may, if qualified, be elected an ordinary Member of the *Birmingham* Company, and with respect to the Declaration to be made and subscribed by him, shall, on being so elected, be deemed to have newly become an ordinary Member of the *Birmingham* Company.

Election of
ordinary
Members to
supply Va-
cancies.

XXXIX. If any ordinary Member of the *Birmingham* Company die, or resign, or be disqualified, or cease from any other Cause to be an ordinary Member, the *Birmingham* Company, if they think fit, may, within One Month after the happening of such Vacancy, elect another Person from the Trade List given in at the last preceding yearly Meeting to be an ordinary Member in his Place; but every ordinary Member so elected shall continue in Office only until the then next yearly Meeting of the *Birmingham* Company, unless he shall be re-elected according to this Act.

Votes at
Election of
ordinary
Members.

XL. At every Election of an ordinary Member, every Member of the *Birmingham* Company present shall have One Vote for every Vacancy then to be filled up, and every such Election shall be decided by a simple Majority of the Votes of the Members of the
Birmingham

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Birmingham Company present and voting at the Meeting, and the Votes shall be given in Writing to the Chairman of the Meeting, who shall declare the Result.

XLII. Whenever there is an Equality of Votes for Two or more Persons to be elected ordinary Members of the *Birmingham* Company, the Chairman of the Meeting at which the Election takes place shall have a Second or Casting Vote.

Chairman to have Casting Vote.

XLIII. If from any Cause an Election of an ordinary Member of the *Birmingham* Company fail to take place on the Day appointed for it, the Election shall stand adjourned until the same Day of the following Week, and so from Time to Time until the Election takes place.

Adjournment on Failure of Election.

XLIV. At the first yearly Meeting of the *Birmingham* Company after the passing of this Act, and at every subsequent yearly Meeting, Two Auditors shall be appointed, and the Persons so appointed shall not be Members of the *Birmingham* Company, and one of them shall be a practising Accountant, and the other shall be a Member of the *Birmingham* Gun Trade, and each Auditor shall be paid such a reasonable Fee as the *Birmingham* Company shall think fit.

Appointment of Auditors.

XLV. The *Birmingham* Company shall hold their First Meeting at their Proof House on the Sixteenth Day of *August* One thousand eight hundred and fifty-five, at the Hour of Eleven in the Forenoon, and shall proceed to put this Act into execution, except as regards the Proof of Barrels according to Schedule B. to this Act annexed, and Notice of such Meeting shall be inserted by their Law Clerk in Two of the Newspapers published in *Birmingham* One Week at least previously to the Meeting.

First Meeting for Birmingham Company.

XLVI. At the First Meeting of the *Birmingham* Company they shall, by the Majority of the Votes of the Members present and voting, elect One of the ordinary Members of that Company to be the Proof Master, and Two of the ordinary Members of that Company to be Wardens, until the next yearly Meeting of that Company, when and at every subsequent yearly Meeting that Company shall in like Manner elect a Proof Master and the like Number of Wardens for the ensuing Year; and if the Proof Master or either of the Wardens die, resign, or cease to be a Member of that Company, or otherwise become disqualified to act as such, that Company at their Meeting next after the happening of such Vacancy shall elect some other Person to fill up such Vacancy, and the Person so elected shall continue in Office so long only as the Person to whose Place he is elected would have been entitled to continue in Office, and the Proof

Election of Chairman of Birmingham Company.

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Master

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Master for the Time being shall be the official Chairman of that Company.

Appointment
of Officers.

XLVI. At the First Meeting of the *Birmingham* Company, or at some Adjournment thereof, they shall, by the Majority of the Votes of the Members present and voting, appoint a Treasurer, Law Clerk, Accounting Clerk, Assistant Proof Masters, and such other Principal Officers and Servants as may be in their Discretion necessary for the Management of the *Birmingham* Proof House until their next yearly Meeting.

As to Elec-
tion of a
temporary
Chairman.

XLVII. If at any Meeting of the *Birmingham* Company their Chairman be not present, One of the Members present shall be elected Chairman of such Meeting by the Majority of the Votes of the Members present thereat: Provided always, that at every yearly Meeting of that Company the Chairman going out of Office at that Meeting shall, if present and willing to act, be the Chairman of that Meeting.

Voting at
Meetings.

XLVIII. At every Meeting of the *Birmingham* Company every Question there considered shall be decided by a Majority of the Members present and voting; and if there be an equal Division of Votes upon any Question, the Chairman of the Meeting shall have a Second or Casting Vote: Provided always, that if at any such Meeting there be an Equality of Votes in the Election of the Chairman, it shall be decided by Lot which of the Members having an equal Number shall be the Chairman.

Quorum of
Meetings.

XLIIX. The Quorum for a Meeting of the *Birmingham* Company shall be Ten or more of the Members, and no Business shall be transacted at any Meeting unless the Quorum be present.

Yearly and
other Meet-
ings.

L. The *Birmingham* Company shall hold a yearly Meeting on the Sixteenth Day of *March* in the Year One thousand eight hundred and fifty-six, and on the Sixteenth Day of *March* in every subsequent Year, unless such Day be a *Sunday* or a Day appointed for a General Fast or Thanksgiving, and then on the next Day, not being One of such Days, at the *Birmingham* Proof House or some other convenient Place in the Borough of *Birmingham*, and shall also hold such other Meetings at such Places in *Birmingham* and at such Times as that Company from Time to Time appoint; and when any such Appointment is made the Wardens shall give or cause to be given Notice thereof.

Adjournment
of Meetings
if Quorum
not present.

LI. If at any Meeting of the *Birmingham* Company the Quorum be not present within Half an Hour after the appointed Time for the Commence-

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Commencement of the Meeting, the Members of that Company present, or the major Part of them, or the Member if only One present thereat, may adjourn the Meeting to another Day at the same or any other Place in *Birmingham*.

LII. Every Meeting of the *Birmingham* Company may be adjourned from Time to Time and from Place to Place, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place. Adjourned Meetings.

LIII. At any Meeting of the *Birmingham* Company not being a Special Meeting, any of the ordinary Business of that Company may be transacted, such ordinary Business including the appointing and removing of the inferior Officers of the Company, the inquiring into the Conduct of Persons employed by the Company to execute any Works or perform any Services, and into the State and Progress of such Works, and generally the giving from Time to Time of any Directions necessary for carrying into effect the Purposes of this Act. Ordinary Business at Meetings of Birmingham Company.

LIV. Where any Business other than ordinary Business is required or intended to be transacted at any Meeting of the *Birmingham* Company, the Wardens shall give Notice thereof, and no such extraordinary Business shall be transacted at any Meeting unless due Notice thereof be given at a former Meeting and by the Wardens. Notice to be given of extraordinary Business;

LV. Provided always, That the Election of ordinary Members and the appointing of Proof Master and Wardens may take place at the yearly Meeting of the *Birmingham* Company without Notice thereof. except for Election of ordinary Members, Proof Master, and Wardens.

LVI. A Resolution of any Meeting of the *Birmingham* Company shall not be revoked or altered at any subsequent Meeting unless Notice of the Intention to propose such Revocation or Alteration be given Seven Days at least before holding the Meeting, or unless such Revocation or Alteration be determined upon by at least Two Thirds of the Votes of the Members present at such subsequent Meeting, if the Number of the Members present thereat be not greater than the Number present when such Resolution was come to, or by a Majority of the Votes of the Members present at such subsequent Meeting, if the Number present thereat be greater than the Number present at such former Meeting. Revocation of Resolutions.

LVII. The *Birmingham* Company from Time to Time may hold Special Meetings, and any Three or more of the Members may require a Special Meeting to be held, but a Special Meeting shall not Special Meetings.

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not be held unless Two clear Days Notice thereof at the least be given.

Notice of Meetings.

LVIII. Every Notice of a Meeting of the *Birmingham* Company shall be in Writing or in Print, or partly in Writing and partly in Print, and shall such Time before the Meeting as that Company from Time to Time determine be delivered or sent by Post or otherwise to the usual Place of Abode or Place of Business, if any, in or within Twenty Miles from the Town of *Birmingham* of every Member who has made or subscribed the Declaration by this Act required and who has not ceased to be a Member, and every such Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Committees of Birmingham Company.

LIX. The *Birmingham* Company at any Meeting, and as extraordinary Business, may from Time to Time appoint Committees for any Purposes which in the Opinion of that Company would be better regulated and managed by means of such Committee, and may fix the Quorum of any such Committee, and may continue, alter, or discontinue such Committee.

Proceedings of Committees.

LX. Every Committee so appointed may meet from Time to Time and adjourn from Place to Place as they think proper for carrying into effect the Purposes of their Appointment, but no Business shall be transacted at any Meeting of the Committee unless the Quorum, if any, fixed by the Company, and if no Quorum be fixed, Three Members be present, and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in every Case of an Equality of Votes the Chairman shall have a Second or Casting Vote.

Informalities not to invalidate Proceedings.

LXI. All Proceedings of the *Birmingham* Company or of a Committee thereof, or of any Person acting as a Member of that Company, shall, notwithstanding it be afterwards discovered that there was some Defect in the Election of any such Member or Person so acting, or that they or any of them were disqualified, be as valid as if every such Person were duly appointed and qualified to be a Member.

Entry of Proceedings of Birmingham Company and

LXII. Entries of all the Proceedings of the *Birmingham* Company and every Committee appointed by that Company, with the Names of the Members who attend every Meeting, shall be entered in Books provided for the Purpose, under the Superintendence of that Company,

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pany, and every such Entry shall be signed as soon as conveniently may be by the Chairman of the Meeting at which the Proceedings took place, or, him failing, by at least Three of the Members present thereat; and those Books shall at all reasonable Times be open to the Inspection of any of the Members of that Company, and they may take Copies of and Extracts from such Books *gratis*. their Committees.

LXIII. Every Entry so signed shall be received as Evidence in all Courts and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Members of the *Birmingham* Company or of such Committee respectively, or of the Signature of such Chairman or Members, or of the Fact of his having been Chairman or of their having been present at the Meeting, all of which Matters shall be presumed until the contrary be proved. Validity of such Entries.

LXIV. The *Birmingham* Company may from Time to Time provide such a Fund, to be called "the Repair Fund," as in their Opinion will be sufficient to rebuild or restore the *Birmingham* Proof House and the Works and Conveniences thereof in the event of the same being destroyed or damaged by Fire, Explosion, or other Casualty, and to make good all Damage which that Company may be liable to compensate by reason of such Casualty, and may from Time to Time invest that Fund in some of the Public Funds or in Government Securities in the Name of the Guardians of the *Birmingham* Proof House, and when necessary convert the same or a Part thereof into Money, and apply the Proceeds thereof for the Purposes mentioned in this Provision. Fund for Restoration of Birmingham Proof House.

LXV. The Monies from Time to Time received under this Act by or for the *Birmingham* Company, as well for Proof of Barrels as for Registration Fees, shall be applied, firstly, in Payment of the Costs, Charges, and Expenses incurred by that Company in and incident to the passing and obtaining of this Act; secondly, in maintaining, repairing, and improving the *Birmingham* Proof House, and proving and marking as proved the Barrels there tendered for Proof, including the Salaries of the Proof Master, Wardens, Assistant Proof Masters, Officers, and Servants, the reasonable Expenses of their ordinary Members, and other the incidental Expenses of that Company in the Execution of this Act; thirdly, when and so soon as that Company shall think fit, in providing and maintaining a Rifle Shooting Ground and all necessary Erections by this Act authorized; fourthly, the Surplus shall constitute the Repair Fund, and be invested in some of the Public Funds or in Government Securities in the Name of the Guardians of the *Birmingham* Proof House; and whenever it shall appear at any yearly Meeting of the *Birmingham* Company that Application of Money by Birmingham Company.

[*Local.*]

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the Surplus so invested shall amount to such a Sum over and above Five thousand Pounds as would be equal to One Halfpenny *per* Barrel on the Number of Barrels annually proved, upon an average of the Three preceding Years, then the Charges for Proof for the Time being shall be reduced proportionably by that Company, and the Deficiency (if any) in the Receipts of that Company in any One Year occasioned by such Reduction shall be made good out of the Principal Money so invested, or the Interest thereof, until such Principal Monies shall be reduced to the Sum of Three thousand Pounds, and then such Charges for Proof shall or may be raised again to the Amount by this Act authorized, and so *toties quoties* as often as the said Principal Sum shall amount to the Sum of Five thousand Pounds or be reduced to the Sum of Three thousand Pounds.

Power to
grantGratui-
ties to Offi-
cers.

LXVI. The *Birmingham* Company from Time to Time may make and pay to such of their Servants as from Time to Time may be worn out by Length of Service, or disabled or injured in the Execution of their Duties, and to the Wardens or other Officers who sustain Injury from any Explosion at the *Birmingham* Proof House, such Sums by way of Superannuation, Allowance, or Gratuity as that Company think fit; provided that such Sums shall not exceed the Amount of Five hundred Pounds in the aggregate in any One Year.

Accounts to
be kept of
Birmingham
Company.

LXVII. The *Birmingham* Company shall cause proper Accounts to be kept of all Receipts, Payments, and Liabilities on account of the Capital of that Company, and also of the Receipts, Income, and Profits arising therefrom, and they shall be called respectively "the Capital Account" and "the Revenue Account," and shall make up their Accounts to the Thirty-first Day of *December* inclusive in every Year, and submit them with all necessary Books and Papers to the Auditors during the Month of *January* next following; such Auditors shall examine the same, and report on the Accuracy thereof to that Company before the Thirteenth Day of *February* following; and a classified Statement of the Income and Expenditure during the past Year, and a Balance Sheet of the Assets and Liabilities of that Company, in a Form to be approved and signed by the Auditors, shall be printed, and a printed Copy of the same shall be sent by the Wardens of that Company through the Post Office to each Member of that Company and to each Member of the *Birmingham* Gun Trade.

Settlement
of yearly
Accounts.

LXVIII. The Accounts of the *Birmingham* Company so balanced and audited, with such Statement and Account, shall be presented to every yearly Meeting of that Company, and the Accounts shall be then finally examined and settled by the Meeting, and if found

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found just and true, shall be allowed by that Company and certified accordingly under the Hand of the Chairman of the Meeting; and after such Accounts are audited, allowed, and signed as by this Act required, the same shall be final in regard to all Persons whomsoever.

LXIX. Any Clerk or other Person who, having the Custody of any of the Books or Papers of the *Birmingham* Company does not on any reasonable Demand of any Member of that Company permit him to inspect any of the Books or Papers of that Company which he is by this Act authorized to inspect, or to take Copies of or Extracts from any such Books or Papers *gratis*, shall for every such Offence forfeit Five Pounds.

Penalty on
refusing
Inspection
of Books.

LXX. The Proof Master and Wardens of the *Birmingham* Company shall superintend all other the Officers and Servants of that Company in the Discharge of their Duties, and conduct the general Management of the *Birmingham* Proof House under the By-laws for the Time being; and the Proof Master of that Company, with the Consent of the Wardens thereof, may from Time to Time appoint and at pleasure remove any Assistant Proof Master, inferior Officer, Workman, or Servant of that Company as he may think fit, and may determine their respective Duties and Remuneration; and at every yearly Meeting of that Company the Wardens thereof shall present a Report upon the Transactions of that Company during the last preceding Year, and shall annex to their Report a tabular classified Statement of the Barrels sent to be proved at the *Birmingham* Proof House, the Number of Barrels proved and marked as proved, the Number of Barrels found faulty and the Character of the Faults thereof; and every Member of the *Birmingham* Gun Trade shall be entitled to a printed Copy of such tabular Statement on Application for the same at the *Birmingham* Proof House.

Duty and
Powers of
Proof Master
and Wardens.

LXXI. A Person shall not be capable of acting as a Proof Master or an Assistant Proof Master of the *Birmingham* Company until he has made and signed before One of the Members of that Company a Declaration to the Effect following:

Declaration
by Proof
Master and
Assistant
Proof Mas-
ters.

‘ I *A.B.* do solemnly declare, That I will, so long as I continue
‘ Proof Master [*or* Assistant Proof Master] of the *Birmingham*
‘ Proof House, well and faithfully behave myself in that Office, and
‘ prove all Barrels brought to me for that Purpose, according to the
‘ Regulations and with respect to and the Scale of Proof from Time
‘ to Time in force under “The Gun Barrel Proof Act, 1855;” and
‘ that I will not, during the Time that I continue such Proof Master
‘ [*or* Assistant Proof Master], take any Fee or Reward from any
‘ Person to prove or for having proved any Barrel otherwise than as
‘ that

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‘ that Act directs; and that I will execute that Office without
 ‘ Favour or Affection, Prejudice or Malice, and to the best of my
 ‘ Skill and Ability.’

Penalty on
 acting con-
 trary to
 Declaration.

LXXII. Any Person who makes and subscribes such Declaration, and afterwards knowingly and wilfully acts contrary thereto, shall be deemed guilty of a Misdemeanor.

Birmingham
 Company
 may main-
 tain Proof
 House and
 provide
 Offices.

LXXIII. The *Birmingham* Company from Time to Time may provide and maintain their present Proof House or such other Proof House in *Birmingham* as they think fit, and such fit and convenient Public Offices in *Birmingham* for transacting the Business and holding the Meetings of that Company, and for the Use of their Officers, and for any other Purposes of this Act, as that Company think fit, and may also provide a Rifle Shooting Ground, and make all necessary Erections for the Protection of the Public and the Convenience of the Parties using it; such Shooting Ground shall be open to the Members of the *Birmingham* Gun Trade, and to such other Persons as that Company may from Time to Time decide to admit; subject to such Payments and Regulations as the *Birmingham* Company shall in their Byelaws require to be observed.

Power for
 Birmingham
 Company to
 purchase
 Lands, &c.

LXXIV. The *Birmingham* Company may from Time to Time, but only by Agreement, purchase, take on Lease, and otherwise acquire and hold any Lands and Easements or Rights in or affecting Lands which they think requisite for any of the Purposes of this Act, and may purchase, take, and acquire the same on such Terms and Conditions as they think fit: Provided always, that the total Quantity of Land which that Company shall at any one Time hold, including the Lands now held by Trustees for that Company, shall not exceed Ten Acres.

Transfer of
 Lands to
 Birmingham
 Company by
 their Trus-
 tees.

LXXV. Forthwith after the Commencement of this Act the Trustees for the *Birmingham* Company may and shall transfer to that Company the Lands now vested in those Trustees upon trust for that Company, according to the Terms, Estate, and Interest of those Trustees therein, and the *Birmingham* Company may accept such Transfer and hold those Lands accordingly.

Each Com-
 pany to main-
 tain a public
 Proof House.

LXXVI. Each of the Two Companies shall from Time to Time maintain a proper public Proof House, with all things necessary for proving Barrels thereat, with respect to the Gunmakers Company in or near *London*, and with respect to the *Birmingham* Company in or near *Birmingham*, and shall at all Times keep the same in proper Order and Condition for the proving of all such Barrels as are from Time to Time sent to such respective public Proof House for Proof thereat,

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thereat, and shall keep there a Set of Standard Plugs to determine the Size of Barrels brought to be proved.

LXXVII. The Gunmakers Company from Time to Time may make and establish such Rules and Regulations as appear to them necessary for receiving at their Proof House Barrels for Proof, and for proving there and marking as proved the same, according to the Provisions of this Act, and for re-delivering the same when so proved and marked.

Regulations
by Compa-
nies for prov-
ing Barrels.

LXXVIII. The *Birmingham* Company may from Time to Time make, enact, alter, and repeal Byelaws and Rules for regulating the Management of their Proof House, the Use of the Rifle Shooting Ground by this Act authorized, the Attendance and Remuneration of their Proof Master and Wardens, the Hours for receiving and delivering out Barrels sent to be proved, the Attendance and Duties of inferior Officers and Servants, and all other Matters under their Jurisdiction requiring stated Regulations, and attach reasonable pecuniary Penalties to the Breach of any such Byelaws, to be recoverable before a Justice of the Peace; but no Byelaws shall be made or altered except at a Special Meeting of the *Birmingham* Company; and all Byelaws shall be printed and a Copy thereof shall be delivered without Charge to every Member of the *Birmingham* Company, and to each of its Officers and Servants, and also to every Member of the *Birmingham* Gun Trade who may apply for the same.

Byelaws to
be made by
Birmingham
Company.

LXXIX. No Byelaws made under the Authority of this Act (except such as may relate solely to the Officers or Servants of the *Birmingham* Company) shall come into operation until the same be allowed by the Recorder for the Time being of the Borough of *Birmingham* at some General or Quarter Sessions or adjourned Sessions of the Peace for that Borough, and approved under the Hand of One of Her Majesty's Principal Secretaries of State; and it shall be incumbent on the Recorder at Quarter Sessions, on the Request of the *Birmingham* Company, to examine into any Byelaws which may be tendered to him for that Purpose, and to allow or disallow the same as to him may seem meet.

Byelaws to be
allowed and
approved be-
fore coming
into opera-
tion.

LXXX. Provided always, That no such Byelaw shall be allowed in manner herein mentioned unless Notice of the Intention to apply for the Allowance of the same shall have been given in One or more Newspapers of the Borough of *Birmingham* One Month at least before the Hearing of such Application; and any Party aggrieved by any such Byelaw, on giving Notice of the Nature of his Objection to the *Birmingham* Company Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself, his Counsel,

Notice of
Allowance of
Byelaws to
be given.

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Agent,

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Agent, or Attorney, be heard thereon, but not so as to allow more than One Person or Firm to be heard upon the same Matter of Objection.

Copy of proposed Bye-laws to be open to Inspection.

LXXXI. For One Month at least before any such Application for Allowance of any Byelaw, a Copy of such proposed Byelaw shall be suspended in the Board Room of the *Birmingham* Proof House, and all Persons at all reasonable Times may inspect such Copy without Fee or Reward, and the *Birmingham* Company shall furnish every Person who shall apply for the same with a like Copy on Payment of Sixpence for every One hundred Words so copied.

Proof of Allowance of Byelaws.

LXXXII. The Production of a written or printed Copy of any Byelaw, allowed in manner aforesaid and authenticated by the Signatures of the Recorder and One of Her Majesty's Principal Secretaries of State, and a written or printed Copy of any Byelaw not requiring to be so allowed authenticated by the Common Seal of the *Birmingham* Company, shall be Evidence of the Existence and making and (where required) of the Allowance of such Byelaw in all Cases of Prosecution under the same, without Proof of the Appointment or Signature of such Recorder or Secretary of State or of the Common Seal of the *Birmingham* Company.

Attendance of Officers at Proof House.

LXXXIII. Each of the Two Companies respectively shall require their Proof Master or Assistant Proof Masters, or such of them and such other Officers and Persons as shall be requisite for the Business of the Company, to attend at their Office and Proof House respectively daily, *Sunday, Christmas Day, Good Friday*, and any Day appointed for a General Fast or Thanksgiving only excepted, for the Purpose of transacting the ordinary Business of the Company, and due Notice of the Situation of the Proof House and Office of the Company and of the Hours during which Attendance is given there respectively shall be published by the Company as they think fit, to the end that the same may be fully and generally known.

Duties of Proof Master of Gunmakers Company.

LXXXIV. The Proof Master of the Gunmakers Company, or such Officer of that Company as that Company from Time to Time appoint to act in that Behalf, shall be responsible for the Execution by himself or his Assistants of the several Duties with respect to the receiving, proving, marking as proved, and delivering Barrels, by this Act imposed on the Gunmakers Company.

Duties of Proof Master of Birmingham Company.

LXXXV. The Proof Master of the *Birmingham* Company shall be responsible for the Execution by himself or his Assistant Proof Masters of the several Duties with respect to the receiving, proving, marking as proved, and delivering of Barrels, by this Act imposed on the *Birmingham* Company.

LXXXVI. Each

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LXXXVI. Each of the Two Companies shall receive all Barrels brought to the Proof House of that Company in the proper State for Proof, and whether or not theretofore proved, and shall duly prove the same thereat according to the Scale in force under this Act, and shall duly mark such Barrels when proved, (if found of Proof,) as duly proved according to such Scale; and upon Repayment of all Sums actually paid by that Company in respect of the Carriage of such Barrels and their Delivery at such Proof House and their Redelivery when proved, and on Payment of the Charges for proving and marking as proved by this Act authorized, shall deliver the Barrels so proved and marked as proved to the Persons entitled to receive the same.

Each Company to receive, prove, mark, and deliver Barrels brought to them for Proof.

LXXXVII. After the Commencement of this Act a Barrel shall not be used in the making of any Small Arm unless the Barrel have been duly proved at the Proof House of the Gunmakers Company, or at the *Birmingham* Proof House, or at some other public Proof House established by Law, and duly marked as proved.

Barrels not to be made up unless proved and marked as proved.

LXXXVIII. After the Commencement of this Act a Small Arm shall not be sold or exchanged or exposed or kept for Sale or exported, unless the Barrel or Barrels thereof have been duly proved at the Proof House of the Gunmakers Company, the *Birmingham* Proof House, or some other public Proof House established by Law, and duly marked as proved.

Small Arms not to be sold or exported unless proved and marked as proved.

LXXXIX. Every double Barrel, provisionally proved according to this Act, and at any Time thereafter reduced in Strength in any progressive Stage of the Manufacture thereof, shall for the Purposes of this Act be deemed an unproved Barrel, except for the Purpose of receiving and until it shall have received the definitive Proof.

Barrels provisionally proved and reduced in Strength to be deemed unproved.

XC. If any Barrel which shall be marked as proved under this Act shall by any Process of Manufacture, or by any other Means whatsoever other than the User and Wear and Tear thereof, be unduly reduced in Substance or Strength so as that the Mark thereon does not duly represent the Proof which if then duly proved it would bear, every such Barrel shall for the Purposes of this Act be deemed an unproved Barrel.

Barrels reduced so that the Mark does not represent the Proof to be deemed unproved.

XCI. Any Barrel marked as proved, if the Mark of such Proof be at any Time removed or altered or so defaced as not to be distinguishable, shall for the Purposes of this Act be deemed an unproved Barrel.

Barrels with Marks defaced to be deemed unproved.

XCII. If

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Barrels with
Marks re-
moved to be
deemed un-
proved.

XCII. If any Barrel having been before or after the Commencement of this Act marked as proved, have at any Time the Mark of its having been so proved cut, severed, or removed therefrom in any Process of Manufacture or by any other Means whatsoever other than the User and Wear and Tear thereof, every such Barrel shall for the Purposes of this Act be deemed an unproved Barrel.

Barrels to
be marked
according to
Scale.

XCIII. All Barrels from Time to Time brought to the Proof House of the Gunmakers Company, the *Birmingham* Proof House, or any other public Proof House established by Law for Proof, shall be proved according to the Rules, Regulations, and Scale in that Behalf according to the Provisions of this Act in force.

Rules, Regu-
lations, and
Scale for
Proof as in
Schedule(B).

XCIV. Subject to the Provisions of this Act, the Rules and Regulations and the Scale respectively specified in the Schedule (B.) to this Act annexed, shall respectively be the Rules and Regulations and the Scale respectively for the Proof according to this Act of all Barrels on and after the First Day of *January* One thousand eight hundred and fifty-six.

Alteration of
Rules, Regu-
lations, and
Scale for
Proof.

XCV. Provided always, That the Two Companies from Time to Time, should they deem the Proof as stated in Schedule (B.) to this Act annexed insufficient, or the Director of Small Arms, should the Two Companies under such Circumstances not make the Application, with the Approval of Her Majesty's Secretary of State for War, may repeal or alter all or any of the Rules and Regulations and all or any Part of the Scale respectively from Time to Time in force under this Act for the Proof of Small Arms or of any Classes of Small Arms, and may make, repeal, and alter any new Rules and Regulations and any new Scale in that Behalf: Provided also, that Notice of every such Repeal or Alteration, and of every such new Rule, Regulation, and Scale, shall be given by the Two Companies respectively by Advertisement in the *London Gazette* and in One of the *London* Daily Morning Newspapers and in Two or more of the *Birmingham* Newspapers respectively, and by such other public Notice as the Two Companies respectively think fit: Provided also, that any such Alteration of Scale shall not come into force until the Expiration of Three Calendar Months after the Publication of the last of such Advertisements.

Charges for
proving and
marking
Barrels.

XCVI. For all Barrels duly proved at the Proof Houses of the Two Companies respectively, each Company respectively may demand and take such Sums as it may from Time to Time appoint, not exceeding such Sums as are specified in the Schedule (C.) to this Act annexed.

XCVII. Pro-

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XCVII. Provided always, That this Act shall not extend to compel the proving or marking as proved of any Military Barrel made for the Use of Her Majesty's Forces or for the Honourable *East India* Company.

Act not to extend to Barrels for Her Majesty's Forces or the East India Company.

XCVIII. Provided always, That this Act shall not apply to any Barrel adapted for the Discharge of a Ball of a greater Weight than One Pound, or to any Barrel of a Bore exceeding in every Part thereof the Diameter of One Inch and Three Quarters.

Act not to apply to Barrels above a specified Size.

XCIX. Every Person committing any of the following Offences shall for every such Offence be guilty of a Misdemeanor, and shall at the Discretion of the Court be sentenced to Imprisonment, with or without Hard Labour, for not more than Three Years, to wit:

Offences declared Misdemeanor.

1. Every Person who forges or counterfeits any Stamp or any Part of any Stamp already or hereafter provided or used by either of the Two Companies for the marking of any Barrel:
2. Every Person who sells or parts with the Possession of any such forged or counterfeit Stamp or Part of a Stamp knowing the same to be forged or counterfeit:
3. Every Person who knowingly marks any Barrel with any such forged or counterfeit Stamp, or with any Part of any such forged or counterfeit Stamp:
4. Every Person who makes up any Barrel so marked, knowing the same to be so marked:
5. Every Person who sells or parts with the Possession of any Barrel so marked, knowing the same to be so marked:
6. Every Person who forges or counterfeits or by any Means whatever produces an Imitation upon any Barrel of any Mark or of any Part of any Mark of any Stamp already or hereafter provided or used by either of the Two Companies for the marking of any Barrel:
7. Every Person who sells or parts with the Possession of any such Mark or Part of a Mark, knowing the same to be forged or counterfeit or an Imitation:
8. Every Person who transposes or removes from any Barrel to any other Barrel any Mark or any Part of any Mark of any Stamp already or hereafter provided or used by either of the Two Companies for marking any Barrel:
9. Every Person who shall have in his Possession or who shall part with the Possession of any Mark or any Part of any Mark so transposed or removed, knowing the same to be transposed or removed:
10. Every Person without lawful Excuse, the Proof whereof shall lie on him, having in his Possession any such forged or counterfeit Stamp or Part of a Stamp, or any such forged or counterfeit

[*Local.*]

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Mark

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Mark or Imitation of a Mark, or any such transposed or removed Mark, knowing the same respectively to be forged, counterfeit, imitated, marked, transposed, or removed :

11. Every Person who cuts or severs from any Barrel any Mark or any Part of any Mark of any Stamp already or hereafter provided or used by either of the Two Companies for the stamping of any Barrel, with Intent that such Mark or such Part of a Mark be placed upon or joined or affixed to any other Barrel :
12. Every Person who places upon or joins or affixes to any Barrel any such Mark or Part of a Mark so cut or severed :
13. Every Person who, with Intent to defraud, uses any genuine Stamp already or hereafter provided or used by either of the Two Companies for the marking of any Barrel :
14. Every Person who forges or counterfeits, or by any Means produces an Imitation upon any Barrel of any Mark, or of any Part of any Mark, of any Stamp of a Foreign Country registered by the Two Companies pursuant to the Provisions of this Act.

Offences
involving
Penalties.

C. Every Person committing any of the following Offences shall for every such Offence be subject to a Penalty as follows, to wit :

1. Every Person selling or exchanging, or exposing or keeping for Sale, or exporting or importing, or attempting to export or import from or to *England*, or having in his Possession without lawful Excuse, (the Proof whereof shall lie upon him,) any Barrel having thereupon any Mark of any forged or counterfeit Stamp or Part of a Stamp already or hereafter provided or used by either of the Two Companies for marking any Barrel, or having thereupon any forged or counterfeit Mark or Imitation of a Mark of any Stamp or Part of a Stamp so provided or used, or having thereupon any Mark of any Stamp or Part of a Stamp so provided or used, such Mark having been transposed or removed thereto from any other Barrel, shall for every such Barrel so sold or exchanged, or exposed or kept for Sale, or exported or imported, or attempted to be exported or imported, or so in his Possession, forfeit not exceeding Twenty Pounds :
2. Every Person selling or exchanging or exposing or keeping for Sale, or exporting or attempting to export from *England*, any Small Arm, the Barrel or Barrels whereof are not under this Act duly proved and marked as proved, shall for every such Barrel forfeit not exceeding Twenty Pounds :
3. Every Person fraudulently erasing, obliterating, or defacing, or fraudulently causing to be erased, obliterated, or defaced from any Barrel, any Mark or any Part of any Mark of any Stamp already or hereafter provided or used by either of the Two Companies for the marking of Barrels, shall for every such Offence forfeit not exceeding Twenty Pounds :

4. Every

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4. Every Person delivering or sending or causing or procuring to be delivered or sent for Sale, or under pretence of Sale, or removing, consigning, or transmitting, or causing or procuring to be removed, consigned, or transmitted for Sale, or under pretence of Sale, any Small Arm, the Barrel or Barrels whereof are not duly proved at the Proof House of the Gunmakers Company, or the *Birmingham* Proof House, or some other public Proof House established by Law, and marked as proved, shall, for every Small Arm so delivered or sent, or caused or procured to be delivered or sent, or removed, consigned, or transmitted, or caused or procured to be removed, consigned, or transmitted, forfeit not exceeding Twenty Pounds.

CI. Provided always, That the several Punishments and Penalties herein-before enacted shall not be cumulative in respect of One and the same Offence, but shall be applicable to any such Offence by way of Alternative only.

Punishments and Penalties not to be cumulative.

CII. All Penalties recoverable under this Act shall be recovered in a summary Way upon Information or Complaint before any Two of Her Majesty's Justices of the Peace for the County, Riding, Division, City, Borough, Town, Liberty, or Place where the Offence has been committed or the Offender shall reside or be, or before any Metropolitan Police Magistrate or Stipendiary Magistrate having Jurisdiction within the same respectively; and such Proceedings shall and may be had before such Justices or Metropolitan Police Magistrate or Stipendiary Magistrate in manner and form directed by the Statute Eleven and Twelve *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Session within England and Wales with respect to summary Convictions and Orders*, and the Amount of the Forfeiture or Penalty for every such Offence shall be determined by such Justices or Metropolitan Police Magistrate or Stipendiary Magistrate, not exceeding the Sums herein-before mentioned, and shall be paid to the Use of Her Majesty, Her Heirs and Successors.

Recovery of Penalties.

CIII. If any Person convicted of any Offence punishable by summary Conviction under this Act shall think himself or herself aggrieved by the Judgment of the Justices or Metropolitan Police Magistrate or Stipendiary Magistrate before whom he or she shall have been convicted, such Person shall have Liberty to appeal from every such Conviction to the next Court of General Sessions or General Quarter Sessions of the Peace which shall be held for the County, Riding, Division, City, Town, Liberty, or Place where such Conviction took place, and the Justices in or at the said next Court

Power of Appeal.

of

The Gun Barrel Proof Act, 1855.

of General Sessions or General Quarter Sessions are hereby authorized and required to hear and determine the Matter of the said Appeal, which Decision shall be final.

Exemption
from Penalty
where origi-
nal Offender
made known
to Compa-
nies.

CIV. Provided always, That if any Person having sold or exchanged, or exposed or kept for Sale, or exported or imported, or attempted to export or import, or had in his Possession, any Barrel having thereupon any Mark of any such forged or counterfeit Stamp or Part of a Stamp, or having thereupon any such forged or counterfeit Mark or Imitation of a Mark, or having thereupon any such Mark so transposed or removed thereto, shall, within Three Days after Notice thereof given by either of the Two Companies to him or left for him at his usual or then last Place of Abode or Business in *England*, discover and make known to such One of the Two Companies the Name and Place of Abode of the Maker of such Barrel or of the Manufacturer or Dealer from whom such Person bought, had, or received the same, then every such Person so making such Discovery shall be exempted and discharged from the Penalty incurred by him by reason of his having so sold or exchanged, or exposed or kept for Sale, or exported or imported, or attempted to export or import, or had in his Possession such Barrel; nevertheless, this Provision shall not exempt any Person from the legal Consequences of uttering or of having had in his Possession any such Barrel, knowing the same to be marked with the forged or counterfeit Stamp, or knowing the Mark thereon to be forged, counterfeit, imitated, marked, transposed, or removed, if such Knowledge be, in any Criminal Proceeding against him for any such Offence, duly proved.

Proof Mas-
ters of the
Two Compa-
nies to keep
a Register of
Foreign Proof
Marks.

CV. Each of the Proof Masters of the Two Companies shall, upon Application in Writing to be made to him by the Consul General, Consul, or Vice-Consul of any Foreign State having a Consular Agency in *England*, accompanied by a Specification and Drawing or Delineation of the several Marks, Signs, or Characters used or employed for denoting or evidencing the Proof of Barrels of Small Arms at any lawful Proof House in any such Foreign State, authenticated by the Official Seal of such Consular Agent, enter in a Book, to be provided by him for that Purpose, (in this Act called "the Register of Foreign Proof Marks,") a Copy of every such Specification and Drawing or Delineation, and such Register shall be open for public Inspection, without Charge, at all reasonable Times, at the Proof House of each of the Two Companies, and the Proof Masters of the Two Companies shall, by Advertisement to be inserted in the *London Gazette*, in One of the *London Daily Morning Newspapers*, and in One of the *Birmingham Newspapers*, from Time to Time give Notice of all Foreign Proof Marks so registered.

CVI. Every

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CVI. Every Barrel of Foreign Manufacture, having duly and lawfully impressed thereon the due and proper Mark, Sign, or Character indicative of the due Proof thereof at any Foreign Proof House, the Marks whereof shall be entered in and shall correspond with the Register of Foreign Proof Marks, shall be exempted from the Provisions of this Act: Provided always, that if any Barrel so exempted shall, on any Part thereof, or on any Part of any Small Arm into which it is made up, be stamped or marked with any Mark, Name, Sign, or Character indicating or purporting to indicate that such Barrel or Small Arm or any Part thereof is of *English* Manufacture, every such Barrel shall, for the Purposes of this Act, be deemed an unproved Barrel of *English* Manufacture.

Barrels with Foreign Proof Marks to be exempted, except in case of being marked as of English Manufacture.

CVII. Every Barrel imported into or found in *England* having any Mark, Sign, or Character, being or purporting to be the Mark, Sign, or Character of any Foreign Proof House, the Marks whereof are not entered in or do not correspond with the Register of Foreign Proof Marks, shall, for the Purposes of this Act, be deemed an unproved Barrel of *English* Manufacture.

Barrels having Foreign Proof Marks not entered in the Foreign Mark Book to be deemed unproved.

CVIII. Every Barrel of Foreign Manufacture imported into or found in *England* not bearing the Mark, Sign, or Character of any Foreign Proof House, shall, for the Purposes of this Act, be deemed an unproved Barrel of *English* Manufacture.

Barrels of Foreign Manufacture not having a Proof Mark to be deemed unproved.

CIX. Provided always, That in any Prosecution or Proceeding which may be instituted for Offences committed against the Provisions of this Act it shall not be necessary to prove that any Barrel is of *English* Manufacture, but that in every Case the Proof of Exemption from the Provisions of this Act shall lie with the Party charged with the Commission of any such Offence, and the Register of Foreign Proof Marks of either of the Two Companies shall be conclusive Evidence as to the Fact of Non-exemption, without Production of any original Document received from any Consular Agent, and without Proof of any other Fact in verification of such Register.

Proof of Exemption of Barrels of Foreign Manufacture to be upon the Party charged with Offence, and the Register of Foreign Proof Marks to be conclusive Evidence.

CX. The Property in every forged or counterfeit Stamp, and in every Part of every forged or counterfeit Stamp, and in every Barrel having thereupon any Mark of any forged or counterfeit Stamp or Part of a Stamp, and in every Barrel having thereupon any forged or counterfeit Mark or Imitation of a Mark, and in every Mark or Part of a Mark so transposed or removed, or cut or severed, and in every Barrel from which any Mark or Part of a Mark is removed, cut, or severed, and in every Barrel to which any such Mark or Part of a Mark is removed or transposed, is by this Act vested absolutely in such One of the Two Companies as first claims the same, the Proof in

Property in forged Stamps, &c. vested in Company claiming the same.

[Local.]

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case

The Gun Barrel Proof Act, 1855.

case of either of the Two Companies claiming the same that the other of the Two Companies was the first Claimant thereof to lie on the Person against whom the Claim is made: Provided always, that any such vesting shall not exempt any Person from any Penalty or any legal Consequences under this Act.

Application
to Justice
for Warrant
for Seizure
of forged
Stamps, &c.

CXI. Whenever either of the Two Companies hath reasonable or proper Cause to suspect that any Person hath concealed or deposited in any Manufactory, House, Shop, or Place, or hath Possession of,—

First, any forged or counterfeit Stamp or Part of a Stamp; or,

Secondly, any Barrel having thereupon any Mark of any forged or counterfeit Stamp or Part of a Stamp; or,

Thirdly, any Barrel having thereupon any forged or counterfeit Mark or Imitation of a Mark; or,

Fourthly, any Mark or Part of a Mark so transposed or removed, or cut or severed; or,

Fifthly, any Barrel from which any Mark or Part of a Mark is removed, or cut, or severed; or,

Sixthly, any Barrel to which any Mark or Part of a Mark is removed or transposed; or,

Seventhly, any Barrel which, according to the Provisions of this Act, ought to be delivered at the Proof House of the Gunmakers Company, or the *Birmingham* Proof House, or some other public Proof House established by Law, to be proved thereat and marked as proved, but is not so delivered; or,

Eighthly, any Barrel sold or exchanged or kept for Sale, or imported or attempted to be exported, contrary to any of the Provisions in that Behalf of this Act;

The Company may apply to a Justice for a Search Warrant under this Act; and any Justice having Jurisdiction where any such Offence is suspected to be committed, upon Information or Complaint made by or on behalf of either of the Two Companies of any such reasonable or probable Cause of Suspicion, and upon the Oath of One or more credible Person or Persons (which Oath such Justice may and shall administer) that the Deponent hath such Suspicion, and of the Causes of the same, shall, if satisfied with the Causes of Suspicion alleged, grant a Warrant under his Hand, directed to any One or more of the Officers of either of the Two Companies, together with any Constable or other Peace Officer named in such Warrant, authorizing and empowering such Officer and such Constable or other Peace Officer, with necessary and proper Assistance, to enter in the Daytime any such Manufactory, House, Shop, or Place, and to search the same, and to seize and carry away every such Stamp, Part, Mark, and Barrel respectively which shall there be found; and all Constables and other Peace Officers shall be aiding and assisting in the Execution of every such Warrant, and every such Stamp, Part, Mark, and Barrel so found, seized,

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seized, and carried away may and shall be dealt with as by this Act provided.

CXII. Every Stamp and Mark lawfully seized and carried away under this Act shall be detained and be broken and destroyed by the Company whose Officer seized and carried away the same, and the Materials thereof shall be sold, and the Proceeds of such Sale shall be received and retained by that Company for their own Use; and every Barrel so seized and carried away shall be proved by the Company whose Officer seized and carried away the same, and if not found of Proof shall be broken and destroyed, and if found of Proof shall be marked as proved; and the Metal so broken, or the Barrel so proved and marked as proved, shall be sold, and the Proceeds of such Sale shall be received and retained by that Company for their own Use: Provided always, that before any Stamp, Mark, or Barrel shall be dealt with as aforesaid it shall be shown to the Satisfaction of the Justice or Court before whom Proceedings shall be had in respect thereof that the same have been lawfully seized under this Act.

Forged Stamps, &c. to be destroyed and sold for Benefit of Companies.

CXIII. Every Officer or other Person engaged in the Management of the Proof House of the Gunmakers Company or the *Birmingham* Proof House, acting contrary to or neglecting his Duty in any of the following Particulars, shall for every such Offence forfeit not exceeding Twenty Pounds; (to wit,)

Penalties on Officers for Neglect of Duties.

1. Not receiving at the Proof House any Barrel duly brought or sent thereto for Proof:
2. Not duly proving at the Proof House any Barrel duly brought or sent thereto for Proof:
3. Not duly marking as proved any Barrel duly proved at the Proof House, and duly found of Proof:
4. Not duly delivering to the Person entitled thereto any Barrel duly proved at the Proof House, and duly found of Proof:
5. Delivering from the Proof House any Barrel brought or sent thereto for Proof before it is duly proved:
6. Delivering from the Proof House any Barrel brought or sent thereto for Proof, and duly proved, without the proper Mark thereon of its having been duly proved:
7. Causing or permitting any of those Offences to be committed:
8. Directly or indirectly counselling, aiding, assisting, or abetting the Commission of any of those Offences.

CXIV. Every Officer or Person employed in the Proof House of the Gunmakers Company or the *Birmingham* Proof House marking or causing or procuring or permitting or suffering to be marked any Barrel as duly proved which has not been duly proved, or marking or causing or procuring or permitting or suffering any Barrel to be marked

Penalty on Officers for Fraud.

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marked as duly proved with a Mark indicating any other Proof than the Proof then duly made thereof, shall for every such Offence forfeit not exceeding Fifty Pounds, and being legally convicted of any such Offence shall thenceforth be incapable of holding any Office or Employment in or under the Gunmakers Company, or the *Birmingham* Company, or in any public Proof House established by Law; and if in Office or Employment in any such Proof House at the Time such Conviction shall be forthwith dismissed from his Office or Employment therein.

Saving
Rights of
Gunmakers
Company.

CXV. Provided always, That, except as is by this Act expressly provided, this Act or anything therein shall not take away, lessen, alter, or prejudice any of the Estates, Franchises, Ordinances, Rules, Regulations, Rights, Powers, or Privileges of the Gunmakers Company, and this Act or anything therein shall not in any Manner derogate from or affect the Charter of that Company.

Act not to
extend to
Scotland or
Ireland.

CXVI. Provided always, That, except as regards the Provisions of this Act with respect to Offences by this Act declared to be Misdemeanors, or for which Penalties are by this Act imposed, and the Punishment of such Offences and the Recovery of such Penalties, this Act or anything therein shall not extend to *Scotland* or *Ireland*.

Expenses of
Act.

CXVII. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the *Birmingham* Company and by the Gunmakers Company out of the Monies received by each of those Companies for Proof under this Act, in the Proportions of Three Fourths by the *Birmingham* Company and One Fourth by the Gunmakers Company.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

PART I.

I, A.B. [*insert Designation*] hereby claim to be registered as a Member of the Birmingham Gun Trade in respect of my Interest in the [*here insert the Description and Situation of the Premises described by the Street, Number, Parish, or other Locality*].

Dated

(Signed) A.B.

To the Proof Master of the Birmingham Gun Barrel Proof House.

PART II.

I, A.B. [*insert Designation*] object to the Claim of C.D. to be admitted as a Member of the Birmingham Gun Trade on the following Grounds [*here may be stated the Grounds, as that Property or Occupancy not of sufficient Value, that the Party is not or has ceased to be a Master Gunmaker or Master Gun Barrel Maker, carrying on Business in or within Ten Miles of the Borough of Birmingham, or a Proprietor, Tenant, or Occupant, or is personally disqualified as being a Minor, a fatuous Person, et cetera*], and I require to be heard on the said Objection.

Dated

(Signed) A.B.

To the Proof Master of the Birmingham Gun Barrel Proof House.

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SCHEDULE (B.)

RULES AND REGULATIONS APPLICABLE TO THE PROOF OF
SMALL ARMS.*Classification of Small Arms.*

FIRST CLASS.—Comprising single-barrelled Military Arms of smooth Bore.

SECOND CLASS.—Comprising double-barrelled Military Arms of smooth Bore, and rifled Arms of every Description, whether of One or more Barrels, or constructed of plain or twisted Iron.

THIRD CLASS.—Comprising every Description of single-barrelled Birding and Fowling Pieces for firing small Shot; and also those known by the Names of Danish, Dutch, Carolina, and Spanish.

FOURTH CLASS.—Comprising every Description of double-barrelled Birding and Fowling Pieces for firing small Shot.

FIFTH CLASS.—Comprising revolving and breech-loading Small Arms of every Description and System.

Rule of Proof.

The Gunpowder used for Proof shall be of equal Quality and Strength with that which is now used by the Honourable Board of Ordnance.

The Balls used for the Proof of Barrels of all Classes shall be of Lead, and spherical, and of the Size and Weight prescribed by the Scale for Proof.

Barrels for Arms of the Second Class and of the Fourth Class, and for breech-loading Arms of the Fifth Class, shall be proved provisionally and definitively, and Barrels for all other Arms shall be proved once definitively.

Conditions precedent to Proof.

Barrels for Arms of the First Class shall not be qualified for Proof until they shall be in a fit and proper State for setting up.

Barrels for Arms of the Third Class shall not be qualified for Proof until they shall be in a fit and proper State for setting up, with the proper Breeches in; and all Barrels lumped for percussioning shall be proved through the Nipple Hole, with the proper Pins or Plugs in.

Barrels for Arms of the Second and Fourth Classes:

For provisional Proof:—If of plain Metal, shall be bored and ground, having Plugs attached, with Touch-holes drilled in the Plugs, of a Diameter not exceeding One Sixteenth of an Inch. If any Touch-hole shall be enlarged, from any Cause whatever, to a Dimension exceeding in Diameter One Tenth of an Inch, the Barrel shall be disqualified for Proof. Notches in the Plugs instead of drilled Touch-holes shall disqualify for Proof. If of twisted Metal, they shall be fine-bored, and struck up, with proving Plugs attached, and Touch-holes drilled as in the Case of plain Metal Barrels.

For definitive Proof:—The Barrels, whether of plain or twisted Metal, shall be in the finished State, ready for setting up, with the Breeches in the percussioned

The Gun Barrel Proof Act, 1855.

sioned State, Break-offs fitted and Locks jointed; the Top and Bottom Ribs shall be rough struck up, Pipes, Loops, and Stoppers on. All Rifle Barrels must be rifled; the Top and Bottom Ribs of double Barrels shall be struck up, Pipes, Loops, and Stoppers on, the proper Breeches in, and the Thread of the Screws shall be sufficiently sound and full for Proof.

Barrels for revolving Arms of the Fifth Class shall have the Cylinders with the revolving Action attached and complete.

Barrels for breech-loading Arms of the Fifth Class shall be subject to provisional Proof, according to the Class to which they belong, and to definitive Proof when the breech-loading Action is attached and complete.

Marks of Proof.

The Marks applicable to the definitive Proof shall be the Proof and View Marks now used by the Two Companies respectively.

The Marks applicable to the provisional Proof for the Gunmakers Company shall be the Letters (G.P.) interlaced in a Cypher surmounted by a Lion rampant, and for the Birmingham Company shall be the Letters (B.P.) interlaced in a Cypher surmounted by a Crown.

Mode of affixing Proof Marks.

On Arms of the First and Third Classes the definitive Proof Mark and View Mark shall be impressed at the Breech End of the Barrel, and if the Barrel be constructed with a Patent Breech the View Mark shall be also impressed upon the Breech.

On Arms of the Second, Fourth, and Fifth Classes, the provisional Proof Mark shall be impressed at the Breech End of the Barrel; the definitive Proof Mark and View Mark shall be impressed upon the Barrel above the provisional Proof Mark; and if the Barrel be constructed with a Patent Breech, or with revolving Cylinders or Chambers, the View Mark shall be also impressed upon the Breech, or upon each of the Cylinders or Chambers with which the Barrel is connected, as the Case may be.

On all Barrels the Gauge Size of the Barrel shall be struck, both at the provisional and at the definitive Proof.

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SCALE FOR PROOF.

The Scale following shows the Proportions of Gunpowder applicable under the foregoing Rules and Regulations to the Proof of the various Classes of Arms as distinguished by the Trade Numbers indicating the Calibre.

Charges of Powder for Proof.																														
Number of Gauge.	Diameter of Bore by Calculation.	Diameter of Balls for Proof.	Weight of Balls for Proof.	First Class.						Second Class.						Third Class.						Fourth Class.								
				Definitive Proof.			Provisional Proof.			Definitive Proof.			Provisional Proof.			Definitive Proof.			Provisional Proof.			Definitive Proof.			Provisional Proof.			Definitive Proof.		
				grains.	ozs.	drs.	grains.	ozs.	drs.	grains.	ozs.	drs.	grains.	ozs.	drs.	grains.	ozs.	drs.	grains.	ozs.	drs.	grains.	ozs.	drs.	grains.	ozs.	drs.	grains.	ozs.	drs.
1	1.669	1.649	6752	4812	11	-	4812	11	5	2406	5	8	3850	8	12 $\frac{3}{4}$	3850	8	12 $\frac{3}{4}$	3850	8	12 $\frac{3}{4}$	3850	8	12 $\frac{3}{4}$	3850	8	12 $\frac{3}{4}$	2406	5	8
2	1.325	1.305	3342	2324	5	5	2324	5	10 $\frac{1}{2}$	1162	2	10 $\frac{1}{2}$	1859	4	4	1859	4	4	1859	4	4	1859	4	4	1859	4	4	1162	2	10 $\frac{1}{2}$
3	1.157	1.137	2211	1531	3	8	1531	3	12	766	1	12	1225	2	2	1225	2	2	1225	2	2	1225	2	2	1225	2	2	766	1	12
4	1.052	1.032	1649	1176	2	11	1176	2	5 $\frac{1}{2}$	588	1	5 $\frac{1}{2}$	941	2	2 $\frac{1}{2}$	941	2	2 $\frac{1}{2}$	941	2	2 $\frac{1}{2}$	941	2	2 $\frac{1}{2}$	941	2	2 $\frac{1}{2}$	588	1	5 $\frac{1}{2}$
5	.976	.956	1315	930	2	2	930	2	1	465	1	1	744	1	11 $\frac{1}{4}$	744	1	11 $\frac{1}{4}$	744	1	11 $\frac{1}{4}$	744	1	11 $\frac{1}{4}$	744	1	11 $\frac{1}{4}$	465	1	1
6	.919	.899	1090	766	1	12	766	1	14	383	1	14	612	1	6 $\frac{1}{2}$	612	1	6 $\frac{1}{2}$	612	1	6 $\frac{1}{2}$	612	1	6 $\frac{1}{2}$	612	1	6 $\frac{1}{2}$	383	-	14
7	.873	.853	931	656	1	8	656	1	12	328	1	12	525	1	3 $\frac{1}{4}$	525	1	3 $\frac{1}{4}$	525	1	3 $\frac{1}{4}$	525	1	3 $\frac{1}{4}$	525	1	3 $\frac{1}{4}$	328	-	12
8	.835	.815	812	602	1	6	602	1	11	301	1	11	481	1	1 $\frac{1}{2}$	481	1	1 $\frac{1}{2}$	481	1	1 $\frac{1}{2}$	481	1	1 $\frac{1}{2}$	481	1	1 $\frac{1}{2}$	301	-	11
9	.803	.783	720	492	1	2	492	1	9	246	1	9	394	-	14 $\frac{1}{2}$	394	-	14 $\frac{1}{2}$	394	-	14 $\frac{1}{2}$	394	-	14 $\frac{1}{2}$	394	-	14 $\frac{1}{2}$	246	-	9
10	.775	.755	646	465	1	1	465	1	8 $\frac{1}{2}$	232	1	8 $\frac{1}{2}$	372	-	13 $\frac{1}{2}$	372	-	13 $\frac{1}{2}$	372	-	13 $\frac{1}{2}$	372	-	13 $\frac{1}{2}$	372	-	13 $\frac{1}{2}$	232	-	8 $\frac{1}{2}$
11	.751	.731	586	437	-	16	437	-	8	219	-	8	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	219	-	8
12	.729	.709	535	437	-	16	437	-	8	219	-	8	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	350	-	12 $\frac{3}{4}$	219	-	8
13	.710	.690	493	410	-	15	410	-	7 $\frac{1}{2}$	205	-	7 $\frac{1}{2}$	328	-	12	328	-	12	328	-	12	328	-	12	328	-	12	205	-	7 $\frac{1}{2}$
14	.693	.673	457	383	-	14	383	-	7	191	-	7	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	191	-	7
15	.677	.657	425	383	-	14	383	-	7	191	-	7	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	306	-	11 $\frac{1}{4}$	191	-	7
16	.662	.642	399	369	-	13 $\frac{1}{2}$	369	-	6 $\frac{3}{4}$	185	-	6 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	185	-	6 $\frac{3}{4}$
17	.649	.629	374	369	-	13 $\frac{1}{2}$	369	-	6 $\frac{3}{4}$	185	-	6 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	295	-	10 $\frac{3}{4}$	185	-	6 $\frac{3}{4}$
18	.637	.617	352	342	-	12 $\frac{1}{2}$	342	-	6 $\frac{1}{4}$	171	-	6 $\frac{1}{4}$	273	-	10	273	-	10	273	-	10	273	-	10	273	-	10	171	-	6 $\frac{1}{4}$
19	.626	.606	334	301	-	11	301	-	5 $\frac{1}{2}$	150	-	5 $\frac{1}{2}$	241	-	8 $\frac{3}{4}$	241	-	8 $\frac{3}{4}$	241	-	8 $\frac{3}{4}$	241	-	8 $\frac{3}{4}$	241	-	8 $\frac{3}{4}$	150	-	5 $\frac{1}{2}$
20	.615	.595	316	273	-	10	273	-	5	137	-	5	219	-	8	219	-	8	219	-	8	219	-	8	219	-	8	137	-	5

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21	.605	.585	300	273	-	10	273	-	10	137	-	219	8	219	-	8	137	-	5
22	.596	.576	287	246	-	9	246	-	9	123	-	197	7 $\frac{1}{4}$	197	-	7 $\frac{1}{4}$	123	-	4 $\frac{1}{2}$
23	.587	.567	274	246	-	9	246	-	9	123	-	197	7 $\frac{1}{4}$	197	-	7 $\frac{1}{4}$	123	-	4 $\frac{1}{2}$
24	.579	.559	262	232	-	8 $\frac{1}{2}$	232	-	8 $\frac{1}{2}$	116	-	186	6 $\frac{3}{4}$	186	-	6 $\frac{3}{4}$	116	-	4 $\frac{1}{2}$
25	.571	.551	251	232	-	8 $\frac{1}{2}$	232	-	8 $\frac{1}{2}$	116	-	186	6 $\frac{3}{4}$	186	-	6 $\frac{3}{4}$	116	-	4 $\frac{1}{2}$
26	.563	.543	242	232	-	8 $\frac{1}{2}$	232	-	8 $\frac{1}{2}$	116	-	186	6 $\frac{3}{4}$	186	-	6 $\frac{3}{4}$	116	-	4 $\frac{1}{2}$
27	.556	.536	231	232	-	8 $\frac{1}{2}$	232	-	8 $\frac{1}{2}$	116	-	186	6 $\frac{3}{4}$	186	-	6 $\frac{3}{4}$	116	-	4 $\frac{1}{2}$
28	.550	.530	223	232	-	8 $\frac{1}{2}$	232	-	8 $\frac{1}{2}$	116	-	186	6 $\frac{3}{4}$	186	-	6 $\frac{3}{4}$	116	-	4 $\frac{1}{2}$
29	.543	.523	214	205	-	7 $\frac{1}{2}$	205	-	7 $\frac{1}{2}$	102	-	164	6	164	-	6	102	-	3 $\frac{3}{4}$
30	.537	.517	207	205	-	7 $\frac{1}{2}$	205	-	7 $\frac{1}{2}$	102	-	164	6	164	-	6	102	-	3 $\frac{3}{4}$
31	.531	.511	—	205	-	7 $\frac{1}{2}$	205	-	7 $\frac{1}{2}$	102	-	164	6	164	-	6	102	-	3 $\frac{3}{4}$
32	.526	.506	194	205	-	7 $\frac{1}{2}$	205	-	7 $\frac{1}{2}$	102	-	164	6	164	-	6	102	-	3 $\frac{3}{4}$
33	.520	.500	—	191	-	7	191	-	7	96	-	153	5 $\frac{1}{2}$	153	-	5 $\frac{1}{2}$	96	-	3 $\frac{3}{4}$
34	.515	.495	182	191	-	7	191	-	7	96	-	153	5 $\frac{1}{2}$	153	-	5 $\frac{1}{2}$	96	-	3 $\frac{3}{4}$
35	.510	.490	—	191	-	7	191	-	7	96	-	153	5 $\frac{1}{2}$	153	-	5 $\frac{1}{2}$	96	-	3 $\frac{3}{4}$
36	.506	.486	172	191	-	7	191	-	7	96	-	153	5 $\frac{1}{2}$	153	-	5 $\frac{1}{2}$	96	-	3 $\frac{3}{4}$
37	.501	.481	—	191	-	7	191	-	7	96	-	153	5 $\frac{1}{2}$	153	-	5 $\frac{1}{2}$	96	-	3 $\frac{3}{4}$
38	.497	.477	162	178	-	6 $\frac{1}{2}$	178	-	6 $\frac{1}{2}$	89	-	142	5 $\frac{1}{4}$	142	-	5 $\frac{1}{4}$	89	-	3 $\frac{3}{4}$
39	.492	.472	—	178	-	6 $\frac{1}{2}$	178	-	6 $\frac{1}{2}$	89	-	142	5 $\frac{1}{4}$	142	-	5 $\frac{1}{4}$	89	-	3 $\frac{3}{4}$
40	.488	.468	154	178	-	6 $\frac{1}{2}$	178	-	6 $\frac{1}{2}$	89	-	142	5 $\frac{1}{4}$	142	-	5 $\frac{1}{4}$	89	-	3 $\frac{3}{4}$
41	.484	.464	—	164	-	6	164	-	6	82	-	131	4 $\frac{3}{4}$	131	-	4 $\frac{3}{4}$	82	-	3
42	.480	.460	146	164	-	6	164	-	6	82	-	131	4 $\frac{3}{4}$	131	-	4 $\frac{3}{4}$	82	-	3
43	.476	.456	—	164	-	6	164	-	6	82	-	131	4 $\frac{3}{4}$	131	-	4 $\frac{3}{4}$	82	-	3
44	.473	.453	139	164	-	6	164	-	6	82	-	131	4 $\frac{3}{4}$	131	-	4 $\frac{3}{4}$	82	-	3
45	.469	.449	—	150	-	5 $\frac{1}{2}$	150	-	5 $\frac{1}{2}$	75	-	120	4 $\frac{1}{2}$	120	-	4 $\frac{1}{2}$	75	-	2 $\frac{3}{4}$
46	.466	.446	133	150	-	5 $\frac{1}{2}$	150	-	5 $\frac{1}{2}$	75	-	120	4 $\frac{1}{2}$	120	-	4 $\frac{1}{2}$	75	-	2 $\frac{3}{4}$
47	.463	.443	—	150	-	5 $\frac{1}{2}$	150	-	5 $\frac{1}{2}$	75	-	120	4 $\frac{1}{2}$	120	-	4 $\frac{1}{2}$	75	-	2 $\frac{3}{4}$
48	.459	.439	127	150	-	5 $\frac{1}{2}$	150	-	5 $\frac{1}{2}$	75	-	120	4 $\frac{1}{2}$	120	-	4 $\frac{1}{2}$	75	-	2 $\frac{3}{4}$
49	.456	.436	—	150	-	5 $\frac{1}{2}$	150	-	5 $\frac{1}{2}$	75	-	120	4 $\frac{1}{2}$	120	-	4 $\frac{1}{2}$	75	-	2 $\frac{3}{4}$
50	.453	.433	122	150	-	5 $\frac{1}{2}$	150	-	5 $\frac{1}{2}$	75	-	120	4 $\frac{1}{2}$	120	-	4 $\frac{1}{2}$	75	-	2 $\frac{3}{4}$

N.B.—Revolving Arms of the Fifth Class shall be proved once only, and such Proof shall be by the Scale laid down for definitive Proof for the Fourth Class.

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SCHEDULE (C.)

PRICES FOR PROOF.

Number of Gauge.	First and Second Classes.				Third Class.			Fourth Class.		Fifth Class.		
	Provisional Proof.	Definitive Proof.	Pistols.	Wall-pieces and Musketoons.	Twisted Barrels.	Plain Barrels.	Rough-bored Barrels.	Provisional Proof.	Definitive Proof.	Breech-loading Arms.	Revolving Carbines.	Revolving Pistols.
1	s. d.	s. d.	Of all Sizes, 4½d. per Pair, plain Iron, } Definitive Proof by Percussion, 5½d. per Pair. " 6d. per Pair, twisted	1s. 2d. each.	s. d.	s. d.	s. d.	s. d.	Same Prices as provisional Proof of the same Class.	1s. 6d. each.	Not exceeding 6 Shots, 2s. 0d. each complete Arm; exceeding that Number, 2s. 6d. each complete Arm.	Not exceeding 6 Shots, 1s. 6d. each complete Pistol; exceeding that Number, 2s. 0d. each complete Pistol.
2	2 6	2 6			2 6	2 6	2 6	2 6				
3	2 6	2 6			2 6	2 6	2 6	2 6				
4	2 0	2 0			2 0	2 0	2 0	2 0				
5	2 0	2 0			2 0	2 0	2 0	2 0				
6	1 0	1 0			1 0	1 0	1 0	1 0				
7	0 9	0 9			0 9	0 9	0 9	0 9				
8	0 9	0 9			0 9	0 9	0 9	0 9				
9	0 9	0 9			0 9	0 9	0 9	0 9				
10	0 9	0 9			0 9	0 9	0 9	0 9				
11	0 3	0 3½			0 6	0 3	0 3	0 6				
12	0 3	0 3½			0 6	0 3	0 3	0 6				
13	0 3	0 3½			0 6	0 3	0 3	0 6				
14	0 3	0 3½			0 6	0 3	0 3	0 6				
15	0 3	0 3½			0 6	0 3	0 3	0 6				
16	0 3	0 3½			0 6	0 3	0 3	0 6				
17	0 3	0 3½			0 6	0 3	0 3	0 6				
18	0 3	0 3½			0 6	0 3	0 3	0 6				
19	0 3	0 3½			0 6	0 3	0 3	0 6				
20	0 3	0 3½			0 6	0 3	0 3	0 6				
21	0 3	0 3½			0 6	0 3	0 3	0 6				
22	0 3	0 3½			0 6	0 3	0 3	0 6				
23	0 3	0 3½			0 6	0 3	0 3	0 6				
24	0 3	0 3½			0 6	0 3	0 3	0 6				
25	0 3	0 3½			0 6	0 3	0 3	0 6				
26	0 3	0 3½			0 6	0 3	0 3	0 6				
27	0 3	0 3½			0 6	0 3	0 3	0 6				
28	0 3	0 3½			0 6	0 3	0 3	0 6				
29	0 3	0 3½			0 6	0 3	0 3	0 6				
30	0 3	0 3½			0 6	0 3	0 3	0 6				
31	0 3	0 3½			0 6	0 3	0 3	0 6				
32	0 3	0 3½			0 6	0 3	0 3	0 6				
33	0 3	0 3½			0 6	0 3	0 3	0 6				
34	0 3	0 3½			0 6	0 3	0 3	0 6				
35	0 3	0 3½			0 6	0 3	0 3	0 6				
36	0 3	0 3½			0 6	0 3	0 3	0 6				
37	0 3	0 3½			0 6	0 3	0 3	0 6				
38	0 3	0 3½			0 6	0 3	0 3	0 6				
39	0 3	0 3½			0 6	0 3	0 3	0 6				
40	0 3	0 3½			0 6	0 3	0 3	0 6				
41	0 3	0 3½			0 6	0 3	0 3	0 6				
42	0 3	0 3½			0 6	0 3	0 3	0 6				
43	0 3	0 3½			0 6	0 3	0 3	0 6				
44	0 3	0 3½			0 6	0 3	0 3	0 6				
45	0 3	0 3½			0 6	0 3	0 3	0 6				
46	0 3	0 3½			0 6	0 3	0 3	0 6				
47	0 3	0 3½			0 6	0 3	0 3	0 6				
48	0 3	0 3½			0 6	0 3	0 3	0 6				
49	0 3	0 3½			0 6	0 3	0 3	0 6				
50	0 3	0 3½			0 6	0 3	0 3	0 6				

For every lesser Number of Barrels than Four, sent by themselves, Ninepence each over and above the regular Charge according to Scale.