

menced, prosecuted, and continued in the Official Name of the Churchwardens of such District Church: Provided always, that in every such Church or Chapel erected, appropriated, or endowed under the Provisions of the said Act of Parliament, One Third at least of the Sittings shall be set apart as Free Sittings for ever; and that such Free Sittings shall, with respect to Position and Convenience, be as advantageously situated in the Church or Chapel as the Pews or Sittings for which a Rent or Rents may be fixed or taken.

As to Situation of Free Sittings.

2. It shall and may be lawful for the Churchwardens of any such District Parish Church or Chapel so erected within any City or Town Corporate in *Ireland*, or within the Distance of Three Miles from the Boundaries thereof, to apply the Pew Rents so collected or recovered, to the Insurance against Fire of the said Church or Chapel, and to increasing the Stipend, Salary, or Endowment of the Incumbent or Perpetual Curate of such District Parish Church or Chapel, or in defraying such other incidental Charges as may from Time to Time be approved of by Vestry Meetings of such District Parish duly assembled according to Law.

Application of Pew Rents.

C A P. CXXIV.

An Act for the more effectual Condensation of Muriatic Acid Gas in Alkali Works.
[28th July 1863.]

‘ WHEREAS it is expedient to provide for the better Condensation of the Muriatic Acid Gas evolved in Alkali Works:’ 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:

Preliminary.

1. This Act may be cited as the “Alkali Act, 1863.” Short Title.
2. This Act shall come into operation on the First Day of *January* One thousand eight hundred and sixty-four. Commencement of Act.
3. The Term “Alkali Work,” as herein-after used, shall mean every Work for the Manufacture of Alkali, Sulphate of Soda, or Sulphate of Potash in which Muriatic Acid Gas is evolved: Interpretation of Terms.
The Term “Owner,” as herein-after used, shall mean the Lessee or Occupier or any other Person carrying on any Alkali Work:
The Term “the Inspector” shall mean the Inspector to be appointed under this Act.

Alkali Works.

4. Every Alkali Work shall be carried on in such Manner as to secure the Condensation to the Satisfaction of the Inspector, derived from his own Examination or from that of a Sub-Inspector, of not less than Ninety-five *per Centum* of the Muriatic Acid Gas evolved therein: Provided always, that nothing herein contained shall entitle the Inspector to direct any Alteration to be made in the Process of Manufacture or the Apparatus used therein. As to the Conduct of Alkali Works.
If any Alkali Work is carried on in contravention of this Section, the Owner of that Work shall, on its being made to appear to the Court before which any Proceedings for Recovery of a Penalty may be instituted that Ninety-five *per Centum* at least of the Muriatic Acid Gas evolved in such Work has not been condensed, be deemed to be guilty of an Offence against this Act, and be subject in respect of the First Conviction to a

Penalty not exceeding Fifty Pounds, and in respect of every Offence after a previous Conviction to a Penalty not exceeding One hundred Pounds: Provided always, that no such Owner shall be convicted of more than One such Offence in respect of any One Day: Provided also, that no such Penalty shall be inflicted unless the Inspector shall produce before the Court having Cognizance of the Matter a Statement in Writing of the Facts on which he founds his Opinion that Ninety-five *per Centum* of the Muriatic Acid Gas evolved in the Alkali Work is not condensed therein, and serve a Copy thereof with the Process commencing the Proceedings.

Owner to be liable for Offences in the first instance, unless he prove that the Offence was committed by some Agent, &c. without his Knowledge, in which Case such Agent, &c. to be liable.

5. The Owner of any Alkali Work in which any Offence against this Act has been proved to have been committed, and for which a pecuniary Penalty may be imposed, shall in every Case be deemed to have committed the Offence, and shall be liable to pay the Penalty, unless he shall prove to the Satisfaction of the Court before which any Action shall be brought for the Recovery of such Penalty that he has used due Diligence to comply with and to enforce the Execution of this Act, and that the Offence in question was committed by some Agent, Servant, or Workman, whom he shall charge by Name as the actual Offender, without his Knowledge, Consent, or Connivance, in which Case such Agent, Servant, or Workman shall be liable to and may be sued for the Payment of the Penalty, and of the Costs of all Proceedings which may be taken for the Recovery thereof, either against himself or against the Owner under this Act; provided that it shall be lawful for the Inspector to proceed in the first instance against the Person whom he shall believe to be the actual Offender, without first proceeding against the Owner, in any Case in which it shall be made to appear to the Satisfaction of such Inspector that the Owner has used all due Diligence to comply with and to enforce the Execution of this Act, and that the Offence has been committed by the Person whom he may charge therewith without the Knowledge, Consent, or Connivance of the Owner, and in contravention of his Orders.

As to the Registration of Alkali Works.

6. No Alkali Work shall at any Time after the Expiration of Three Months after the Appointment of the Inspector be carried on or prosecuted until such Work has been registered by the Owner with the Inspector. In every Register hereby required to be made there shall be inserted the Name in full of the Owner, and of the Parish or Township in which the Work is situate, and within One Month after Change of Ownership in any such Work the Register of such Work shall be amended by inserting the Name of the new Owner; and if any Alkali Work is carried on in contravention of this Section, the Owner thereof shall, on Conviction, be deemed to be guilty of an Offence against this Act, and shall be subject to a Penalty not exceeding Five Pounds for every Day during which such Work shall have been so carried on.

Inspectors.

Appointment of Inspectors.

7. For the Purpose of carrying into effect the Provisions of this Act, the Board of Trade may from Time to Time appoint any fit and proper Person to be Inspector of Alkali Works under this Act, and may from Time to Time remove any Inspector so appointed, and appoint another Person in his Place. The Board of Trade may also, on Application of the Inspector, from Time to Time appoint and remove such Sub-Inspector or Sub-Inspectors as the said Board may deem necessary for the Purpose of carrying this Act into effect. Notice of the Appointment of such Inspector and Sub-Inspectors shall be published in the *London Gazette*, and a Copy of the Gazette shall be Evidence of the Appointment made.

What Persons disqualified from acting as Inspector.

8. No Person either directly or indirectly acting or practising as a Land Agent, or directly or indirectly engaged in any Manufacture, or interested in any Patent in or according to which the Decomposition of Salt or the Condensation of Muriatic Acid Gas may be effected, shall act as an Inspector or Sub-Inspector under this Act.

Duties and Powers of Inspector.

9. It shall be the Duty of every Inspector under this Act to ascertain from Time to Time that all the Alkali Works are carried on in conformity with the Provisions of this Act, and to enforce the said Provisions, and to cause Notice to be given to every Owner whose Work shall be carried on in contravention of this Act of the Commission of such Offence as soon

as conveniently may be after the Commission thereof; and with a view to the Performance of that Duty he or any Sub-Inspector may at all reasonable Times, by Day and by Night, without giving previous Notice, but so as not to interrupt the Process of the Manufacture, enter upon and inspect any Alkali Work, and examine into the Efficiency of the Condensing Apparatus, and the Quantity of Muriatic Acid Gas condensed, and generally into all Matters and Works tending to show Compliance or Non-compliance with the Provisions of this Act. And the Owner of such Works, upon Demand of the Inspector, shall within a reasonable Time furnish him with a Plan, to be kept secret by such Inspector, of those Parts of such Works in which the Decomposition of Salt or other Process causing the Evolution of Muriatic Acid Gas or the Condensation thereof is carried on.

It shall be lawful for the Inspector or any Sub-Inspector under his Direction, but so as not to interfere with the Process of the Manufacture, to apply any Tests or make any Experiments he may think proper for the Purpose of ascertaining the Efficiency of the Condensing Apparatus, or the Quantity of Gas condensed; and the Owner or Agent of the Works shall be deemed to be guilty of an Offence against this Act unless he renders to the said Inspector or Sub-Inspector all necessary Facilities for their Entry, Examination, and Testing.

10. Every Inspector and Sub-Inspector appointed under this Act shall be paid such Salary as may be determined by the Board of Trade, with the Consent of the Commissioners of Her Majesty's Treasury.

Salaries of Inspectors and Sub-Inspectors.

11. Every Person who wilfully obstructs any Inspector or Sub-Inspector in the Execution of this Act, and every Owner of any Alkali Work who refuses or neglects to afford to the Inspector or Sub-Inspector the Facilities necessary for making any Entry, Inspection, Examination, or Testing under this Act, or who neglects or wilfully violates any Provision of this Act, for the Neglect or Violation of which no other Penalty is by this Act imposed, shall be guilty of an Offence within the Meaning of this Act, and shall for every such Offence incur a Penalty not exceeding Ten Pounds.

General Penalties on Violation of Act.

12. The Inspector shall, on or before the First Day of *March* in every Year, make a Report in Writing to the Board of Trade of his Proceedings during the preceding Year, and a Copy of such Report shall be laid before both Houses of Parliament.

Inspector to report to Parliament.

Special Rules.

13. The Owner of any Alkali Work may, with the Sanction of the Board of Trade, make, alter, or repeal Special Rules for the Guidance of such of his Workmen as are employed in any Process causing the Evolution of Muriatic Acid Gas, or whose Duty it is to attend to the Apparatus used in the Condensation of that Gas, and may annex Penalties to any Violation of such Rules, so that no Penalty exceeds Two Pounds for any One Offence.

Power to Owners of Works to make Special Rules.

A printed Copy of the Special Rules in force in any Alkali Work shall be given by the Owner of the Work to every Person working or employed in or about that Work affected thereby.

Penalties.

14. The following Regulations shall be enacted with respect to the Recovery in *England* of Penalties for Offences other than Offences against a Special Rule:

As to Recovery of Penalties in England for other than Offences against a Special Rule.

Every such Penalty shall be recovered by Action in the County Court having Jurisdiction in the District in which the Alkali Works are situate in respect of which the Penalty arises:

The Action shall be brought, with the Sanction of the Board of Trade, by the Inspector appointed under this Act, within Three Months after the Commission of the Offence, and for the Purposes of such Action the Penalty shall be deemed to be a Debt due to such Inspector:

The Plaintiff in any Action for a Penalty under this Act shall be presumed to be the Inspector appointed under this Act, until the contrary is proved by the Defendant:

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The Court may, upon the Application of either Party, appoint a Person to take down in Writing the Evidence of the Witnesses, and may award to that Person such Compensation as the Court thinks just:

The Amount of Compensation awarded by the Judge shall be deemed to be Costs in the Cause:

If either Party in any Action for a Penalty under this Act feels aggrieved by the Decision of the Court in Point of Law, or on the Merits, or in respect of the Admission or Rejection of any Evidence, he may appeal from that Decision to any of the Superior Courts of Common Law at *Westminster*:

The Appeal shall be in the Form of a Special Case to be agreed upon by both Parties or their Attornies, and if they cannot agree, to be settled by the Judge of the County Court upon the Application of the Parties or their Attornies:

The Court of Appeal may draw any Inferences from the Facts stated in the Case that a Jury might draw from Facts stated by Witnesses:

Subject to the Provisions of this Section, all the Enactments, Rules, and Orders relating to Proceedings in Actions in County Courts, and to enforcing Judgments in County Courts, and Appeals from Decisions of the County Court Judges, and to the Conditions of such Appeals, and to the Power of the Superior Courts on such Appeals, shall apply to an Action for a Penalty under this Act, and to an Appeal from such Action, in the same Manner as if such Action and Appeal related to a Matter within the ordinary Jurisdiction of the Court:

Within the City of *London* and the Liberties thereof the Sheriffs Court, established by a Local Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-one, intituled *An Act for the more easy Recovery of Small Debts and Demands within the City of London and the Liberties thereof*, shall be deemed to be the County Court having Jurisdiction in the Case.

As to Recovery
of general
Penalties in
Scotland.

15. In *Scotland* any Offence under this Act, with the Exception of Offences against a Special Rule, shall be prosecuted at the Instance of the Inspector, with the Sanction of the Board of Trade, before the Sheriff or Sheriff Substitute of the County in which the Offence has been committed, and the Sheriff or Sheriff Substitute having Cognizance of such Offence may award Costs to either Party, and may sentence the Offender to Imprisonment for any Period not exceeding Six Months, unless the Penalty and Costs be previously paid; and any Decision or Sentence of such Sheriff or Sheriff Substitute shall be subject to Review and Appeal according to Law.

As to Recovery
of general
Penalties in
Ireland.

16. In *Ireland* all Penalties incurred under this Act, with the Exception of Penalties against a Special Rule, may be recovered by Civil Bill at the Instance of the Inspector, with the Sanction of the Board of Trade, in the Manner and with the Appeal directed by an Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, or any Act or Acts amending the Law relating to Civil Bills.

Application of
Penalties.

17. All Penalties recovered under this Act, except in respect of Offences against a Special Rule, shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may determine.

As to Recovery
of Penalties
for Offences
against Special
Rule.

18. All Penalties incurred under this Act in respect of any Offence against a Special Rule may be recovered summarily in *England* and *Ireland* before Two or more Justices; as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders*, or any Act amending the same; as to *Ireland*, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland*, or any Act amending the same; and in *Scotland*, before the

the Sheriff or Two Justices, in manner directed by "The Railways Clauses Consolidation, Scotland, Act, 1845," with respect to Penalties imposed by that Act, the Recovery of which is not otherwise provided for.

19. This Act shall continue in force to the First Day of *July* One thousand eight hundred and sixty-eight, and no longer. Term of Act.

C A P. CXXV.

An Act for promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

[28th *July* 1863.]

‘ **W**HEREAS, with a view to the Revision of the Statute Law and particularly to the Preparation of a revised Edition of the Statutes, it is expedient that certain Enactments (mentioned in the Schedule to this Act) which have ceased to be in force otherwise than by express and specific Repeal, or have, by Lapse of Time and Change of Circumstances, become unnecessary, should be expressly and specifically repealed:’

Be it therefore 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 :

1. The Enactments described in the Schedule to this Act are hereby repealed, subject to the Exceptions in the Schedule mentioned :

Provided, that where any Enactment not comprised in the Schedule has been confirmed, revived, or perpetuated by any Enactment hereby repealed, such Confirmation, Revivor, or Perpetuation shall not be affected by such Repeal ;

and the Repeal by this Act of any Enactment shall not affect any Act in which such Enactment has been applied, incorporated, or referred to ;

and this Act shall not affect the Validity or Invalidity of anything already done or suffered,—or any Right or Title already acquired or accrued, or any Remedy or Proceeding in respect thereof,—or the Proof of any past Act or Thing ;

nor shall this Act affect any Principle or Rule of Law or Equity, or established Jurisdiction, Form or Course of Pleading, Practice, or Procedure, or existing Usage, Franchise, Liberty, Custom, Privilege, Restriction, Exemption, Office, or Appointment, notwithstanding that the same respectively may have been in any Manner affirmed, recognized, or derived by, in, or from any Enactment hereby repealed ;

nor shall this Act revive or restore any Jurisdiction, Office, Duty, Franchise, Liberty, Custom, Privilege, Restriction, Exemption, Usage, or Practice, not now existing or in force.

Enactments in Schedule repealed, subject to Exceptions, and with Savings for past Operations, existing Rights, &c.

2. This Act shall extend to *England* only.

Extent of Act.

3. This Act may be cited as The Statute Law Revision Act, 1863.

Short Title.